



HERE
FOR
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Annual
Report
2022



OMBUDSMAN
de Montréal
Fairness and goodwill



Ombudsman de Montréal

Fairness and goodwill

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Nitihataanaan uuth che
uhchi wiichihiitaah

ここにあなたのために

Message from the Ombudsman

A plea for action and sincerity

Every day, the Ombudsman de Montréal helps Montrealers find solutions to problems, whether straightforward or complex. In 2022, the OdM conducted one of the most important inquiries in its history, but also one of its most heart-wrenching: homelessness in Milton-Parc. This inquiry takes a hard look at the humanitarian crisis unfolding in the very heart of Montréal. The city perceived as rich, welcoming, multi-ethnic, but which also masks deep within itself the face of a population from the North struggling to find its place within it. Who live in poverty and disadvantage that are hard to comprehend in 2023.

But it doesn't stop there. In the course of examining this crisis, the OdM noted the complexity of interactions among government authorities. It goes without saying that a host of social issues intersect various jurisdictions. They will increasingly do so, and their degree of difficulty will not get any easier. We only have to look at homelessness, the housing shortage or the issue of discrimination: in the end, vulnerable persons suffer the most from the inertia created by this difficult dialogue among various authorities.

Frequently, a crisis erupts openly following a tragedy. What follows is what the public perceives – correctly – as a ping-pong game among authorities deemed responsible for the issues in question, but who are often more inclined to exploit the bounce-back effects than to tackle the problem head-on, with strength and nuance. As a result, public confidence is shaken.

The complexity of issues, the enormity of the task and the reluctance of other authorities must never, under any consideration, prevail over the determination to overcome and improve the living circumstances of those who are most vulnerable. Because a decision is difficult does not make it wrong. Homelessness, exclusion, discrimination in all its forms and the shortage of affordable housing are not inevitable. Tackling them requires a deep dive. It requires sincere gestures whose wilful intent must be concrete and rooted in reality. It is crucial to avoid slogans and Excel sheets that serve merely to tick off boxes rather than achieve, truly and concretely, the ultimate objectives. We must make sure that the measures taken directly benefit the persons targeted, not the authorities' performance evaluations. Authorities must work together.

Above all, when the media headlines subside, we must continue to never look the other way...

Nadine Mailloux

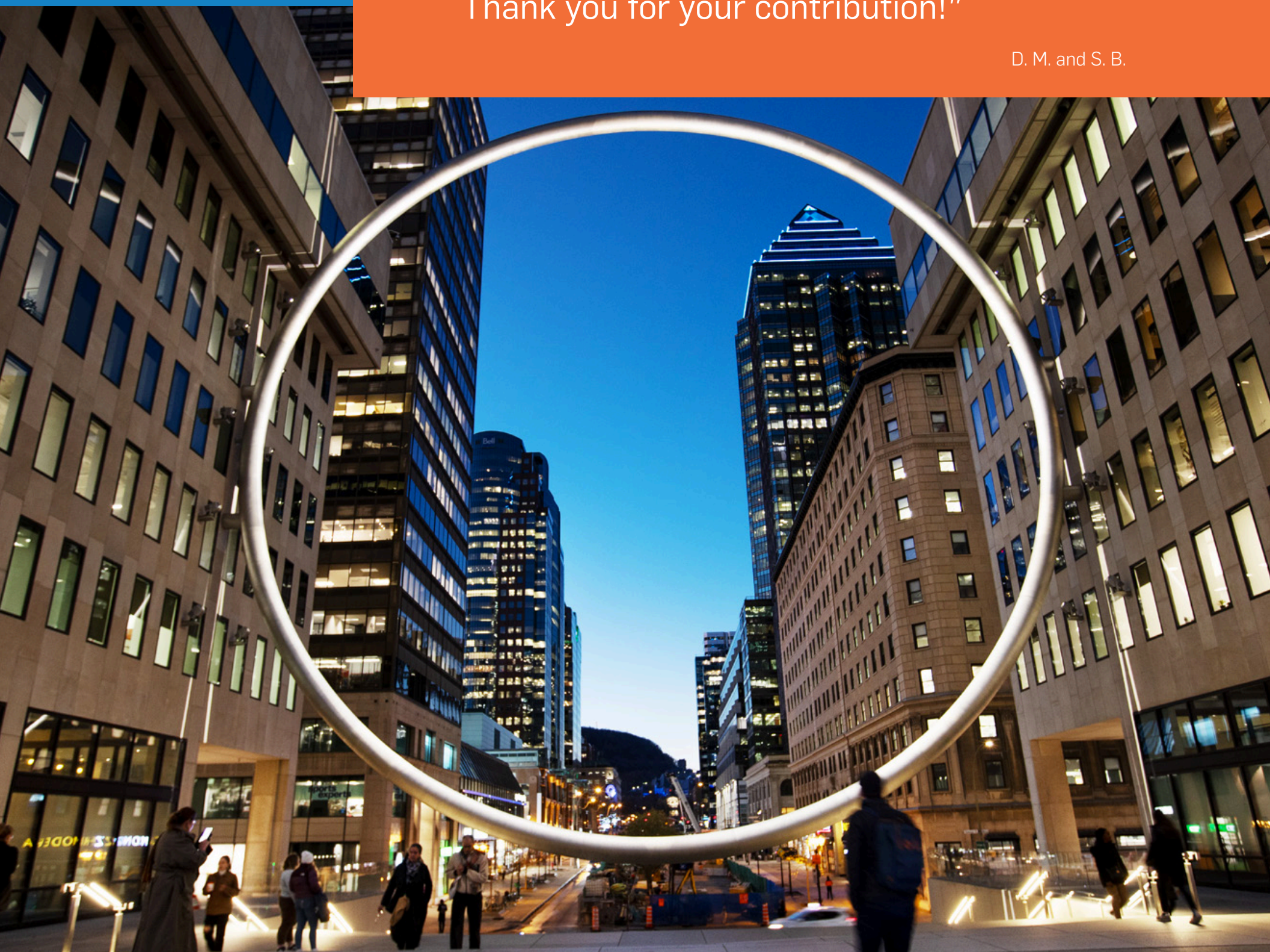


Ombudsman de Montréal



“We believe that making our complaint to the Ombudsman of Montréal helped us tremendously in settling this file. Thank you for your contribution!”

D. M. and S. B.



About the Ombudsman

Throughout her career, M^e Mailloux has resolutely embraced a policy of cooperation, with a goodwill approach that aims at offering an alternative to plaintiffs who consider themselves aggrieved. Transparency, fair decisionmaking, respect, authenticity and openness are facets of her solution-seeking process and are undoubtedly the reasons for her success over the years in resolving situations that have been brought to her attention.

M^e Nadine Mailloux graduated from the Faculty of Law at the Université de Montréal and was admitted to the Quebec Bar in 1999. She is an accredited mediator by the Quebec Bar and the Institut de médiation et d'arbitrage du Québec, and a member of the Arbitration and Mediation Institute of Canada.

M^e Mailloux is president of the Forum of Canadian Ombudsman. She draws on the best practices and experiences of ombudsmans who are recognized throughout Canada for their expertise. She also sits on the Comité des adhésions de l'Association des ombudsmans et médiateurs de la francophonie (AOMF).

M^e Mailloux codirects the "Advanced Issues in Ombuds Practice" certificate program at York University's Osgoode Hall Law School in Toronto. The program is offered by renowned ombudsmans in Canada and internationally, and is aimed at experienced ombudsmans. Over the years, she has offered many training sessions devoted to the best ombudsman practices. She is also involved in organizing and teaching the Ombudsman: Essentials and Best Practices program at the FCO/Université de Sherbrooke Law School.

She is one of three elected members who represent North America on the board of directors of the International Ombudsman Institute (IOI) and sits on the IOI's Comité de relations avec l'Organisation des Nations unies (ONU).

M^e Mailloux has been an ombudsman for more 23 years. The majority of her career has focused on alternative methods of conflict resolution. At first an ombudsman of second-instance at the Régie régionale de la santé et des services sociaux de Montréal-Centre, she then served in that capacity at a major university hospital centre, and subsequently at a university health and social services centre. She was named Ombudsman de la Ville de Laval by the Commission municipale du Québec in 2013 and opened the office, where she lent her expertise to that city's citizens until she was appointed Ombudsman de Montréal in August 2020.

For several years, M^e Mailloux coordinated a pro bono legal-aid clinic in poor communities. She is also pro bono ombudsman with The Lighthouse Children and Families, a non-profit organization that offers respite care and support for families of children afflicted with illnesses requiring complex care.



Our team

Anouk Violette
Advisor to the Ombudsman

Annie Simone Vendredi
Advisor to the Ombudsman

Eliane Fournier-Pleau
Senior Executive Assistant

Josée Ringuette
Legal Advisor to the Ombudsman

Brigitte Ducas
Legal Advisor to the Ombudsman

Leslie Ning
Advisor to the Ombudsman

Wilson Tantacuré Collazos
Research and inquiry technician

Rose-Michelle Durand
Research and inquiry technician

Laurence Delage
Advisor to the Ombudsman

Mireille Tardif
Advisor to the Ombudsman

Lucie Legault
Advisor to the Ombudsman

From top to bottom and left to right:



Our year 2022 at a glance

2,308
files processed

1,922
complaints received

The OdM launched

219 inquiries,
including **53** at our initiative

The OdM proposed

10 recommendations,
5 of which were accepted
by Ville de Montréal
and **5** were refused by the
Mercier–Hochelaga-
Maisonnette borough

[See p.41](#)

