

Equality

Scope, Interpretation and Implementation

ARTICLE 29 | The *Montréal Charter of Rights and Responsibilities* is binding on Montréal, its paramunicipal agencies, city-controlled corporations, their employees, civil servants and any other parties doing work on behalf of the city. It is also binding on all Montréal citizens.

The *Montréal Charter of Rights and Responsibilities* represents a minimum set of standards as defined in article 144 of the *Charter of Ville de Montréal*. It thus applies to the boroughs, under the rules established herein.

ARTICLE 30 | In this Charter, “citizen” means any person living within the city territory.

ARTICLE 31 | These commitments are subject to the limits already imposed on Montréal authority and the authority shared by the city with the other levels of government to the limits inherent in the financial resources available in general, and to reasonable limits in a free and democratic society.

ARTICLE 32 | Any citizen who believes that he or she has been wronged as provided in Part II may file a complaint with the ombudsman.

This Charter is not intended to serve as the basis for a legal action nor to be used in a judicial or quasi-judicial form.

ARTICLE 33 | In exercising the powers conferred upon him or her by this Charter, the ombudsman must:

- a) In responding to a complaint, interpret by-laws in a manner consistent with this Charter;
- b) Subject to article 12 of the *By-law concerning the ombudsman*, investigate complaints by citizens which are based on Part II of this Charter and which are a result of decisions, actions, omissions of Montréal, its paramunicipal agencies and their employees, city-controlled corporations and their employees, civil servants and any person performing work on behalf of the city.

ARTICLE 34 | For the purpose of any inquiry based on this Charter, the ombudsman may, if it is deemed necessary, refer to the Preamble and to Part I of this Charter in interpreting Part II.

ARTICLE 35 | When the principle basis for a complaint filed with the ombudsman arises from this Charter and is based on a decision of the city council, the executive committee or a

borough council, the ombudsman may conduct an inquiry into the decision, recommendation or action or omission covered by the complaint.

However, the first paragraph of this section does not apply if the decision, recommendation, act or omission in question is essentially budgetary in nature.

ARTICLE 36 | All the other clauses of the *By-law concerning the ombudsman* apply to complaints received and inquiries conducted by the ombudsman under this Charter, except in situations in which the Charter amends their scope.

ARTICLE 37 | If the ombudsman has a reasonable basis for believing that a complaint arising from this Charter is admissible, he or she may, in the course of the inquiry, engage in mediation to find one or more solutions compatible with the Charter.

ARTICLE 38 | In all cases of mediation, the ombudsman must transmit a copy of results achieved and his or her recommendations to the parties and individuals concerned by the complaint and inquiry.

ARTICLE 39 | In any case of mediation, the ombudsman’s report must state the nature of the results of the mediation or of his or her recommendation, including details of appropriate measures and details of recommendations for actions to take or for actions to cease.

In cases in which it is impossible to correct, within a reasonable time, the situation that gave rise to a complaint that is deemed to have been properly founded, the ombudsman’s report shall state the reasons.

ARTICLE 40 | The ombudsman may, if he or she deems it appropriate, undertake on his or her own initiative an inquiry pertaining to the violation of one or more rights of citizens as stipulated herein.

ARTICLE 41 | The annual report submitted by the ombudsman to the city council and which pertains to the fulfillment of his or her duties shall include a specific section providing a summary of his or her actions and activities based on this Charter. The ombudsman may make any recommendation in it that he or she deems appropriate.