

Right of Initiative to public consultations

Take the initiative... it's your right!

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Introduction

Did you know that you can now initiate a public consultation in your borough or the City concerning any matter that represents a new public policy or on a subject that may, in your view, have a **significant impact** on the community. How? By exercising your Right of Initiative — the right to initiate such a consultation — which the City of Montréal has made available to you.

Toward a public consultation

The right to initiate a public consultation is a tool that allows you to propose any innovative project that's important to you and to others.

Your elected officials are required to carefully review the results of such public consultations and clearly explain any decisions they may make as a result.

Unlike existing consultations that generally concern projects already under way, this new consultation gives all citizens the right to propose to their elected officials new solutions that represent the support of the community.

Summary of your right to initiate a public consultation

Visit the **Overview** section.

To learn more about the program

Or perhaps exercise your right to a public consultation, visit the **Eligible Requests** and **Steps to Follow** sections.

The protocol of a public hearing

To learn about the protocol involved in a public hearing, please consult the **Public Consultation** section.

Overview

Adopted by the Montréal's City Council on September 22, 2009, your right to initiate a public consultation has been in effect since January 1, 2010.

This tool allows citizens to initiate a public consultation on any matter that concerns the City or their borough.

Two steps are required to initiate a public consultation:

Step 1

Make sure your request is eligible within the parameters of the Right of Initiative. You must complete depending on the purpose of your request:

- the **Draft petition form** for your borough;
- the **Draft petition form** for the City.

Forms are available at: ville.montreal.qc.ca/right-initiative

Step 2

You must collect the required number of signatures, using:

- the **Petition form** to obtain a public consultation from your borough;
- the **Petition form** to obtain a public consultation from the City.

Forms are available at: ville.montreal.qc.ca/right-initiative

Required number of signatures

- 15,000 signatures for proposals that concern a central City matter.
- 5% of the population aged 15 and over, up to a maximum of 5,000 signatures, in the case of a borough. See: Appendix 1 – Minimum signatures required per borough.

All persons aged 15 and over, living in the city or within the borough in question, as the case may be, shall have the right to sign a petition within the parameters of the Right of Initiative.

The Right of Initiative is intended for matters of importance that enjoy the support of the community. That's why many signatures are required on the petition.

Once the first two steps have been completed

The City or borough, as the case may be, will undertake to organize a public consultation concerning the object of your request.

Ineligible requests

Conditions have been established to use this new right, while certain other subjects are excluded. For example, management-related issues (such as administrative organization, personnel management, collective agreements and matters already before the courts) will not be heard.

Furthermore, the Right of Initiative may not duplicate or replace any existing form of public consultation. This means that any matter for which public consultation, or approval by referendum, is already required under an existing law shall remain within the purview of that law alone. For instance:

- projects previously under study by the *Loi sur l'aménagement et l'urbanisme* or the *Charte de la Ville de Montréal*: for example, the CHUM or the revitalization of the Outremont railroad yards.
- projects previously submitted for consultation to the *Bureau d'audiences publiques sur l'environnement (BAPE)*: the modernization of Notre-Dame Street or the Turcot Interchange.

The Right of Initiative is therefore in addition to existing methods of public consultation.

Within the provisions of the Right of Initiative, the City foresees a maximum of three public consultations per year under the new by-law, while each borough will be limited to two.

This tool was jointly created by the Task Force on Democracy and the City of Montréal to provide citizens an additional tool with which to contribute to the development of their city, alongside elected officials.

The Right of Initiative was created in response to a commitment by the City that appears in the *Montréal Charter of Rights and Responsibilities*.

Its success will be evaluated by public consultation after a two year trial period.

Eligible requests

Anything that falls under the City or borough's jurisdiction can be the subject of a request for public consultation.

Examples of cases that fall within the **borough's jurisdiction**:

- construction of a recreation centre
- transformation of a commercial street into a pedestrian mall

Cases under **City jurisdiction** are referred to as *central* to distinguish them from those exercised by the individual boroughs. Central City matters are those exercised by the Executive Committee, the City Council, the Agglomeration Council or that could impact the city's entire territory.

