

**VILLE DE MONTRÉAL**  
**BY-LAW**  
**05-056 (Office consolidation)**

*N.B. This office consolidation was prepared for convenience only and has no official value. No guarantee may be given as to its accuracy. For legal purposes, readers should refer to the official version of the by-law and each of its amendments.*

**BY-LAW CONCERNING THE MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES AND THE RIGHT OF INITIATIVE**

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05-056; 05-056-1, a. 1.

**OFFICE CONSOLIDATION OF FEBRUARY 26, 2019**  
**(05-056, as amended by 05-056-1, 05-056-2, 05-056-3, 05-056-4, 05-056-5)**

In view of section 410 of the Cities and Towns Act (CQLR, chapter C-19);

In view of section 144 of the Charter of Ville de Montréal (CQLR, chapter C-11.4);

At the city council meeting of June 20, 2005, it was enacted:

**1.** The Montréal Charter of Rights and Responsibilities, as shown in schedule A to this by-law, is adopted.

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05-056, a. 1.

**1.1.** The right of initiative in public consultations is established, under the terms and conditions in schedule B to this by-law.

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05-056-1, a. 2.

**2.** The Montréal Charter of Rights and Responsibilities, and the right of initiative in public consultations, constitute a minimum standard as to the level of services that every borough must provide.

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05-056, a. 2; 05-056-1, a. 3.

**3.** This by-law comes into force on January 1, 2006.

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05-056, a. 3.

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**SCHEDULE A**  
**THE MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES**

05-056; 05-056-2, a. 1 to 9\* ; 05-056-3, a. 1 and 2.

**SCHEDULE B**  
**RIGHT OF INITIATIVE IN PUBLIC CONSULTATIONS**

05-056-1, a. 4; 05-056-4, a. 1; 05-056-5, a. 1 to 6.

**\* Note: In addition to amendments required by articles 1-9 of by-law 05-056-2, the English translation of schedule A was completely reviewed as to form.**

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*This consolidation of the By-law concerning the Montréal Charter of Rights and Responsibilities and the Right of Initiative (05-056) contains amendments under the following by-laws:*

- 05-056-1 *By-law amending the By-law concerning the Montréal Charter of Rights and Responsibilities (05-056), adopted at the meeting of September 21, 2009;*
- 05-056-2 *By-law amending the By-law concerning the Montréal Charter of Rights and Responsibilities and the Right of Initiative (05-056), adopted at the meeting of November 21, 2011;*
- 05-056-3 *By-law amending the By-law concerning the Montréal Charter of Rights and Responsibilities and the Right of Initiative (05-056), adopted at the meeting of May 15, 2017;*
- 05-056-4 *By-law amending the By-law concerning the Montréal Charter of Rights and Responsibilities and the Right of Initiative (05-056), adopted at the meeting of August 21, 2017;*
- 05-056-5 *By-law amending the By-law concerning the Montréal Charter of Rights and Responsibilities and the Right of Initiative (05-056), adopted at the meeting of January 28, 2019.*

Montréal Charter  
of **Rights** and  
**Responsibilities**



Montréal Charter  
of Rights and Responsibilities

[ville.montreal.qc.ca/charterofrights](http://ville.montreal.qc.ca/charterofrights)

Montréal

# Foreword

The *Montréal Charter of Rights and Responsibilities* came into force on January 1, 2006 after being unanimously adopted by the Montréal city council on June 20, 2005 (by-law 05-056), as a result of a citizen consensus obtained at the 2002 Montréal Summit.

On November 21, 2011, several amendments were adopted following the very first overall appraisal process conducted through a public consultation, as required by article 42 of the Charter.

This fourth edition of the *Charter of Rights and Responsibilities* includes new provisions pertaining to the *Convention on the Rights of the Child* as these were adopted by city council on May 15, 2017.

**Production**  
Service du greffe

**Graphic Design**  
Langevin et Turcotte

**Illustration**  
Philippe Béha  
4th edition, 2017

ISBN 978-2-7647-1571-0 (paperback)  
ISBN 978-2-7647-1572-7 (PDF)

(Original French edition: ISBN 978-2-7647-1569-7)  
ISBN 978-2-7647-0572-7 (paperback) (1st edition, 2005)

Legal deposit – Bibliothèque et  
Archives nationales du Québec, 2017

This printed edition is also available in its original French version and several other languages among the most commonly used in Montréal.

Please note that in case of discrepancy, the French version of the Montréal Charter is the only official version.