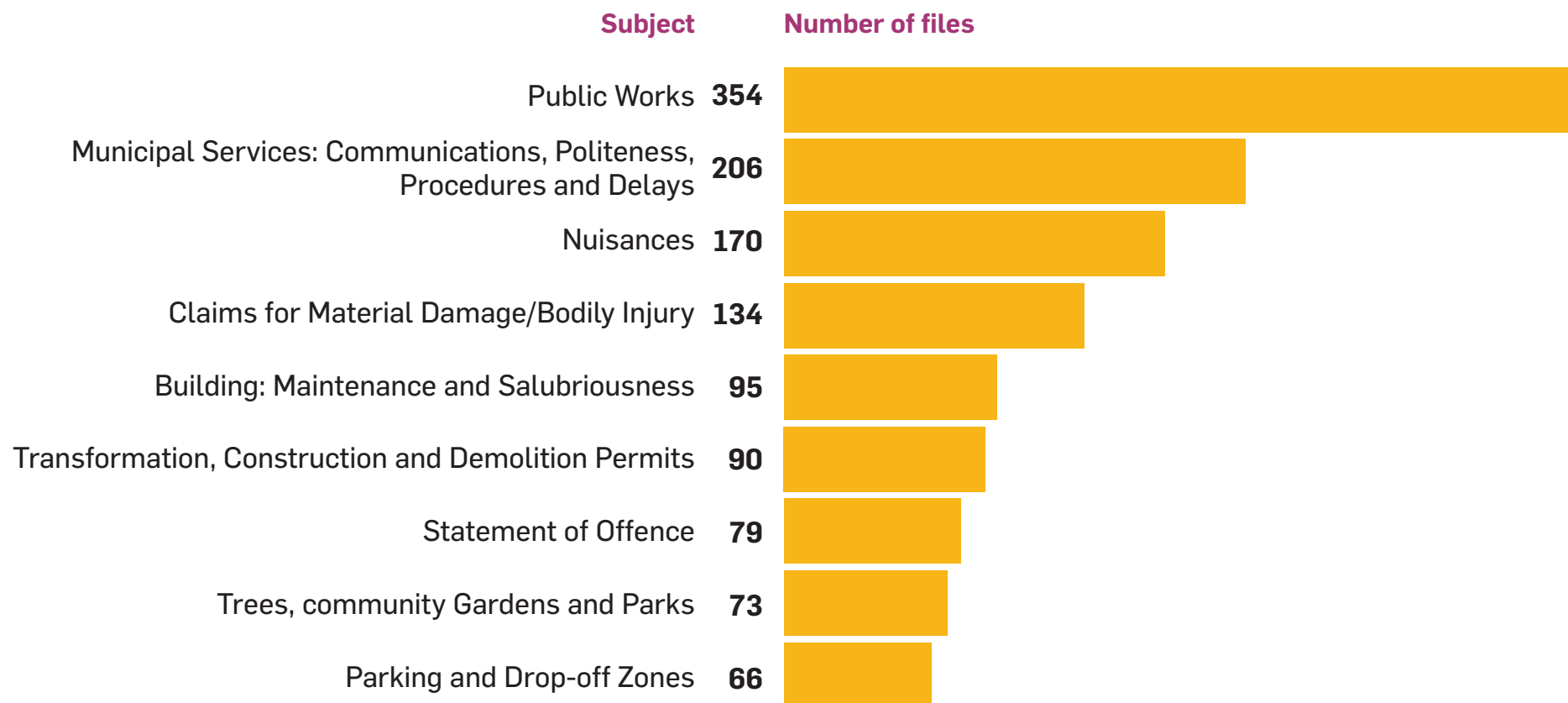
The OdM obtained

32 undertakings from
various Ville de
Montréal entities

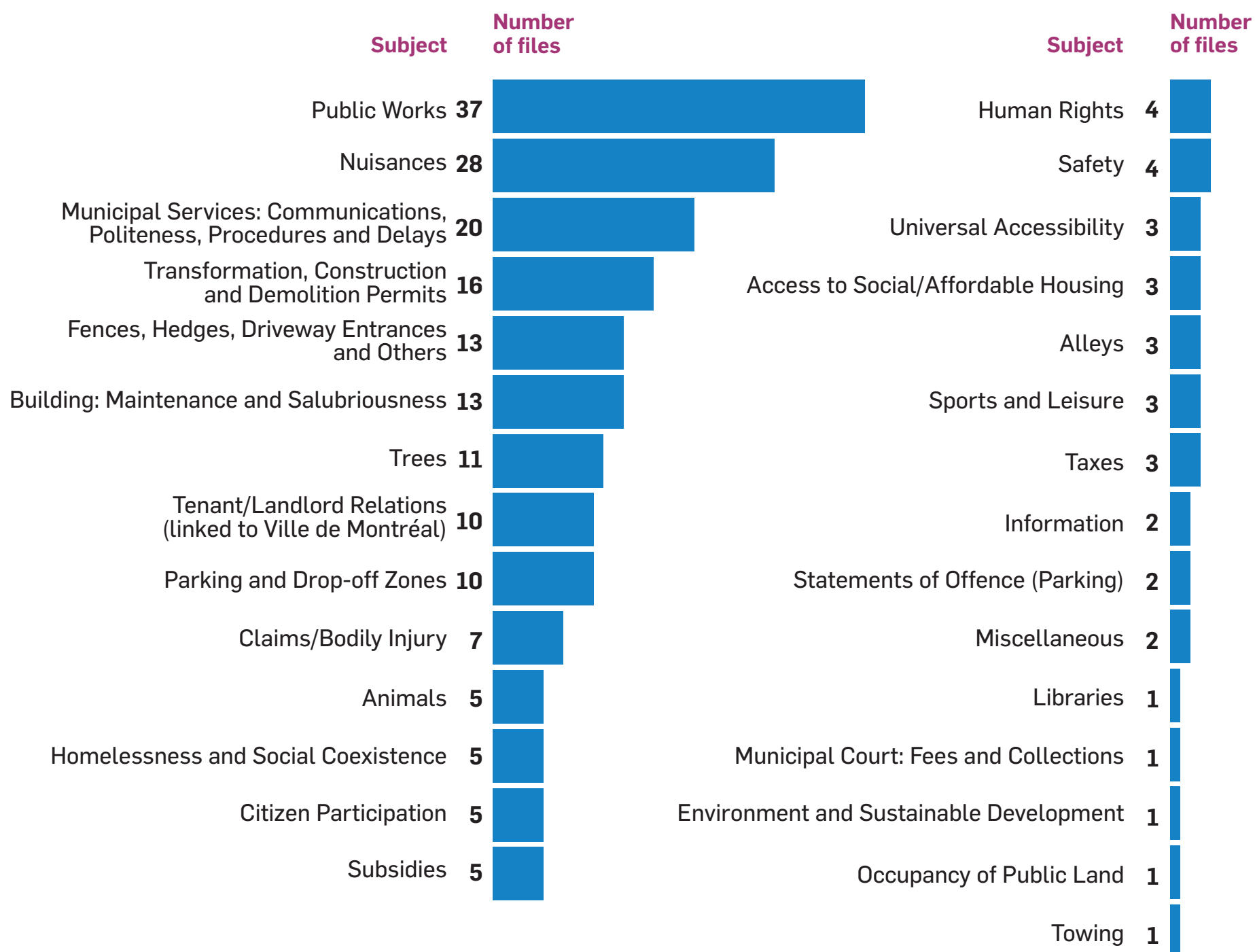
[See p. 33](#)



In 2022, here are the reasons Montrealers solicited us the most...



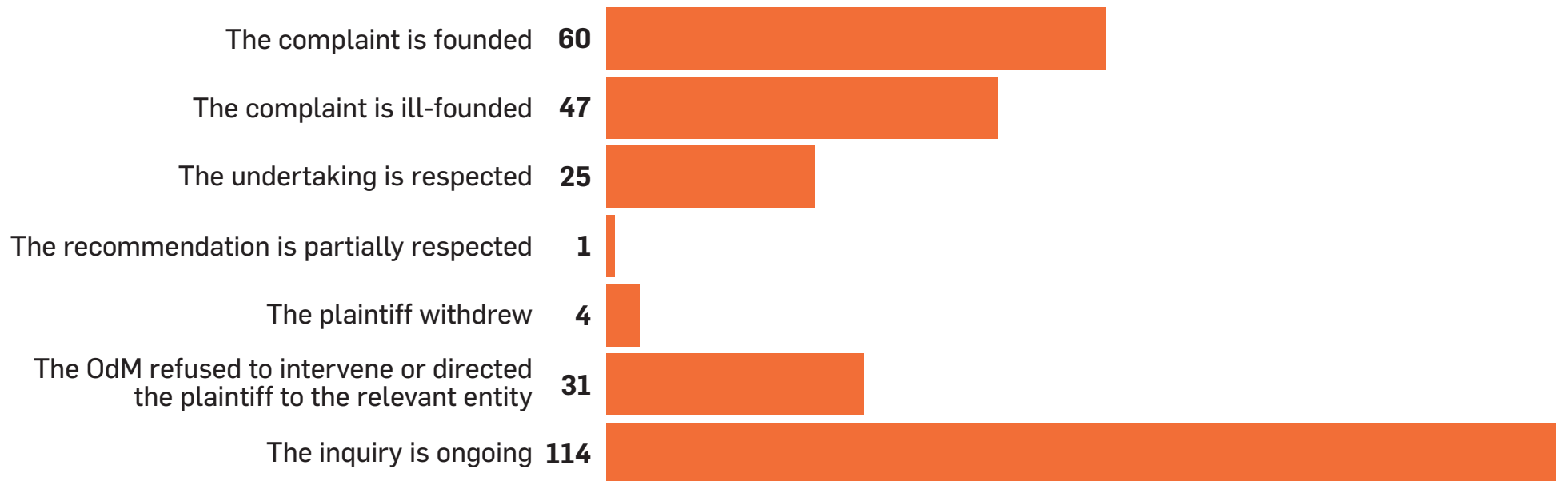
In 2022, we inquired about...





In 2022, our inquiries had the following results...

Result Number of complaints



What can the Ombudsman de Montréal do?



We process complaints as a last resort by citizens towards:

- the administration of a Ville de Montréal borough or service;
- a paramunicipal agency or a City-controlled corporation (e.g.: the Office municipal d'habitation de Montréal, the Société d'habitation et de développement de Montréal, the Commission des services électriques de Montréal, etc.);
- any person or entity that performs work for the City (e.g.: a contractor tasked with collecting municipal waste).

We can inquire when a person believes that a decision, a recommendation, an action or an inaction by Ville de Montréal:

- caused her/him a wrong or a prejudice;
- did not respect her/his rights;
- led to an abuse, an injustice or negligence.

We intervene at our initiative in order to identify and resolve problematic situations, often systemic, in City operations.

We inform citizens about their municipal rights in clear language and by various means: contacting community groups, giving training sessions, meeting the population and borough staff members, as well as through our publications on social media, etc.

We raise awareness of municipal decision-makers regarding certain municipal issues and, when relevant, we contribute to their reflections.

We share our acquired experience with City managers as well as with other ombudsmans and organizations.



“I can't express the immense relief we now feel after the positive resolution of this file that weighed heavily on our daily life for months, even years.”

L. B.



Essential characteristics of the Ombudsman de Montréal

We thank the Ville de Montréal for always having scrupulously respected the OdM's essential characteristics.

Independence and autonomy – The OdM is not subordinated to the Direction générale nor to elected officials. It is not bound by the usual policies or practices of the City.

Accessibility – Having recourse to the OdM is free. The procedure to file a complaint is easy and simple.

Impartiality – The OdM has no bias, either toward the plaintiffs or the City.

Confidentiality – The identity and information gathered from plaintiffs or the City are disclosed only to the extent that they are required to process the file. The *Loi sur les cités et villes* states that the OdM cannot be compelled to appear before the courts and that its files are not bound by access-to-information laws.

Accountability – The OdM must file a Annual Report of its activities. This report is public.

Power of recommendation – The OdM does not have the power to impose its conclusions. Its approach is one of cooperation and persuasion.

Values

Certain values colour all our actions and interventions. We promote them constantly:

Respect – This must be mutual and non-negotiable.

Empathy – We systematically try to understand what our interlocutors feel so as to adapt our approach accordingly.

Transparency – Applicable procedures and regulations must be clear. We explain the extent and limits of our powers.

Impartiality – We approach every file without preconceived notions.

Rigor – Before forming an opinion on a file, we carefully review all relevant documents, we go on site if necessary, we analyze the relevant regulations and case law, and we discuss with all involved stakeholders.

Fairness – The rules must be just and applied fairly to all.

Integrity – It is important to act with honesty and probity. Any risk of a conflict of interest, real or perceived, must be avoided and reported.