Examples of cases that fall within the category of central matters might include:

- the construction of an indoor soccer arena for Montréal
- the fluoridation of drinking water
- noise pollution and its control in Montréal.

The City of Montréal may, on its own initiative, consult the population on any issues that fall under the jurisdiction of the Agglomeration Council.

Limitations to the Right of Initiative

Ineligible subjects

Certain matters are ineligible and will not be considered for public consultation if they concern, for example:

- the sharing of powers, or the governance or the status of the City
- administrative organization or contracts management
- budget, fees or taxes
- an urban development project for which a public consultation or approval by referendum has already been prescribed by law
- a project that has already been submitted for public consultation within the previous three years
- a call for tenders, pending or completed, or for which a contract has already been awarded
- a matter pending before the court or a matter that was the object of a judgment, or an out-of-court settlement.

See: Appendix 2 – Detailed list of ineligible proposals.

Maximum number of projects

To ensure the reasonable allocation of financial and human resources for which the City and the boroughs are responsible, the maximum number of public consultations that may be heard each year within the context of the Right of Initiative shall be limited to:

- **three for the City**
- **two per borough**, subject to their respective areas of jurisdiction.

However, if resources are available, additional public consultations can be held.

Elections

No petition may be submitted between the 1st of January and the 15th of November in any year during which municipal elections will be held, nor during any period in which by-elections in any borough are scheduled.

Recourse

Any disagreement over how your request for a public consultation has been handled can be brought to the attention of the *Ombudsman de Montréal* (ville.montreal.qc.ca/ombudsman), whose role is to facilitate dialogue and recommend concrete solutions to both citizens and the administration.

Please remember that the Ombudsman is a last resort. All parties involved must seek consensus beforehand. If the dispute persists, the Ombudsman is there to help you.

Steps to follow

The Citizen's Initiative process could be required; however before embarking on this process a discussion with your city councillor could lead to a more direct means to resolve the matter of your concern.

Submitting a draft petition

You must first fill out the **draft petition form** for your borough or for the City. Forms are available at: ville.montreal.qc.ca/right-initiative

Please make sure to:

- confirm that your request is eligible (consult the Eligible requests section).
- clearly state the subject matter of your request.
- eliminate anything that may cause confusion, be misleading, or suggest bad faith.
- say why the requested public consultation is in the population's general interest.
- obtain the signatures of at least 25 people aged 15 and over who live within the City or borough, as the case may be. Please note that this is not a petition, but the validation of your **draft** petition.
- choose three representatives from your group, including one contact person.
- submit your completed documents, as the case may be:
 - to City clerk office at 275, rue Notre-Dame Est, Suite R-134;
 - to the borough office concerned by your request.
- require a receipt upon delivery.

Eligibility of requests

Within 15 days of making your submission, the contact person in your group and the appropriate elected officials will be advised of your project's eligibility.

Notice announcing the beginning of the petition signing period

Within 45 days following confirmation of the eligibility of your petition, a notice will be published on the *Ville de Montréal* website or, in the case of a borough, on the borough's website and in a local newspaper. The notice will include the deadline for signing the petition and the total number of signatures required for it to be considered valid.

Petition

You must use the standard **petition form** to obtain a public consultation from your borough or from the City. Forms are available at: ville.montreal.qc.ca/right-initiative. No other form or petition or method of electronic signature is acceptable.

The petition must be circulated within 90 days of the publication of the notice.

To be considered valid, the petition must include a minimum of:

- **15,000 signatures for proposals that concern a central City matter;**
- **5% of the population aged 15 and over, up to a maximum of 5,000 signatures, in the case of a borough.** See: Appendix 1 – Minimum signatures required per borough.

All persons aged 15 and over, living in the city or within the borough in question, as the case may be, shall have the right to sign (See: Appendix 3 – Youth involvement). It is not necessary to be a Canadian citizen in order to sign.

Locations authorized for the signing of a petition

Legally **nothing** prohibits signing a petition on public property.

In addition, Article 3 of the Charter of Human Rights and Freedoms of Québec (RSQ, chapter C-12) confirms this right:

*Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, **freedom of opinion, freedom of expression, freedom of peaceful assembly** and freedom of association.*

However, petitioners should not encourage a crowd from forming that could endanger peace, security or public order.

Conformity of the petition

Once the signatures have been collected, the petition must be submitted, as the case may be:

- to the City clerk office at 275, rue Notre-Dame Est, Suite R-134;
- to the borough office in question.

Require a receipt upon delivery.

If the correct number of signatures has been collected within the prescribed period of time, the contact person in your group will be advised within 21 days.

Public consultations

When all the above steps have been successfully undertaken, the City or borough, as the case may be, will be obliged to organize, document and hold a public consultation concerning the object of your request.

The advantage of such a huge step is that it provides an organized framework for a debate on the proposal made by a group of citizens who have made an effort to participate in the future of their city. Even though this public consultation does not have any decision-making powers, the elected officials will seriously consider its outcome and will explain the reasons for their decisions.

For details on process, please visit the section dealing with Public consultations.

Recourse

Any dispute over how your request for a public consultation has been handled can be brought to the attention of the *Ombudsman de Montréal* (ville.montreal.qc.ca/ombudsman), whose role is to facilitate dialogue and recommend concrete solutions to both citizens and the administration.

Please remember that the Ombudsman is a last resort. All parties involved must seek consensus beforehand. If the dispute persists, the Ombudsman is there to help you.

Public consultation

Once a petition has been accepted and ratified, the Right of Initiative requires that a public consultation take place in order to consider the proposal. Here are the main steps, which are consistent with the *Montréal's public consultation and participation policy*:

Schedule for preparations and the public consultation

No more than 21 days following conformity of the petition, a schedule will be transmitted to the contact person in your group. The public consultation will be held within a reasonable period following delivery of the schedule.

Documentation

The City or borough named in your request is responsible for gathering all information necessary to initiate a constructive dialogue during the public consultation.

Notice announcing the public consultation

At least 15 days before the beginning of the consultation, a notice outlining your proposal will be published on the City's website, indicating where documentation can be obtained, as well as the date, time and place of the consultation. For a borough, the notice will be published on its website and in a local newspaper.

Responsibility for the consultation

Where a borough is concerned, the consultation is held by the borough council, one of its committees, or any committee or group of designated persons, as the council concerned may decide.

Where the City is concerned, the consultation is held by one of the Council Committee or by the *Office de consultation publique de Montréal*, at the discretion of the Executive Committee.

Protocol for a public consultation

The consultation takes place in two phases:

- **Part 1:** representatives of the City or borough will present information and answer questions from citizens. This is when those who have submitted the request will be required to explain the reasoning behind their request for a public consultation.
- **Part 2:** which shall take place at least 15 days later; everyone will have the opportunity to express an opinion or submit a briefs.

Report and follow-up

Those in charge of the consultation will publish a written report within **90 days** following termination of the proceedings.

The report will itemize all concerns and opinions expressed at the hearing, analyze the proposals and **draw conclusions or formulate recommendations**, but will not render a decision.

The borough council or City Council, as the case may be, **will inform citizens of the findings of the public consultation** and, depending on the case, announce decisions that may be made and the reasons behind them.

Recourse

Any dispute over how your request for a public consultation has been handled can be brought to the attention of the *Ombudsman de Montréal* (ville.montreal.qc.ca/ombudsman), whose role is to facilitate dialogue and recommend concrete solutions to both citizens and the Administration.

Please remember that the ombudsman is a last resort. All parties involved must seek consensus beforehand. If the dispute persists, the ombudsman is there to help you.

Examples

In order to gain a broad perspective on the proceedings connected to a public consultation under the Right of Initiative, below are two **hypothetical examples** that demonstrate both a request to the City and a request to a borough.