Where fairness fits in in all this

The quest for fairness is a fundamental constant in the ombudsman’s work.

Acting with fairness means:

- treating you with consideration and respect;
- giving you a reasonable chance to present your point of view;
- applying the rules applicable to your situation, in a reasonable way and without discrimination.

In every file we review, we verify that the decision-making process surrounding the administrative decision that concerns you is fair.

It is important not to confuse fairness with equality of treatment, as fairness sometimes requires an approach to be adjusted to the specific circumstances of a file.

The OdM team:

- identifies the relevant legal framework;
- assesses whether the three complementary dimensions of fairness have been respected: procedural fairness, relational fairness and fairness of the decision.

If one of these components is missing, the entire process can be compromised, which can create a feeling of injustice for the person concerned: confidence in the whole system is undermined as a result.

Concretely, this means that the OdM team ensures that:

Procedural fairness – your complaint has been heard by an impartial decision-maker before a decision is rendered. The duty to observe procedural fairness imposes certain guarantees (e.g.: prior notice, opportunity to state one’s point of view, motivated decision, etc.);

Relational fairness – the Administration heard your request and proved to be reasonably accessible, transparent and receptive;

Fairness of the decision – The decision taken is reasonable and just.

Custodian of the *Montréal Charter of Rights and Responsibilities*

The *Montréal Charter of Rights and Responsibilities*, in force since 2006, sets out the City's principles, values and commitments that all staff members and elected officials must respect.

The Charter also recognizes citizens' rights, but also responsibilities, such as helping to keep the city clean, participating in democratic processes, preserving the environment, etc.

The population's rights and responsibilities, as well as the Ville de Montréal's commitments, are divided into seven main themes that involve various aspects of municipal activities:

Democracy (e.g.: citizen participation);

Economic and social life (e.g.: access to quality drinking water, measures to prevent and fight poverty and social exclusion);

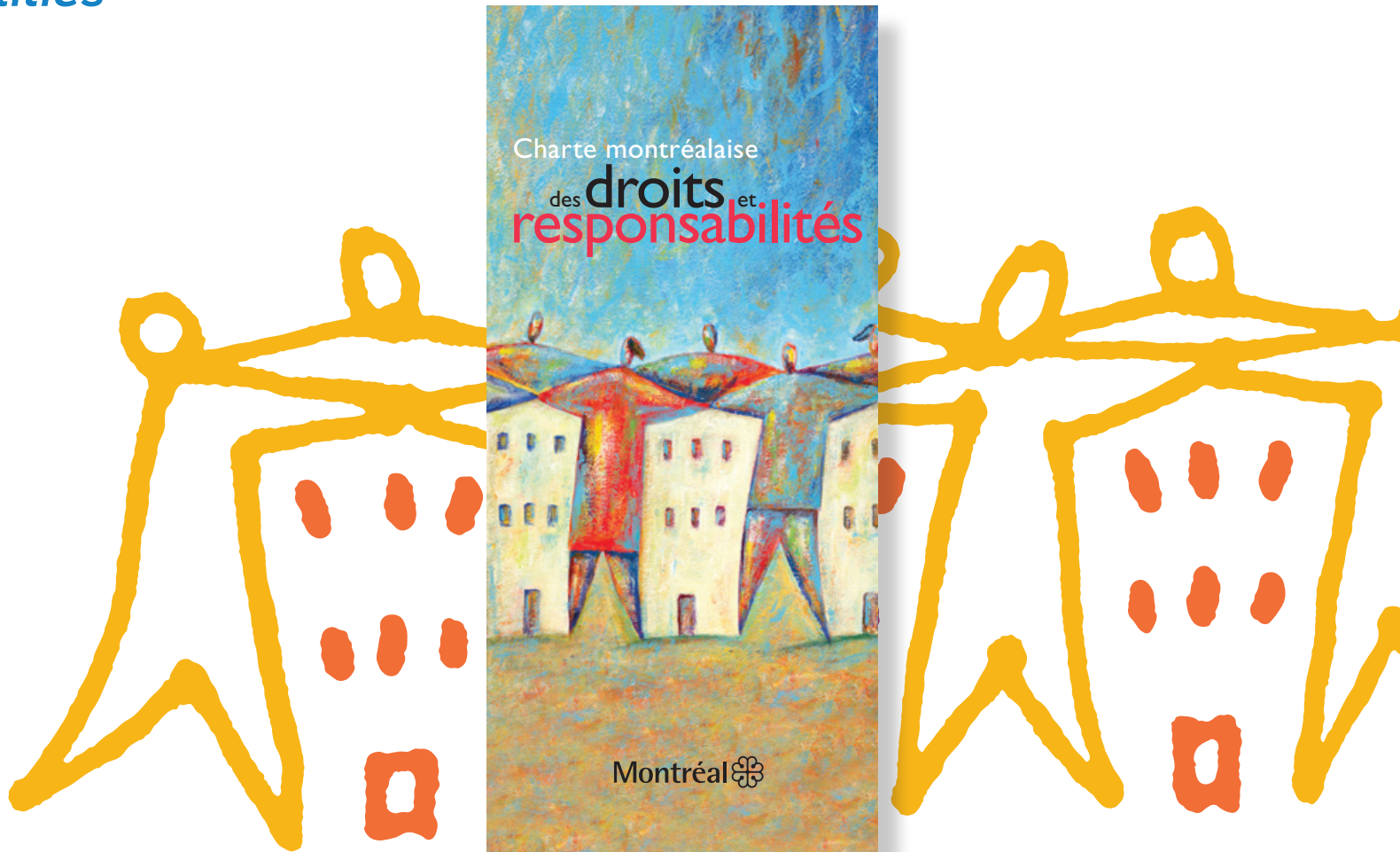
Cultural life (e.g.: accessibility to places of art and culture);

Leisure, physical, and sports activities (e.g.: building, renovating or improving parks, based on neighbourhood needs);

Environment and sustainable development (e.g.: recycling and waste recovery);

Security (e.g.: developing its territory in a safe manner);

Municipal services (e.g.: offering the population quality services in a respectful and non-discriminatory manner).



The OdM ensures that the rights, responsibilities and commitments set out in the Charter are respected. In this regard, we are the only possible recourse, as citizens cannot use courts to ensure its respect.

When a Charter commitment is called into question, the OdM may not only intervene with the City's administration, but also on decisions voted on by the executive committee, the municipal council or the borough council. This constitutes an exception to the general rule that the OdM has no jurisdiction over these entities.

Moreover, when an inquiry concerns more than one commitment contained in the Charter, the OdM makes sure to find the proper balance between them. For instance, in the inquiry regarding urban redesigns in the summer of 2020, the OdM team had to weigh the commitment to promote collective and active modes of transportation against the commitment to ensure the safety of all Montrealers. This is not a question of prioritizing, but of balancing our interventions.



Charte montréalaise
des droits et responsabilité

38

number of inquiries launched in 2022 involving the *Montréal Charter of Rights and Responsibilities*

To consult some summaries of files involving the *Montréal Charter of Rights and Responsibilities*, go to section Our impact: in solution mode Our impact: in solution mode p. 20

91

principles, commitments and responsibilities of the City contained in the *Montréal Charter of Rights and Responsibilities* are involved in our inquiries, detailed as follows:



67 MUNICIPAL SERVICES

Providing competent municipal services in a respectful and non-discriminatory manner	4
Taking measures to limit any nuisances or obstacles that may interfere with citizens' ability to safely access their homes	20
Taking measures to limit any nuisances or obstacles that may interfere with citizens' ability to safely access the network of pedestrian walkways	19
Promoting universal access in developing its territory as well as universal access to municipal buildings, communications, programmes and services in general	21
Promoting flexibility in the use of public spaces to meet various citizen needs	1
Promoting the supply and distribution of municipal services in an equitable manner	1
Taking appropriate measures to ensure the cleanliness of public property	1

“Thanks for your multiple follow-ups with me and the City. You are attentive and diligent. Thank you for caring about our neighborhood.”

M. C.





Charte montréalaise des droits et responsabilité

9 SECURITY

Developing its territory in a safe manner	3
Taking measures to ensure citizen security in public spaces, notably in parks and community and recreational facilities	1
Supporting preventive measures aimed at increasing citizen awareness and involvement with respect to this issue, in partnership with public safety and civic protection officials	1
Protecting people and their property	4

4 DEMOCRACY

Ensuring the credibility, transparency and effectiveness of the public consultation process through the adoption and maintenance of appropriate procedures	1
Encouraging public participation and, to this end, providing citizens with useful information delivered in clear language and supporting the use of appropriate communication practices	1
Fighting all forms of discrimination, including racial and social profiling, as well as other discriminatory profilings; poverty, social exclusion, sexism, racism, ageism, ableism, homophobia and lesbophobia, transphobia and xenophobia, which may by direct, indirect, systemic and intersectional nature, and result in an erosion of the foundations of a free, fair and democratic society	2



“I’m writing to let you know that installation work started this morning. This is the first step taken in eight years. I’m convinced that your efforts had a lot to do with it. A thousand thanks.”

M. L.





Charte montréalaise des droits et responsabilité

3 LEISURE, PHYSICAL ACTIVITY AND SPORTS:

Supporting and publicizing, with the support of community partners, a range of diverse and complementary services that meet the population's evolving needs, and promoting an active lifestyle **1**

Developing high-quality parks and facilities for leisure, physical and sports activities that are fairly apportioned in view of the community's evolving needs **1**

Promoting access to community activities and facilities **1**

1 CULTURAL LIFE

Supporting the development and diversity of cultural practices **1**

7 ECONOMIC AND SOCIAL LIFE

Taking appropriate measures to ensure that housing meets public health and safety standards with regard to the health and safety of tenants and to provide relocation services when a building or dwelling must be closed or vacated **3**

Taking the appropriate measures, with the support of its partners, to provide homeless persons with temporary and secure shelter, as quickly as possible, should such persons express the need **1**

Taking appropriate measures, with the support of partners, to prevent and fight poverty and social exclusion **2**

Providing its citizens with access to quality drinking water in sufficient quantities **1**



Our impact: in solution mode



“Thank you for getting this result for me and most especially for your dedication and patience on this matter. I hope this unpleasant situation will not happen again for me or any resident in Montréal.”

A. U.



Examples of inquiry files

Office municipal d'habitation de Montréal (OMHM)

Salubrity: an allergy to cockroaches with serious consequences

Listening

For a few years, a family with two children residing in a private dwelling and recipient of the *Programme du supplément au loyer (PSL)* is dealing with a cockroach infestation in spite of attempts to exterminate them. One of the children is allergic. For that reason, the family requests a change of dwelling, which is refused on the following grounds: no traces of cockroaches were detected during the last visit, several extermination reports indicate that the owner took the necessary steps to eliminate them and the OMHM cannot guarantee that another dwelling will be cockroach-free.

Explaining

The OMHM's *Politique de changement de logement* allows a housing change when the physical health of a person occupying it is threatened or seriously deteriorates due to the dwelling's condition: the change must make possible a considerable improvement in living conditions.

Resolving

Several videos and pictures, as well as an independent inspection conducted at our request, confirm the presence of cockroaches in the dwelling. The grounds for refusal by the OMHM appear invalid to us. We particularly dispute the argument that the owner took the necessary steps in order to remove the problem. This is not a criterion that the OMHM had to assess. Moreover, the refusal on the hypothesis that the replacement lodging could also be infested by cockroaches is not legitimate: the OMHM can take the required precautions to ensure that another dwelling will be free of them.

Following our intervention, the OMHM accepts to relocate the family in an appropriate dwelling, given the child's medical situation.



Arrondissement du Plateau-Mont-Royal and Ville de Montréal

Milton-Parc: between exasperation and distress (continued)

Listening

In 2021, some citizens are concerned about their neighbourhood's security after the arrival of a respite services organization for homeless persons. Coexistence with the predominantly Inuit community is difficult. Several persons witness incivilities, grave intoxications, assaults and road accidents. They do not feel like the borough is listening. They believe that the authorities' approach is inadequate and that resources are lacking.

For its part, the City tries to enlist the support of the health and social services network (RSSS), to no avail. We quickly understand that the situation requires an approach based on the needs of all affected persons, whether housed or homeless.

The OdM contacts the RSSS. A crisis unit is set up at our request, bringing together various City services and partners from the health sector, community institutions and Indigenous and Inuit organizations. The OdM joins as an observer. Concrete actions, however, are lagging.

Explaining

In the spring of 2022, the OdM wrote and made public a comprehensive report. Entitled "Don't look the other way," the document is a call to action for authorities, notably Ville de Montréal, and concludes that "It is imperative to walk the talk – that is, to put words into action."

Aware of the seriousness of the situation, of the scope of Ville de Montréal's jurisdiction, as well as of the OdM's own jurisdiction, the OdM reiterates once again the three components of conclusions drawn from this report: safety, shelter and support.

Faced with the reality of an uneven involvement on the part of some health and social services partners, the OdM furthermore conveys its concerns to the Protecteur du citoyen du Québec, who agrees to open an investigation.

The OdM issues five recommendations that touch on various facets, including the sustainability of a shelter resource and the funding of community organizations, developing a preventive approach to homelessness and public participation.

With these recommendations, the OdM aims to improve coordination, internally as well as with partners, and to rectify the deficiencies in the support and essential services offered to members of the First Nations and to homeless Inuit in Montréal that the inquiry exposed. A follow-up is planned for the fall of 2022.

Resolving

At the conclusion of its follow-up, the OdM notices some progress in the implementation of its recommendations, but much work remains to be done.

Two of its recommendations are well on their way to being implemented (creating a good-neighbours committee) or fully realized (funding for not-for-profit organizations). However, the sustainable emergency resource for the Inuit community at the heart of the recommendation concerning shelter is still unfulfilled.

In terms of prevention, despite the introduction of an intergovernmental strategic committee, the City's actions remain too vague and the OdM calls on the City to specify its contribution regarding the implementation of a multidisciplinary Inuit centre.

Nevertheless, the OdM believes that the City's planned measures attest to a commitment to implement its recommendations. Three undertakings are pledged. The OdM will conduct a quarterly follow-up until their full implementation.



Arrondissement de Mercier–Hochelaga-Maisonneuve

Closed access to alleyways: the OdM's recommendations refused

Listening

A citizens' group, residents of an alleyway, complains that one of four access points to the alley was closed. A citizen residing in another alleyway also disputes to the closures. They also assert that they are detrimental to them because they significantly limit accessibility to the rear of their residence or parking. To get there by car, it requires them to perform maneuvers driving in reverse that are potentially dangerous.

Explaining

In both cases, the decision to close access to these alleys was taken by the borough after a single request by a citizen, without consulting other people affected and without giving them prior notice or the possibility to express their opinion about it.

No resolution was adopted by the borough council to impose these closures, as is custom in other boroughs. The said accesses were closed in order to reduce through traffic. The borough confirms to us that it did not conduct any traffic survey before closing them, deeming that unnecessary.

We share our doubts about the process around these closures with the borough. It seems unfair to us that from one day to the next, access to an alley is blocked by a cement bell at the request of a sole person, without consideration for all those whose rights were affected by this decision, and without conducting, in the public interest, a proper impact study. We understand how the plaintiffs in these files feel that they are not being heard.

The borough submits our observations to the members of the borough council, who decide to maintain the blocked accesses

Resolving

After numerous exchanges and several reminders, we make three formal recommendations to the borough:

1. to clearly specify the borough entity having the authority to decide to close access to an alley;
2. to conduct a survey of the residents of the section in question to find out whether they want the access reopened or not;
3. to conduct an impact analysis of the access closure, taking into account the safety aspect of the accessibility by car to the alley in the section in question.

The borough refuses to conduct the survey in accordance with recommended guidelines, to conduct the impact analysis and maintains the closure of the blocked accesses.

Although the borough rejected our recommendations, we still hope that these files lead to an improved process when shutting down access to an alley. This would ensure its legality, guarantee that all persons affected would participate and prioritize objectively the safety of all users.



Arrondissement de Ville-Marie

Parking shortage in Vieux-Montréal

Listening

Some citizens, residents of Old Montreal, complain about the shortage of street parking in their area, even though they have a parking sticker reserved for street residents (SRRR). Many free street parking spots, with parking meters or for car owners who have a sticker, would have been withdrawn or would be temporarily unavailable. This situation is the result of various factors.

Explaining

We survey the borough, the Agence de mobilité durable and Bixi to get an overall view of the situation. The context is special: the area is affected by numerous construction sites, public and private, some of which have lasted several months, even years; in summer, sidewalk cafés lead to road closures and the removal of parking spots; by reducing the need for residents to commute during the day, remote work may have created a greater need for parking; some Bixi stations are placed in parking spots for lack of other available spaces on public land; the area is an attraction for numerous and diversified customers (residents, merchants, tourists, workers, etc.).

Resolving

We search for answers with the entities concerned. The borough implements various measures, notably: maintaining a 1.0 ratio for SRRR even though the target ratio is 1.5 (the number of car owners with a sticker compared with the number of spots available in theory); the addition of spots with parking meters temporarily available for holders of stickers;

relocating the SRRR elsewhere in the area, identified with special temporary signs. Following some of our observations in the field, a few street parking spots are added.

We ask questions about the management of temporary public land occupancy permits and the installation and removal of signs prohibiting parking, whether on public or private work sites.

In response to a need expressed by the division in charge of inspections, we obtain that improvements will be made to the application used to manage occupancy permits so that it may target more accurately its interventions on the ground and ensure compliance with temporary public land occupancy permits (duration, occupancy square footage, fees, etc.) and the removal of signs in a timely manner.

At the end of our inquiry, we suggest potential solutions to the City:

1. prioritize off-street locations for Bixi stations and plan to install urban furniture on public land in order to leave available sites for these stations;
2. think about ways to encourage entrepreneurs in public construction sites (with no occupancy fees) to report delays in the commencement of projects, extended interruptions or the early end of work jobs;
3. continue inspections regarding temporary occupancy of public land to ensure that permit conditions are compliant (duration and square footage) and that signs are installed and removed in a timely manner.



Agence de mobilité durable (AMD)

Temporary parking stickers: the AMD improves its interventions

Listening

A citizen complains she received many statements of offence after parking in an SRRR zone, despite the fact that she had a valid temporary sticker

Explaining and resolving

Following our intervention, the AMD, the entity in charge of parking enforcement officers, sends a request to the municipal court to withdraw the statements of offence that were still being processed. These statements were ultimately withdrawn. The AMD also sends a reminder to all its officers underlining the particular characteristics of temporary parking stickers and adds this element to the training sessions for new employees.



Rosemont–La Petite-Patrie Service de l’habitation Service de la gestion et de la planification immobilière (Service de la stratégie immobilière) Service de sécurité incendie de Montréal

When to expect access to a traffic lane....

Listening

For several years, the representatives of the syndicate of co-owners of two buildings with 68 condos located in the Rosemont–La Petite-Patrie borough have complained to Ville de Montréal about the lack of direct access to a traffic lane for one of those buildings. The buildings were erected in 2014 and are part of a complex of condo buildings and townhouses built in stages. The representatives argue that the extension of a road that was part of the project was never carried out.

Explaining

First, we made enquiries at the Rosemont–La Petite-Patrie borough and the Service incendie de la Ville de Montréal (SIM) regarding the safety and compliance of access lanes to the buildings. We also contacted the Service de l’habitation and the Service de la gestion et de la planification immobilière (Service de la stratégie immobilière) involved in the road extension project, and later, the linear park.

The SIM reports the situation to the Régie du bâtiment du Québec (RBQ). After several reminders from us, the RBQ determines there is non-compliance to the *Construction Code*. The main entrance to the building in question is not located at least three metres and at most 15 metres from the section closest to an access road. Following this notice, a temporary access to the building, restricted to emergency vehicles, is implemented by the borough.

Resolving

We forward a full report of the history of the project and the role played by the City in its development to various relevant City entities, asking them to intervene to implement a permanent and compliant solution and to ensure its financing. Our efforts continue

Arrondissement de Mercier–Hochelaga-Maisonneuve

The process for adopting a particular construction project: transparency is best

Listening

Some citizens complain about a lack of transparency in the adoption process of a special construction, transformation or occupancy project (PPCMOI) on the site of the former Grace Dart hospital at the rear of their residence. They feel that the undertakings pledged by Ville de Montréal under the *Montréal Charter of Rights and Responsibilities* regarding democratic life were not respected. They are aggrieved by the way the process was conducted.

Explaining

We examine all the issues raised by the citizens. We explain several aspects of concern to them. We conclude that the signs displayed were insufficient considering the scale of the site and its numerous entrances. The borough did the minimum. Information concerning a special project that derogates from urban planning regulations must be easily accessible. This aspect may have had an impact on public participation at various stages of the referendum approval process. Although the letter of the law was respected, the borough did not meet its obligation under the *Montréal Charter of Rights and Responsibilities* to promote citizen participation in the public consultation process. We made similar conclusions in another inquiry a few months earlier.

Resolving

The borough recognizes that it could have made greater efforts in terms of signage and renews its undertaking to improve its practices for future projects by, for instance, placing signs at the various access entrances to a site's public roads, by ensuring that the signs are visible, that they are located close to the road and that they remain in place for the entire required duration.

Service des affaires juridiques – Direction des projets spéciaux, soutien général et service à la clientèle (cour municipale)

The municipal court's phone service: your call is important to us

Listening

In 2020 and 2021, many citizens bring to our attention the excessive wait times and issues of quality of customer service at the municipal court. The average wait time exceeds one hour and the rate of dropped calls can reach close to 40% at times. We intervene in order to explore various solution paths to resolve this situation, which considerably impacts citizens in situations where procedure and delays are key elements.

Explaining and resolving

Some delays are caused by the pandemic. Other problems, however, are also caused by pre-existing issues, including the lack of alternatives to the telephone to make a payment as part of a payment agreement, the high staff turnover rate, the time required for employee training, etc.

In December 2022, after much discussion and the implementation of various measures, the average wait time drops to about five minutes. Between the months of February and April 2023, the average waiting time was around 2 minutes.

In order to continue to ensure the quality of services, we agree with the municipal court that some additional measures will be put into place by June 2023. These measures will address some problems until the implementation of the court's digital project expected in 2026.