A request to the City

The organization “Montreal Without Noise” hopes to initiate a public consultation on noise pollution and control in Montréal. The organization decides to take advantage of the Right of Initiative to obtain a public consultation on the matter.

In order to proceed, the organization delivers a **draft petition** to the City clerk, duly signed by 25 individuals 15 years of age and over who live in Montréal. Within 15 days, the City clerk advises the contact person of the admissibility of their draft petition.

Within 45 days following the admissibility, the City publishes a notice on its website announcing the beginning of the circulation of the petition. After the notice has been published, “Montreal Without Noise” begins circulating the **petition form** to obtain a public consultation.

In under 90 days, “Montreal Without Noise” collects 15,000 signatures of citizens 15 years of age and older who live in Montréal, and presents it to the City clerk’s office. The clerk then checks to see that the number of signatures and the time period within which they were collected conform to regulations.

No later than 21 days following the conformity of the petition, the City delivers a schedule to the contact person outlining all preparations to be made and the consultation itself. The City has scheduled the consultation to take place following the summer vacation period which will begin shortly. The Executive Committee orders the *Office de consultation publique de Montréal* to hold the consultation.

A request to a borough

A committee established by the citizens of a certain borough hopes to construct a new recreation centre. The committee decides to exercise its right to obtain a public consultation from the borough on whether the project would be suitable for the community.

The committee fills out the **draft petition form**, signed by 25 concerned citizens 15 years of age and over who are residents of the borough. They deliver it to the borough office. Within 15 days, the borough office confirms the admissibility of their request to the contact person.

Within 45 days following the admissibility of the draft petition, the borough publishes a notice on its website and in a local newspaper announcing the beginning of the petitioning period.

Following publication of the notice, the committee begins circulating the **petition form** to obtain a public consultation. Within 90 days, they collect the signatures required from persons aged 15 and over who live in the borough.

Once the signatures have been gathered, the committee delivers the petition to the borough office who confirms that the number of signatures and time period within which they were collected conforms to regulations.

No later than 21 days following the conformity, the borough delivers a schedule to the contact person outlining preparations and the consultative process. The borough council has decided that the consultation will begin in 8 weeks, sufficient time to gather information that will contribute to constructive dialogue during the public consultation. The borough council appoints a committee comprised of elected officials and citizens to oversee the consultation.

Variation

Following the admissibility of the draft petition, a councilor of the borough council meets with representatives of the group making the request. He or she asks for clarification concerning the request and enquires whether a different approach might be possible.

If, during the encounter, a compromise agreement that satisfies both parties is reached, or if the group making the request reassesses the pertinence of its request, the committee members may elect to drop their request for a public consultation.

Frequently asked questions

You have a specific question about the Right of Initiative? Perhaps it is one of the most popular questions. Read below the answers to frequently asked questions about this topic.

1. Which subjects are eligible for a public consultation within the framework of the Right of Initiative?
2. What are the limitations of the Right of Initiative?
3. How do I make a request?
4. When can a petition be circulated?
5. What form must be used for a petition?
6. Who can sign a petition?
7. Is petitioning permitted on public property?
8. How much time is allowed for the circulation of a petition?
9. How many signatures are required to initiate a public consultation?
10. Why is it that persons 15 years of age and over can sign a petition?
11. Who will hold the public consultation?
12. How will the public consultation unfold?
13. What is the possible recourse in the case of a disagreement on a decision or the way the Right of Initiative was applied by a borough or the City?

1. Which subjects are eligible for a public consultation within the framework of the Right of Initiative?

Any matter that normally falls under the jurisdiction of the City or a borough can be the object of a request for public consultation.

2. What are the limitations of the Right of Initiative?

Certain other subjects are ineligible for consideration. Also, a petition proposal will not be considered for public consultation if it concerns, for example:

- the sharing of powers, the governance or the status of the city
- administrative organization or the distribution of contracts
- budget, fees or taxes
- an urban development project for which a public consultation process or a referendum approval has been established by law
- a project that has already been submitted for public consultation within the previous three years

- a call for tenders, pending or completed, or for which a contract has already been awarded
- a subject pending before the court or a matter that was the object of a judgment or an out-of-court settlement.