All boroughs

Towing on private property

Listening

Jurisdiction over vehicle towing went from the City to the agglomeration. The new *By-law concerning towing RCG 19-004*, adopted by the agglomeration council that came into force in February 2019, as well as the *By-law concerning fees of the urban agglomeration of Montréal*, set out the rules governing towing (terms and conditions of towing, parking on private land, towing and storage costs). Moreover, the RCG 19-004 by-law repeals and replaces all other vehicle towing by-laws or by-laws provisions applicable on urban agglomeration of Montréal Territory. However, several borough by-laws concerning traffic and parking still contain provisions in this regard, which creates confusion for citizens as well as towing firms and people who intervene on behalf of Ville de Montréal.

Explaining

In 2022, our office launches an inquiry to ensure that obsolete towing provisions are withdrawn from borough by-laws.

Resolving

As of February 10, 2023, 13 boroughs have answered the call and made the required amendments to their by-laws.

Arrondissement de Verdun Service de l'urbanisme et de la mobilité

Safety of a pedestrian crossing in Verdun: the borough respects its undertakings

Listening

In 2021, a Verdun borough resident contacts our office because she has concerns for the safety of users of a pedestrian crossing located at the intersection of rues Wellington and Rhéaume.

Despite bollards and signs installed by the borough to make this crossing secure and the presence of a crossing guard, the citizen believes that additional measures are required because it would appear that drivers often disregard the priority pedestrian crossing.

Explaining

During our exchanges, the Verdun borough undertakes to observe on the ground at rush hour to validate the elements raised by the plaintiff. Her participation in one of the observation visits is agreed to. The borough undertakes to add security measures if its ground observations and analysis confirm the need for them.

Resolving

During this follow-up, the borough indicates that its field visits (including one in the presence of the citizen) and its situational analysis confirmed the necessity for additional measures to render the crossing more secure.

The following measures are implemented in 2022:

- rapid-flashing traffic lights are installed on both sides of the crossing;
- a centre beacon with a schoolchild pictogram is added;
- the crossing markings (yellow lines) are redone.

Two other measures will be implemented later by the Service de l'urbanisme et de la mobilité:

- lighting will be enhanced alongside the crossing;
- the extension of the centre island that separates the two lanes on rue Wellington, with a pedestrian refuge in the middle, at the crossing.

Our office will follow up in 2023.



Combating discrimination in municipal services

The OdM is the custodian of Ville de Montréal's commitments contained in the *Montréal Charter of Rights and Responsibilities* that are designed to combat all forms of discrimination in its spheres of activity. The OdM's jurisdiction regarding discrimination, still little known by persons who may need to have recourse to it, is vast and exceptional. The two files described here demonstrate the unique contribution the OdM can provide regarding the right to equality of persons in their dealings with the City. They also illustrate what the OdM can do to rectify a breach of that right and to protect it.

Systemic racism, religious discrimination, Islamophobia, discrimination in allocating benefits under a regulatory program and discrimination on the grounds of disability in providing municipal services are the allegations at the root of the complaints in these files. We have carefully weighed the extensive and sometimes complex facts in the course of these comprehensive investigations and we applied, among other things, the principles enshrined in Quebec's *Charte des droits et libertés de la personne* as interpreted by the courts. In doing so, we took into account the constant evolution of social reality. On this basis, we came to the conclusion that in the first case there was no discrimination, and that there was in the second case. In both cases, our primary and ever-present preoccupation was to preserve the comparative effectiveness of the recourse for the parties involved and its added value for citizens.

We provided plaintiffs and persons who intervened on behalf of the City clarifications concerning elements inherent in various forms of discrimination and those that are not. In the complaint that proved to be founded, in addition to the adjustment granted to the victim, practices were amended and preventive measures were adopted by the paramunicipal agency in question in order to avoid repeating the discriminatory conduct.



Arrondissement de Ville-Marie

Public pool: non-discriminatory rules

Listening

In 2020 and 2021, in the middle of the pandemic, a citizen who wears a veil and a burkini goes to a municipal pool with her two children. She filed a formal complaint at our office in April 2022. She says she is denied access to the pool due to the behaviour of the staff, who she alleges harass her unfairly and treat her differently because she does not dress like everyone else. By way of example, she points to incidents regarding the requirement to use sanitizing gel supplied by the pool, as well as interventions aimed at her about the compulsory wearing of a face covering on the premises of the pool. The culminating incident is an altercation in August 2021 between her and a pool staff member regarding the presence of her son at an adult-only pool time. This event sparks cross-complaints to the police from both protagonists.

Thirteen public servants in a variety of positions at the borough are involved in this file.

Explaining

Discrimination can take many forms under the applicable terms of the Québec and Montréal charters. Although the citizen claims that she is, among other things, a victim of systemic racism, her allegations appear to be more closely related to discrimination based on racial or religious profiling.

Racial profiling includes, among other things, any action by a person in a situation of authority who applies a measure in a disproportionate way to certain segments of the population on the basis, in particular, of their racial, ethnic, national or religious background, whether actual or presumed.

Some discriminatory behaviours can be multifactorial, unconscious and unintentional. That said, the mere fact that the citizen is Muslim and that this is visible by the clothes she wears is not enough to infer that a person discriminated against her. From the perspective of a reasonable Muslim person who wears a veil and a burkini, the facts don't support the conclusion that the pool staff displayed infantilizing or humiliating behaviour – terms employed by the plaintiff – toward her by asking her to comply with pool rules on which there were disagreements of interpretation between them.

Nor does the circumstantial evidence reviewed allow us to assert that the citizen was the subject of a different attention or scrutiny. In a pandemic, health instructions, including the obligation to wear a mask when exiting the pool, were strictly applied to all. Moreover, the citizen's reasons to be exempt from them are not clear.

The sole differential treatment or exclusion to which the citizen was subjected was her suspension from the pool after the August 2021 altercation. The decision to suspend her rests principally on the pool employee's version, corroborated by two witnesses, which states that the citizen would have pushed the employee in the back leading to a fall and knee injuries, with photographs to support this claim. Under the circumstances and in view of the ongoing police investigation, the suspension until the end of the process is not unreasonable or discriminatory: the citizen still has the option to use the borough's other aquatic facilities. In any event, as soon as the borough learned that no charges would be brought by police, it ended the suspension.

Resolving

Although we do not in any way dispute that the citizen may have felt she was treated differently in some instances, and acknowledging her legitimate right to express herself freely regarding the application of pool rules, we believe that what she went through does not constitute discrimination or discriminatory harassment within the meaning of the charters. We hope that with these clarifications, the citizen will be able to continue enjoying the pool with her children with confidence and peace of mind.



Office municipal d'habitation de Montréal (OMHM)

Neurological disorder: a reasonable accommodation

Listening

A citizen is evacuated on an emergency basis by Ville de Montréal after his dwelling is deemed unfit to live in. After filing a request for subsidized housing processed as a priority, he is housed temporarily by the OMHM. The citizen, however, alleges that the organization committed discriminatory acts based on a handicap in the eligibility assessment of his request and on its refusal to accept a request for accommodation that he submitted to the OMHM regarding communications related to his file.

The OMHM refuses his initial request for subsidized housing on the ground that he surpasses the \$50,000 allowable value of property: the citizen has a registered savings disability plan (RSDP) valued at over \$90,000. The *Règlement sur l'attribution des logements à loyer modique*, however, specifies that sums accumulated in an RSDP and which the beneficiary has no access to in the short term should not be included to establish the total value of her/his property. The OMHM demands proof in that respect, which he attempts to provide. From his financial institution, the OMHM obtains verbal proof that the amount of his short-term withdrawal limit is less than \$50,000. On the basis of that information, the OMHM assesses his demand anew, deems it admissible and provides him with a subsidized dwelling.

During that time, the citizen discloses to the OMHM that he suffers from a neurological issue and the consequences of a handicap, notably difficulty to concentrate and to process a lot of information, particularly on the phone. He asks if the OMHM can accommodate him by communicating with him in writing prior to contacting him by phone to specify the main discussion points or to provide him with summary information, ask him questions or inform him of decisions or share important documents. His request is partially refused, notably for reasons of fairness to other clients (additional processing times) and efficiency (the phone is the usual mode of communication).

Explaining

The right to equality without discrimination based on prohibited grounds, including a handicap, is enshrined in various legislative measures, including Québec's *Charte des droits et libertés de la personne* and the *Montréal Charter of Rights and Responsibilities*. Case-law has established a two-pronged legal analysis framework for complaints based the Québec charter.

We conclude that there was no discrimination in the handling of the request for subsidized housing: the OMHM is obliged to comply with applicable regulations, and to do so, has the right to ask for additional proof regarding an RSDP. The OMHM's initial decision to refuse the citizen's request, however, appears to us unjust and wrong under the circumstances. The OMHM could have conducted additional verifications since the plaintiff is a last-resort beneficiary of financial aid with serious employment constraints and the analysis regarding the value of his RSDP had already been taken into account by the provincial government when assessing his eligibility to this program, given that the regulations were identical for that purpose.

As for the refused request, we conclude that the citizen experienced discrimination. A person with a handicap must be able to benefit on an equal footing from services offered by the OMHM, unless a request for accommodation produces an excessive constraint for the organization, which was not established. So the OMHM undertook, in future communications with the citizens regarding his lease, to consent to his accommodation request.

Resolving

In light of this file and in order to ensure to improve its practices, the OMHM accomplished the following actions:

1. adoption of a directive about the procedure to follow regarding requests from beneficiaries of its services for reasonable accommodations. This directive should be reviewed by the *Commission des droits de la personne et de la jeunesse* in 2023 in order to fine-tune it;
2. training sessions on discrimination and requests for accommodation offered to its staff and managers in which, notably, the case of a person with a neurological issue is featured;
3. review of the analysis framework of requests for subsidized housing made by persons who have an RSDP and of documents that they must provide (efforts are under way).

OUR IMPACT: IN SOLUTION MODE

Front-line files

Arrondissement du Plateau-Mont-Royal

A citizen contacts us because his next-door neighbour conducted excavation work in front of his property. For several weeks, however, the site seems to be abandoned. It is part of a series of work required by the borough following several non-compliance issues detected on the building. It is located on a busy street and the citizen wants to avoid an accident. A passer-by walking too close to the edge of the property could lose her/his footing and hurt herself/himself. His calls to the borough remain unanswered. Our office quickly contacts managers at the borough, which quickly secures the site: a fence is installed to protect the excavation. A follow-up is conducted with the building's owner so that the required work continues. The citizen who asked for our intervention is relieved.

Arrondissement du Plateau-Mont-Royal

A citizen complains that a gutter on a building causes water to accumulate in an alley, making traffic in the area dangerous. He is concerned about the safety of passers-by, particularly in winter. Following our intervention with the borough management, the building's owner is issued a statement of offence and will be asked to reinstall said gutter in a compliant way.



Arrondissement Mercier-Hochelaga-Maisonneuve

A citizen calls us because since the City conducted work on his street to change the lead water intakes, there have been backflows in the basement of his semi-commercial building. He pumps out about 250 litres of water from his basement three or four times a week, which is obviously a problem for his tenants. He calls the City and follows up with reminders for more than a month to settle the issue – without success. After being redirected to the borough management by a member of our team, the drain is repaired and the problem is fixed in two days.

Arrondissement Mercier-Hochelaga-Maisonneuve

A citizen complains that there is no speed limit indication on avenue Jeanne-d'Arc, between rue Ontario Est and rue de Rouen. Heavy-duty trucks speed on the street, making it dangerous for pedestrians. We immediately contact the borough's management. Following our intervention, a team is dispatched to the site to assess the danger. After this verification, the borough informs us that it will proceed with the installation of recognition plates and will gather speed readings to conduct a traffic survey. The citizen is reassured by the steps to be taken.

Arrondissement Le Sud-Ouest

A citizen comes to our office and is met by a member of our front-line team and explains his problem. For nearly a dozen years, he has asked Ville de Montréal to install a sign forbidding parking in front of his residence because people park there and block access to his garage entrance. He has to call the police almost on a daily basis. We redirect him to the borough management, and the sign is quickly installed.

Arrondissement Villeray-Saint-Michel-Parc-Extension

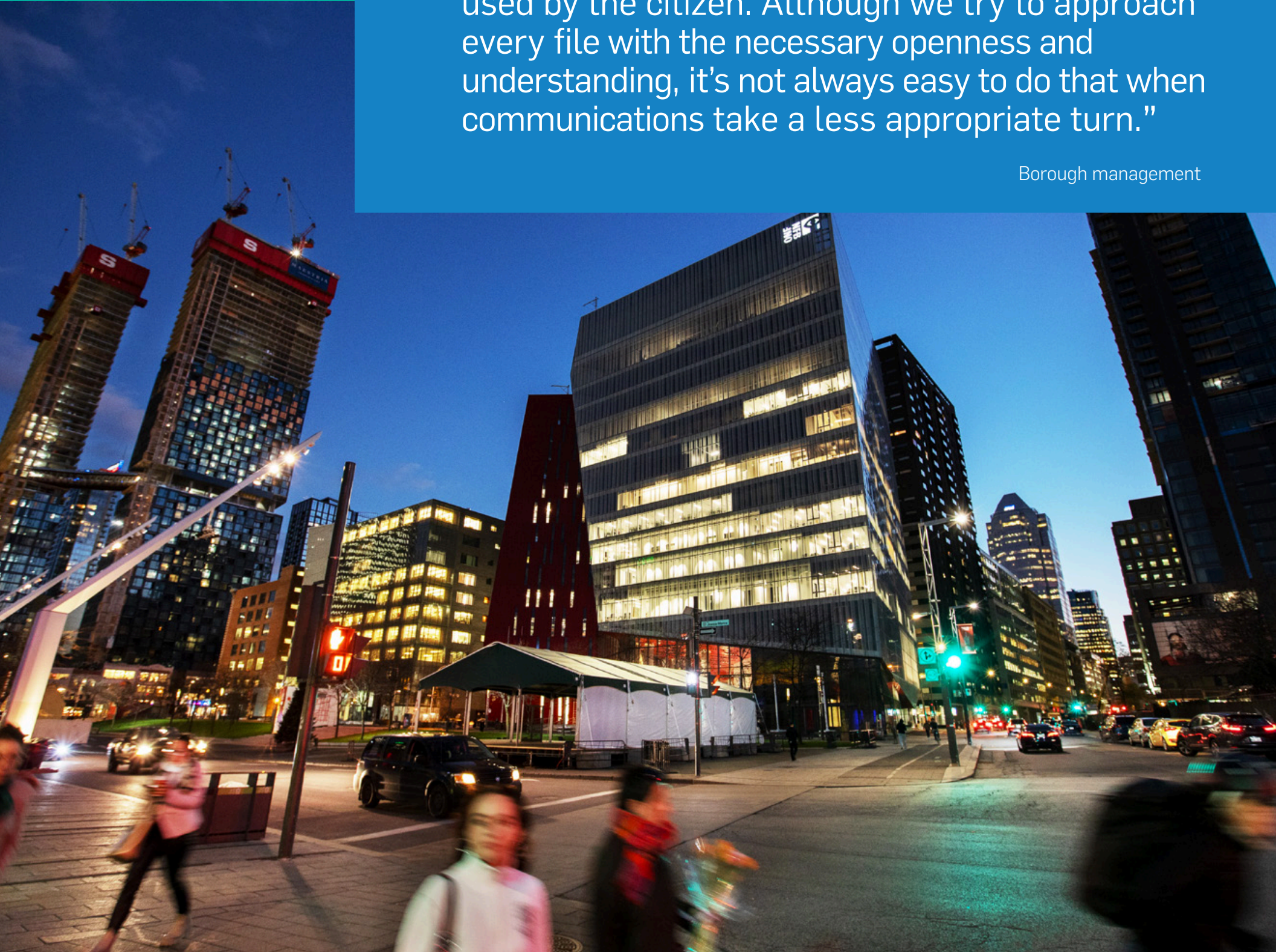
A tenant citizen contacts us because she has not had hot water in her dwelling for several weeks. There seems to be tense relations between her and the landlord, and despite her calls to the borough, the situation is not settled. Although tenant/landlord relations belong in the private domain, boroughs are bound to comply with the municipal regulation *Règlement sur la salubrité, l'entretien et la sécurité des logements (03-096)*. On the basis of that regulation, our office quickly contacts the borough and following our intervention, an inspector asks the landlord to rectify the situation immediately, failing which the City will rectify it at the owner's expense. The landlord fixes the situation and the citizen confirms to us that she again has access to hot water in her dwelling.

Undertakings



“A few words to thank you for having taken the time to share your comments in the letter that closed this file regarding the tone and words used by the citizen. Although we try to approach every file with the necessary openness and understanding, it’s not always easy to do that when communications take a less appropriate turn.”

Borough management



UNDERTAKINGS

On a regular basis in the course of our inquiries, an entity pledges an undertaking in order to resolve a situation. It can consist of an action to take within a given period or a future deed. In all cases, the OdM informs the plaintiff, officially confirms the undertaking with the entity and conducts a follow-up within the set timeframe.



This pictogram denotes a file that deals with a right or undertaking by the City in the context of the *Montréal Charter of Rights and Responsibilities*, whether invoked by the plaintiff or by the OdM.




ENTITY	SUMMARY OF UNDERTAKING	STATUS	CHARTER	SEE p.
Affaires juridiques – Direction des projets spéciaux, du soutien général et du service à la clientèle (cour municipale)	In 2007, the OdM learned that citizens conducted their own research in the municipal court's dockets in paper form which contain, among other things, the oldest court records, including some involving criminal charges and others for which defendants were pardoned. We perceived a serious problem of confidentiality and intervened in order to resolve this situation quickly. Now, searches are conducted by a City employee upon request. In order to respect this undertaking, Ville de Montréal shares with us the number of files processed annually in accordance with this restricted-access procedure.	Respected		
Affaires juridiques – Direction des services judiciaires (cour municipale)	<p>Following complaints filed in 2020 and 2021 regarding wait times and the quality of customer services at the municipal court, the OdM intervened and the following measures were adopted:</p> <ol style="list-style-type: none"> 1. hiring of two employees responsible for training and an extensive review of the training process of customer service representatives in order to accelerate their autonomy; 2. instauration of an online payment platform for payment arrangements (only phone payments were accepted); 3. improvement of available information on Montreal.ca; 4. contract awarded to a telecommunications firm to implement informative messages during hold period; <p>The average wait time fell from more than one hour in 2021 to about five minutes in December 2022 and two minutes in February 2023.</p>	Projected completion in June 2023 and Fall 2023		<u>26</u>





UNDERTAKINGS

ENTITY	SUMMARY OF UNDERTAKING	STATUS	CHARTER	SEE p.
Agence de mobilité durable	The P\$Mobile application does not allow persons with reduced mobility to find parking spots reserved for them easily: users must consult a map on a web page, which is difficult to read on a smartphone. Moreover, the map does not include search filters. As part of the development of its new mobile app, the Agence undertakes to integrate customized search functionality features.	Projected completion in 2024		
Ahuntsic-Cartierville	The borough undertakes to collect traffic data related to speeding on a street section. The necessity of implementing traffic-calming measures was confirmed by these data. Speed bumps were installed in summer 2022.	Respected		
Ahuntsic-Cartierville	Following our intervention regarding a problem related to the application of an ordinance adopted under the <i>Règlement sur le bruit</i> , the borough undertakes to review its regulatory approach on the subject.	Pending		
Anjou	Respecting its undertaking, the Anjou borough conducted an inspection in July 2022 in order to check the compliance of an above-ground pool and noted the absence of said pool.	Respected		
Côte-des-Neiges–Notre-Dame-de-Grâce	Following a complaint about dirtiness on avenue Ridgewood (compliance with waste collection schedule and cleanliness of private properties), the borough undertook in 2021 to monitor this road over the next few months to ensure compliance with applicable regulations (subject to fines), which was done until August 2022.	Respected		
Côte-des-Neiges–Notre-Dame-de-Grâce	In spring 2022, the borough undertakes to reassess maintaining a parking space reserved for persons with disabilities. It showed diligence during the review process and the decision to maintain it was deemed reasonable.	Respected		
Côte-des-Neiges–Notre-Dame-de-Grâce	The borough undertakes to implement a procedure to review the granting of accessible parking permits (spaces and drop-off zones reserved for persons with disabilities). The procedure went into effect in March 2022.	Respected		
Côte-des-Neiges–Notre-Dame-de-Grâce	The borough undertakes to intervene in 2022 regarding the presence of ragweed on chemin de la Côte-des-Neiges, alongside the Notre-Dame-des-Neiges cemetery. It appointed the Société environnementale de Côte-des-Neiges to carry out a large-scale ragweed control operation over its entire territory, including the area in question, between June and October 2022, and performed other occasional interventions to improve the situation.	Respected		
Côte-des-Neiges–Notre-Dame-de-Grâce	The borough undertakes to continue its efforts to reduce processing delays of requests to inspect and prune public trees on its territory. In light of the thoroughness of the steps taken and solutions implemented by the borough in 2019, as well as by the progress noted over the last four years, we did not deem it necessary to conduct a new follow-up.	Respected		