See: Appendix 2 – Detailed list of ineligible proposals.

3. How do I make a request?

First of all, you'll have to fill out the **draft petition form**, in which you will be required to:

- confirm that your request is admissible
- clearly state the subject of your draft petition
- eliminate anything that may cause confusion, be misleading, or suggest bad faith
- say why the requested public consultation is in the population's general interest
- collect the signatures of at least 25 people aged 15 and over living in the city or the borough, as the case may be. Please take note that this is not a petition, but the validation of your **draft** petition
- choose three representatives from your group, one of whom agrees to serve as a contact person
- submit your completed form to the City clerk, or to the offices of the borough responsible for studying your request. Require a receipt upon delivery.

Forms are available at: ville.montreal.qc.ca/right-initiative

4. When can a petition be circulated?

You must first have presented to the City or borough, as the case may be, a draft petition that has been judged admissible.

Within 45 days following confirmation of the admissibility of your draft petition, a notice will be published on the Ville de Montréal website or, in the case of a borough, on the borough's website and in a local newspaper. The notice will include the deadline for signing the petition and the number of signatures required for it to be considered.

Once the notice has been published, the petition may be circulated.

5. What form must be used for a petition?

To petition for your Right of Initiative, you must use the **petition form** that the City has placed at your disposal. Forms are available at: ville.montreal.qc.ca/right-initiative. No other form or method of electronic signature is acceptable.

6. Who can sign a petition?

All persons aged 15 and over living in the city or within the borough in question have the right to sign a petition to exercise their right to initiate a public consultation.

It is not necessary to be a Canadian citizen to sign.

7. Is petitioning permitted on public property?

Legally **nothing** prohibits signing a petition on public property.

In addition, Article 3 of the Charter of Human Rights and Freedoms of Québec (RSQ, chapter C-12) confirms this right:

*Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, **freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association.***

However, petitioners should not encourage a crowd from forming that could endanger peace, security or public order.

8. How much time is allowed to circulate a petition?

The time allowed for collecting signatures is 90 days following the publication of the notice announcing the beginning of the petitioning period. Please see *When can a petition be signed?*

9. How many signatures are required to initiate a public consultation?

To be considered valid, the petition must include a minimum of 15,000 signatures for proposals that concern the City, or 5% of the population aged 15 and over, up to a maximum of 5,000 signatures, in the case of a borough.

All persons aged 15 years and over living in the city or borough in question, as the case may be, have the right to sign.

See: Appendix 1 – Minimum signatures required per borough.

10. Why is it that persons aged 15 and over can sign a petition?

To give young people an opportunity to become involved with municipal affairs. The Right of Initiative may therefore serve as a citizenship educational tool for young people.

The *Convention on the Rights of the Child* actively encourages the participation of young people in decisions that affect their lives, and is one of the defining principles of international declarations concerning sustainable development.

The specific age of 15 for participating in the Right of Initiative was established for practical reasons, since Statistics Canada publishes its findings at five-year intervals and such data remain the only incontestable way of establishing the population of each borough.

11. Who will hold the public consultation?

For a borough, the consultation will be held by the borough council, one of its committees or any committee or group of designated persons, as the council concerned may decide.

For the City, the consultation will be held by one of the Council Committee or by the *Office de consultation publique de Montréal*, at the discretion of the executive committee.

12. How will the public consultation unfold?

First of all, representatives of the City or borough will present information and answer questions from citizens. This is when those who have submitted the request will be required to explain the reasoning behind their request for a public consultation.

Secondly, at least 15 days later, everyone will have the opportunity to express an opinion. Those in charge of the consultation will publish a written report within 90 days following termination of the proceedings.

13. What is the possible recourse in the case of a disagreement on a decision or the way the Right of Initiative was applied by a borough or the City?

Any complaint relating to application of the Right of Initiative may be submitted to the *Ombudsman de Montréal* (ville.montreal.qc.ca/ombudsman), whose role is to facilitate dialogue and recommend concrete solutions to both citizens and the administration.