UNDERTAKINGS

ENTITY	SUMMARY OF UNDERTAKING	STATUS	CHARTER	SEE p.
Côte-des-Neiges– Notre-Dame- de-Grâce et Service des Grands parcs, Mont-Royal et sports	<p>The presence of Japanese knotweed, an invasive alien plant species, has been observed in the Mount Royal sector. In connection with this, the Service des grands parcs, du Mont-Royal et des sports (SGPMRS) undertakes to institute a three-pronged action plan:</p> <ol style="list-style-type: none"> 1. controlling invasive alien plant species, including Japanese knotweed, on Mount Royal and in the parks in Montréal under its jurisdiction; 2. the collaboration of various entities to identify invasive species on its territory and combating them; 3. supporting these entities in their efforts to intervene against Japanese knotweed. <p>The borough also undertakes to intervene in the heritage site area of Mont Royal when the coordinated approach is implemented by the SGPMRS.</p>	Projected completion in 2023		
LaSalle	The borough undertakes to develop a directive concerning required preliminary verifications in order to identify, at the outset, possible technical issues that may have an impact on construction projects that require the preservation of a public tree. The directive went into effect in April 2022.	Respected		
Le Plateau- Mont-Royal	The cleanliness and disposal of residual waste bins and merchandise on the public domain by a business led to the undertaking by the borough in the spring of 2022 to conduct a follow-up of the situation. The borough carried out several inspections and issued a statement of offence. Since our intervention, the situation seems to have stabilized and the borough confirms it will process future requests and the issuance of statements if necessary.	Respected		
Le Plateau- Mont-Royal, Direction générale : Bureau de la Direction générale, Service de la diversité et de l'inclusion sociale	<p>Following up on our five recommendations set out in the inquiry report <i>Don't look the other way</i>, Ville de Montréal made commitments aimed at implementing them:</p> <ol style="list-style-type: none"> 1. to ensure the sustainability of an emergency housing resource and put in place a homelessness executive committee that aims at cooperation; 2. to develop its knowledge of regulatory frameworks related to the implementation of housing projects and support its community partners and the boroughs in their application; 3. to set up an intergovernmental strategic committee on Inuit homelessness with that community's participation to deploy actions aimed at preventing and reducing homelessness and participate in their implementation. <p>The OdM acknowledges that the work to be done is progressive and will conduct a quarterly follow-up of the undertakings and recommendations until they are completed</p>	Completion in April 2023		<u>22</u>
Le Sud-Ouest	<p>The borough was to conduct follow-ups to ensure:</p> <ol style="list-style-type: none"> 1. that the Novatube factory planted 25 trees on its land; 2. that the factory kept its garage doors closed during production. <p>The trees were planted and the borough is doing the required follow-ups regarding the closing of the garage doors.</p>	Respected in July 2021 and February 2022		
Le Sud-Ouest	The borough undertakes to amend its <i>Guide d'aménagement d'une ruelle verte</i> to clarify the definition of "résidents riverains" and the criteria for their eligibility to vote, as well as to improve communications with them, notably at project selection stage. The 2022 edition of the Guide reflects the requested amendments, as well as other improvements of this document, at the borough's initiative.	Respected		

UNDERTAKINGS

ENTITY	SUMMARY OF UNDERTAKING	STATUS	CHARTER	SEE p.
Le Sud-Ouest	The borough undertakes to submit a report of the post-transformation inspection of a building, including the issue of compliance of the emergency exits. The inspection was carried out by the Régie du bâtiment du Québec in May 2022 and the report was transmitted to our office in June 2022.	Respected		
Mercier-Hochelaga-Maisonneuve	A new configuration of sidewalks on a section that stems from a pilot project completed in 2019 requires snow removal operations to be adapted in the area. The borough undertakes to monitor it closely in order to ensure proper winter maintenance of the sidewalks in winter. Our office will conduct follow-ups of this undertaking over three years.	Projected completion in winter seasons from 2023 to 2025	 Charter	
Mercier-Hochelaga-Maisonneuve	Making several public streets one-way in the same sector generated complaints regarding the absence of notices concerning the change as well as security concerns. In this context, the borough undertakes to monitor, after the pandemic, rues Dubuisson, De La Bruère, Tellier and Lepailleur, and to improve its communication plan regarding projects that have a major impact on citizens – all this by June 1, 2021.	Respected in August 2022 and May 2022		
Mercier-Hochelaga-Maisonneuve	Speed surveys conducted following the installation of two series of bollards, an undertaking by the borough to reduce speeding on the section in question, confirmed the effectiveness of this measure.	Respected		
Mercier-Hochelaga-Maisonneuve	The borough undertakes to study the feasibility of changing the direction of traffic on rue La Fontaine in order to facilitate access to a drop-off zone for persons with reduced mobility.	Pending		
Montréal-Nord	After a citizen complained about the deterioration of her neighbour's low wall in the backyard, the borough undertakes to continue inspections and to issue a statement of offence unless a permit application to rectify the situation is not filed in the near future. The borough carried out the appropriate follow-ups and issued statements of offence.	Respected in July 2022		
Montréal-Nord	The borough renewed its undertaking to maintain interventions with owners of the deteriorating low wall so that it's rebuilt. Inspections will be carried out quarterly and statements of offence will be issued if no action is taken to rectify the situation.	Completion in 2023		
Office municipal d'habitation de Montréal (OMHM)	After a complaint that followed the refusal of an accommodation, the OMHM drafted a directive on reasonable accommodations for its service providers and undertakes to have it reviewed by the Commission des droits de la personne et de la jeunesse. The OMHM also undertakes to continue offering its field staff training pertaining to discrimination and the social reality of tenants. In addition, the OMHM will confirm the applicable analysis framework for subsidized housing requests by persons who have a registered disability savings plan.	Projected completion in June 2023	 Charter	
Office municipal d'habitation de Montréal (OMHM)	The OMHM undertakes to carry out work in the dwelling of a tenant so that she can park her three-or four-wheeled scooter.	Pending		


UNDERTAKINGS

ENTITY	SUMMARY OF UNDERTAKING	STATUS	CHARTER	SEE p.
Outremont	In November 2021, the borough undertakes to: <ol style="list-style-type: none"> 1. communicate to various stakeholders its new procedure for processing access to information requests within 30 days and to promote awareness of its importance; 2. gather precise data on the processing delays of these requests; 3. eliminate the backlog in this area by the end of 2021. 	Respected April 2022		
Outremont	In August 2021, concerning green alleyway projects, the borough undertakes to require that the green committee carry out a separate mobilization process for any new phase involving major work or important changes, and, to communicate documents in its possession regarding a green alleyway project that are accessible under the law to anyone requesting it as a last resort. No situation pertaining to such undertakings occurred in 2022. However, the borough reiterates its intention to abide by them whenever necessary.	Respected		
Outremont	In July 2021, a citizen complained about nuisances stemming from lighting at the Saint-Viateur tennis courts. After many interventions with some lights, the borough agreed in September 2022 to carry out final corrections after the end of the current tennis season: to adjust four other brilliant lights identified during our inquiry so that they project a more subdued lighting directly aimed at the surface, as well as placing caps on them.	Pending		
Pierrefonds-Roxboro	Concerning a case of accumulation on private lands against municipal regulations that was settled in 2019, the borough undertakes, among other things, to inspect these lands between April 1, 2020 and November 1, 2020 to ensure that the accumulation and the problem do not resurface. Moreover, the borough undertakes to provide the offending owners the required reminders and conduct the necessary follow-ups. The accumulation problem did indeed resurface, but the borough's actions finally bore fruit – the condition of the land was now acceptable and the plaintiff neighbour noticed a great improvement.	Respected in May 2022		
Pierrefonds-Roxboro	Recommendations in a report by an expert mandated by the borough to correct a situation of lighting nuisances caused by parking lighting bore fruit when, in September 2022, the borough confirmed that deflectors were installed on the parking lamp post, and that it shuts off at 9 p.m. every night.	Respected		
Rivière-des-Prairies– Pointe-aux-Trembles	The borough confirmed that the undertaking to draw up a communications plan aimed at better informing citizens about interventions that require moving or removing private fences illegally encroaching on the public domain is no longer applicable due to a new orientation to cease said interventions, except in case of necessity. Accordingly, our office will no longer follow up on this undertaking.	N/A		
Rosemont– La Petite-Patrie	The borough undertakes to conduct work aimed at rectifying the accumulation of water in front of a residence.	Projected completion by November 2023		
Rosemont– La Petite-Patrie	The borough undertakes to follow up regarding noise nuisances reported after the construction of a new splash pad, and to therefore conduct a visit of the site with the concerned residents and elected officials. The visit took place in July 2022.	Respected		

UNDERTAKINGS

ENTITY	SUMMARY OF UNDERTAKING	STATUS	CHARTER	SEE p.
Service de l'habitation	<p>In February 2022, the Service de l'habitation undertakes to:</p> <ol style="list-style-type: none"> 1. assess the opportunity and feasibility of integrating into the Programme d'adaptation de domicile de Montréal (PADM) a retroactive financial-aid option similar to or inspired by option 3 of the Programme d'adaptation de domicile de la Société d'habitation du Québec by June 1, 2022 2. to convey to us the conclusions of this assessment prior to June 15, 2022. The service assessment concludes that this option is not appropriate and suggests other solutions. We are still waiting for their confirmation. 	Pending		
Service de l'habitation	<p>In a file that highlights significant delays in processing subsidy requests for PADM (Programme d'adaptation de domicile de Montréal), the Service de l'habitation undertakes in December 2021 to document follow-ups, compile weekly statistics and to communicate them in order to monitor the evolution of delays. It also undertakes to review the files periodically to avoid some of them remaining inactive for no reason and to follow their prioritization. Lastly, the service undertakes to reduce to 25 by March 1, 2022 the number of complete files waiting to be taken in charge and to not exceed this limit in future. At this report's publication, the number of files in that category reached 60, a number far surpassing the pursued objective, and to date, the service has not respected its undertakings.</p>	Pending		
Service de l'urbanisme et de la mobilité (SUM)	<p>At the end of November 2021, our office initiated an inquiry following press reports that raised safety questions, particularly for pedestrians and bicyclists, at the intersection of rue Notre-Dame Ouest and avenue Saint-Pierre in the Lachine Borough. Corrective measures were taken to secure it. It was also agreed that our office would conduct a follow-up in 2023 with the Service de l'urbanisme et de la mobilité, notably to ensure the progress of the redesign of the intersection (relocating a traffic light and revision of the markings), which is scheduled for completion in 2024.</p>	Projected completion in 2024		
Service de police de la Ville de Montréal (SPVM)	<p>The SPVM had taken several undertakings in order to reduce the risks of errors when issuing parking statements of offence by police officers. Two of those undertakings remained unfulfilled, notably:</p> <ol style="list-style-type: none"> 1. adding a double verification window in the electronic ticketing system; 2. adding provisions in the statement of offence procedure. 	Respected in January 2022 and November 2021		
Service des finances	<p>A follow-up conducted in 2018 regarding the procedure aimed at re-issuing (once only) uncashed tax refund cheques of \$50 and more after a delay of six months revealed that this practice had been discontinued in 2015. The service undertakes to re-apply it and to process the accumulated backlog. At the end of 2022, the service was up to date in processing these cheques.</p>	Respected		
Service des Grands parcs, Mont-Royal et sports	<p>Three family members, users of a public pool, complained about the discriminatory and aggressive behaviour of another user during an incident, as well as of the reaction of the staff in the circumstances. In this context, the City undertakes in November 2022 to enhance training on managing potentially violent situations or situations that can raise issues of intimidation or discrimination. It also undertakes to adopt new procedures in that respect and to take our comments into account in this process.</p>	Projected completion in 2023		