Please remember that the Ombudsman is a last resort. All parties involved must seek consensus beforehand. If the dispute persists, the Ombudsman is there to help you.

Appendix 1

Minimum signatures required per borough

The number of signatures to be collected must equal 5% of the number of residents aged 15 and over who live in the borough involved. In the case of more populous boroughs, the minimum number of signatures is limited to 5,000.

The number of persons aged 15 and over is determined by socio-economic profiles produced by the City and based on the most recent data available from Statistics Canada.

For matters that concern the City, the number of signatures from people aged 15 and older living within the city must be at least 15,000.

It is not necessary to be a Canadian citizen in order to sign.

Borough	Minimum number of signatures required from persons aged 15 and over
Ahuntsic-Cartierville	5,000
Anjou	1,742
Côte-des-Neiges–Notre-Dame-de-Grâce	5,000
Lachine	1,739
LaSalle	3,168
Le Plateau-Mont-Royal	4,535
Le Sud-Ouest	2,932
L'Île-Bizard–Sainte-Geneviève	708
Mercier–Hochelaga-Maisonneuve	5,000
Montréal-Nord	3,447
Outremont	920
Pierrefonds-Roxboro	2,594
Rivière-des-Prairies–Pointe-aux-Trembles	4,392
Rosemont–La Petite-Patrie	5,000
Saint-Laurent	3,478
Saint-Léonard	2,997
Verdun	2,850
Ville-Marie	3,594
Villeray–Saint-Michel–Parc-Extension	5,000

Appendix 2

Detailed list of ineligible proposals

Right of Initiative in public consultations, article 3:

- 1° a rule relating to the sharing of powers, the governance or the status of the City, as provided for in the Charter of *Ville de Montréal* (R.S.Q., chapter C-11.4), or in any other law or order in council.
- 2° an organizational matter, such as staffing and personnel management, administrative organization and contract management.
- 3° a mainly budgetary matter, such as the budget, fees or taxes.
- 4° a matter which, under the Charter of *Ville de Montréal* (R.S.Q., chapter C-11.4), may be referred to the *Commission de la sécurité publique*.
- 5° a matter for which a law or a by-law in force requires the City to act in a specific manner, such as the negotiation and application of collective agreements, or the contract award procedure.
- 6° a matter which, by its nature, would be contrary to the *Montréal Charter of Rights and Responsibilities*.
- 7° a matter for which a public consultation process or a referendum approval is established by law.
- 8° a matter that was subject to a public consultation process in the 3 years preceding the filing of a draft petition, the period being calculated from the date of the last public meeting. The consultation must have included at least one public meeting with a public question and comment period. It must have been held under the mandate of a City body.
- 9° a matter for which a draft petition was received in the 2 years preceding the filing of a new draft petition, but that did not lead to the filing of a conforming petition after publication of the notice concerning that petition.
- 10° a matter covered by a call for tenders, pending or completed, or for which a contract has already been awarded, insofar as it could result in penalties or recourses against the City.
- 11° a decision concerning one of the commitments in the *Montréal Charter of Rights and Responsibilities*, and that may give rise to a complaint with the ombudsman.
- 12° a matter pending before the court or a matter that was the object of a judgment or an out-of-court settlement.

Appendix 3

Youth involvement

Thanks to the Right of Initiative, young people 15 years of age and over will have the opportunity to participate in municipal affairs.

Young people have a poor understanding of municipal affairs and few vote in municipal elections. Given this situation, the Right of Initiative may serve as a citizenship educational tool for young people.

The *Convention on the Rights of the Child* actively encourages the participation of young people in decisions that affect their lives, and is one of the defining principles of international declarations concerning sustainable development.

The specific age of 15 for participating in the Right of Initiative was established for practical reasons, since Statistics Canada publishes its findings at five-year intervals and such data remain the only incontestable way of establishing the population of each borough.

ville.montreal.qc.ca/right-initiative