UNDERTAKINGS

ENTITY	SUMMARY OF UNDERTAKING	STATUS	CHARTER	SEE p.
Service des infrastructures et du réseau routier (SIRR)	Together with the Service de l'expérience citoyenne et des communications (which includes the Centre de services 311), the Service des infrastructures et du réseau routier undertakes to set up a call-back procedure for persons who submitted a request to Info-Travaux and whose type of requests requires a direct follow-up. The call-back procedure came in effect in May 2022 and will be the subject of an assessment and improvement if necessary.	Respected		
Verdun	The borough undertakes to hold, after the November 7, 2021 municipal elections, a second consultation with merchants and residents on the pilot project for bike lanes on rue de Verdun. A virtual consultation was held in the fall of 2022.	Respected		
Verdun	The borough undertakes to review the methodology used in studies relating to the deployment of the canopy. Considering the difficulty in issuing a precise directive on the subject, it favoured the use of expertise in the matter. In September 2022, the borough sent out an internal directive to its staff confirming the possibility of using internal or external expertise for files in which the notion of a canopy is an important issue. Moreover, legislative amendments that tighten the protection of the canopy are currently being adopted as part of the amendments to urban regulations.	Respected		
Verdun et Service de l'urbanisme et de la mobilité (SUM)	The borough undertakes to conduct a field study of the safety measure improvements of the pedestrian crossing at the corner of rues Wellington and Rhéaume. Several measures identified were implemented in 2022 and others were the subject a new undertaking.	Respected in July 2022		
Verdun et Service de l'urbanisme et de la mobilité (SUM)	A new undertaking: in addition to work conducted in 2022, the borough undertakes to improve lighting around the pedestrian crossing at the corner of rues Wellington and Rhéaume and to extend the center island.	Projected completion in 2023		
Ville-Marie	The borough undertakes to send a notice in a timely manner to residents affected by the termination of snow removal in alleyways. A notice was sent out in August 2022.	Respected		
Villeray-Saint-Michel-Parc-Extension	In September 2021, a group of residents of avenue Querbes, between avenue Beaumont and rue Jean-Talon Ouest, complained of excessive speed and asked that measures be put in place to enforce the speed limit. In accordance with the Plan d'apaisement de la circulation of Parc-Extension drafted during our inquiry, the borough undertakes to install, as soon as the project is adopted by the Service de l'urbanisme et de la mobilité, a number of speed bumps in the Parc-Extension neighbourhood, notably on l'avenue Querbes.	Projected completion in June 2023		



Recommendations



“Thank you for your patience with me, but especially for your humanity. I do not feel like I’m speaking to a bureaucrat. I finally feel I’m being heard. Thanks for your kindness and for listening. Even though I didn’t get the result I wished for, you make a difference in the hearts of people.”

C. C.




RECOMMENDATIONS

Recommandations partially respected

Occasionally, the OdM issues a recommendation following an inquiry that confirmed a problem. Although we always try to come to a reasonable and viable solution with the relevant management, the OdM may also issue a formal recommendation when that process has failed, when the cooperation of the entity seems uncertain or, in some cases, when the issuance of a recommendation seems necessary to obtain the desired results.





This pictogram denotes a file that deals with a right or undertaking by the City in the context of the *Montréal Charter of Rights and Responsibilities*, whether invoked by the plaintiff or by the OdM.

ENTITY	SUMMARY OF THE RECOMMENDATION	STATUS	CHARTER	SEE p.
Le Plateau-Mont-Royal, Direction générale : Bureau de la Direction générale, Service de la diversité et de l'inclusion sociale	<p>The OdM issued five recommendations spread over three parts urging the Ville de Montréal to do more to improve the living conditions of homeless persons and safety in the Milton-Parc area:</p> <ol style="list-style-type: none"> 1. in housing, adopt a sustainable resource and and improve the cooperation among all stakeholders in developing the project; 2. in coexistence and support, include participation by citizens in the search for solutions and review the funding model for community organizations. 3. In homelessness prevention, develop reception programs and services for Montréal's Inuit community. <p>In response to our recommendations, the borough set up a good-neighbours committee and the City reviewed the funding of NPOs. Three new undertakings are therefore pledged (see previous chart).</p>	Partially respected		<u>22</u>



RECOMMENDATIONS

Recommendations refused

ENTITY	SUMMARY OF THE RECOMMENDATION	STATUS	CHARTER	SEE p.
Mercier–Hochelaga-Maisonneuve	<p>In April 2021, a group of citizens complained to our office about the closure of the southeast access to the alley located between rues Chauvreau, De Cadillac, de Marseille and Bossuet, asserting that they were not given prior notice and that this closure significantly hampers car access to the alleyway, in addition to being unsafe. Another access to the alley that was also closed is not included in the complaint. After a long inquiry, the OdM recommended to the borough:</p> <ol style="list-style-type: none"> 1. to identify clearly the borough authority with jurisdiction over decisions about alley access closure requests as well as the request procedure to that authority; 2. to conduct a poll of residents on the section of the alley parallel and adjacent to rue de Marseille, between rues De Cadillac and Bossuet, to check whether or not they want the access reopened; 3. to analyze the impact of the southeast access alley closure, taking into account, among other things, the issue of safe car access. <p>The borough refused to poll the residents of the section in question in accordance with the recommended modalities, refused to conduct an impact analysis and maintained the blocked access.</p>	Refused		<u>23</u>
Mercier–Hochelaga-Maisonneuve	<p>A citizen residing on rue Mousseau complained in July 2021 that a bell was placed to block the north-east access at rue Joffre of the alley bordering rues Mousseau, Joffre and De Teck, and with no prior notice. She asserts that this closure causes her harm by unduly restricting access to her parking: she is not affected by the other obstructed access to the alley. This file was processed with the previous one. After many discussions, the OdM recommended to the borough on January 21, 2022 to:</p> <ol style="list-style-type: none"> 1. conduct a poll of the residents of the section in question to find out if they would like the access to be reopened; 2. analyze the impact of the closure of the northeast access to the alley, taking into account, among other things, the issue of safe car access via this section. <p>The borough conducted a poll that treated the two closed access without distinction, which is not consistent with the recommendation. In this poll, six of the seven respondents requested the accesses be reopened, but the borough discounted the result of this poll due to the low turnout of respondents, even though it closed access to the alley on the basis of a request by a single citizen. Moreover, the borough informed us in November 2022 that it did not intend to conduct the recommended impact study.</p>	Refused		<u>23</u>



Complaints, requests for information and inquiries by borough

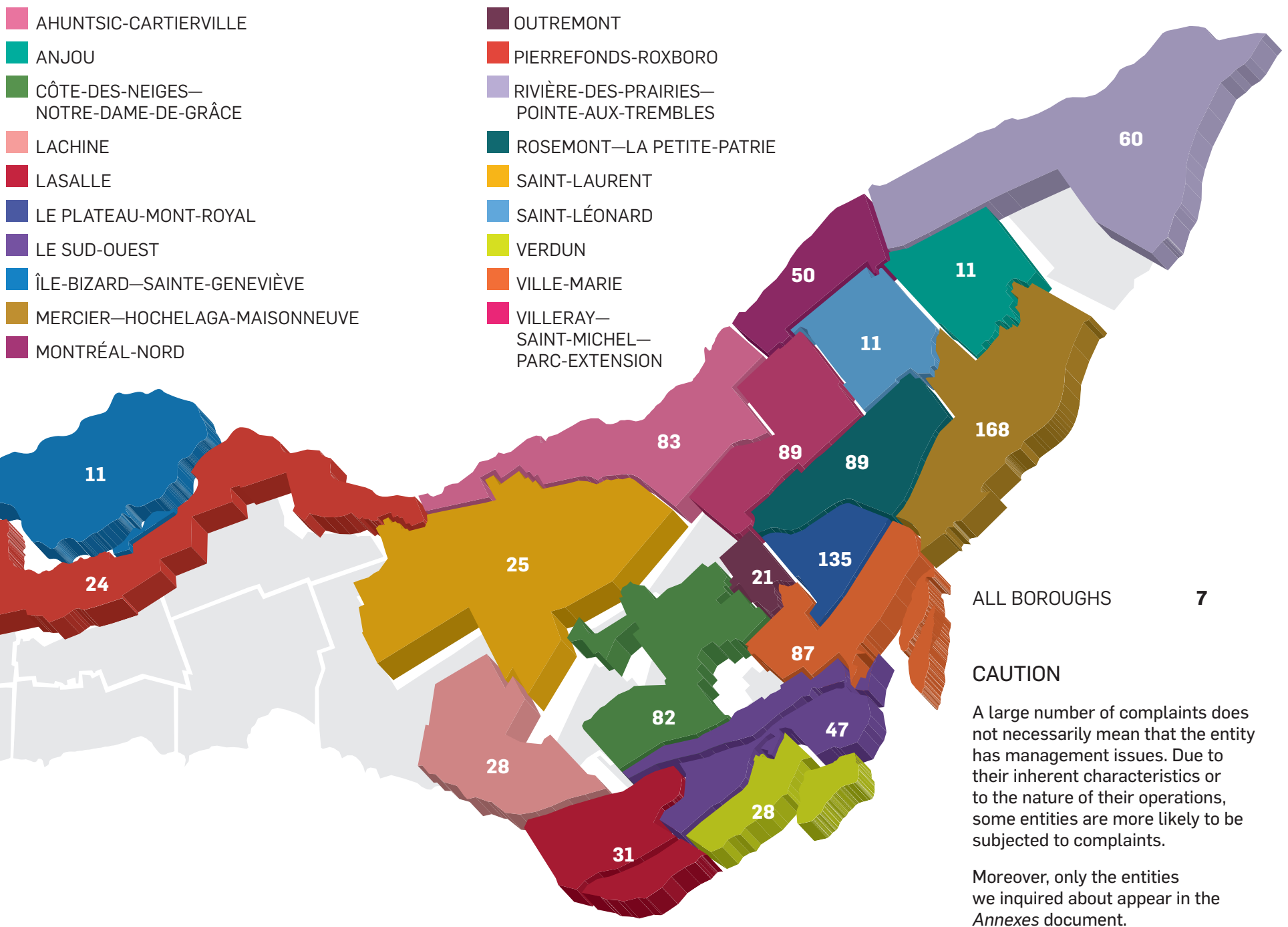
“Without a doubt, your perspicacity, your sustained efforts trying to represent us as best possible finally bore fruit. I’m very grateful to you and thank you greatly, as well as Ombudsman M^e Nadine Mailloux, for all your support and you listening in this file.”

L. B.



COMPLAINTS, REQUESTS FOR INFORMATION AND INQUIRIES BY BOROUGH

For the complete picture of complaints, requests for information and investigations concerning all entities, consult the [Annexes on our website](#).





PHOTOS CREDITS

Portraits de Montréal

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Robitaille Photo

Luc Robitaille
M^e Nadine Mailloux portrait
Page 6

Martine Doyon Photographe

Martine Doyon
Team portraits
Page 8
As well as pages 5, 20, 32, 40 and 43

Legal Deposit 2nd Quarter 2023

ISBN 978-2-7647-1870-4 (French print)
ISBN 978-2-7647-1871-1 (French PDF)
ISBN 978-2-7647-1872-8 (English print)
ISBN 978-2-7647-1873-5 (English PDF)

ISSN 1929-719X (French print)
ISSN 1929-7203 (French online)
ISSN 1929-7211 (English print)
ISSN 1929-722X (English online)

Writing: OdM team
Revision: Yvonne Lemay
Traduction: François Shalom
Design: fig.com graphique



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