The PDF files are available on the city's web site:  
[ville.montreal.qc.ca/charterofrights](http://ville.montreal.qc.ca/charterofrights)

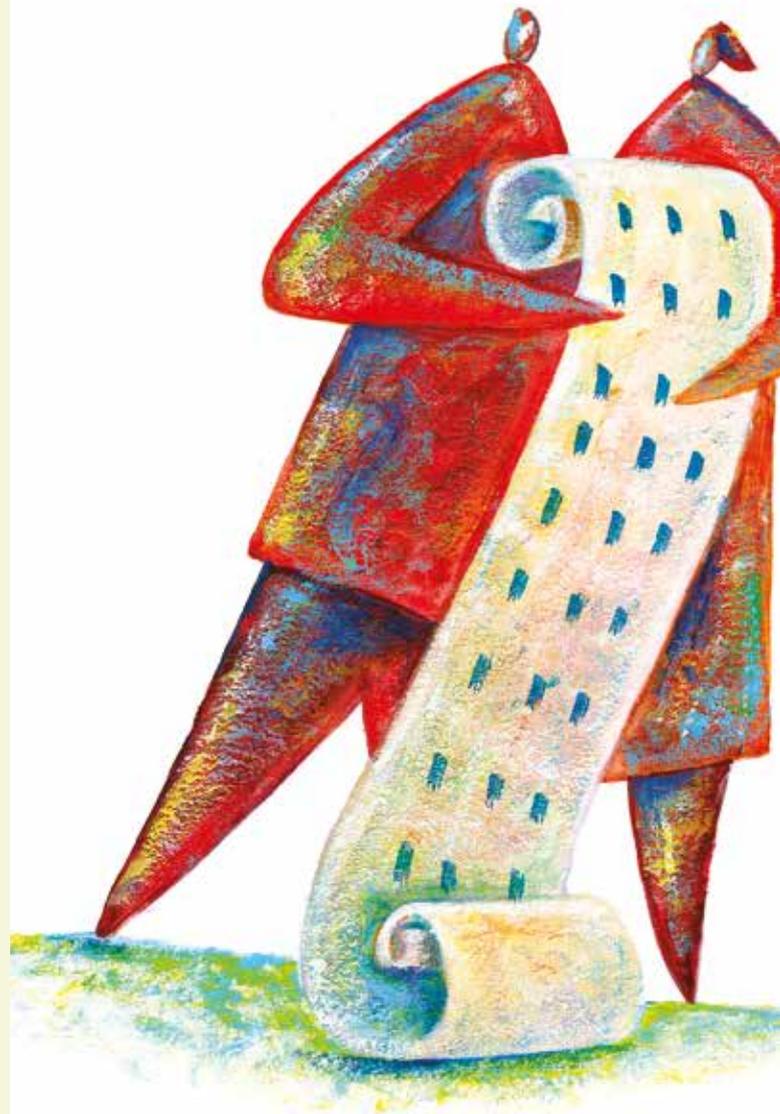
The Montréal Charter is rooted in the values of human dignity, justice, peace, equality, transparency and democracy. These same values are shared by Montrealers and constitute the underpinning of those fundamental human rights recognized by the United Nations.

The Montréal Charter uses an innovative approach in order to establish the principles of both rights and responsibilities. It is for all intents and purposes a social contract that calls for the concrete commitment of Montréal and its entire personnel to the ongoing improvement of public services.

The Charter designates the Montréal Ombudsman as the neutral and impartial body responsible for promoting solutions when citizens and Montréal disagree on issues based on Charter's content. But, above of all, it is through the shared effort of citizens and Montréal that it is possible to ensure the respect of the rights included in the Charter.

The Montréal Charter was initially conceived by and for citizens with contributions from several experts and the Task Force on Democracy (2002-2014). The Charter was reviewed for the first time in keeping with the provisions of Article 42, this, once again, with the participation of citizens and the Task Force on Democracy, with a view to improving the Charter. As a result, several commitments such as those related to democracy, the environment and sustainable development were reformulated and others added in order to better reflect today's world.

The *Montréal Charter of Rights and Responsibilities* is a fundamental text for both Montréal and its citizens. This Charter is a first in North America.



## MONTREAL CHARTER OF RIGHTS AND RESPONSIBILITIES

**Whereas** a consensus was reached at the Montréal Summit (2002) in favour of a *Montréal Charter of Rights and Responsibilities* that would highlight values serving to unite and engage citizens, as well as define their rights within the city;

**Whereas** citizens are, together with Montréal, responsible for upholding civic values that foster safety, neighbourliness, respect for the social environment and respect for and preservation of the natural environment;

**Whereas** citizens enjoy the rights and freedoms proclaimed and guaranteed by the *Universal Declaration of Human Rights* of December 10, 1948, and under international and inter-American human rights conventions ratified by Canada and to which Québec has declared itself a party;

**Whereas** citizens under the age of 18 enjoy the fundamental rights protected by the *Convention on the Rights of the Child* of November 20, 1989;

**Whereas** under the principles set forth in the *Vienna Declaration and Programme of Action* resulting from the *United Nations World Conference on Human Rights* (1993), all fundamental rights are, indivisible, interdependent and interrelated;

**Whereas** citizens enjoy the fundamental rights under the Québec *Charter of Human Rights and Freedoms* (1975) and by the *Canadian Charter of Rights and Freedoms* (1982);

**In view** of the *Montréal Declaration Against Racial Discrimination* (1989) and the *Proclamation of March 21 as “International Day for the Elimination of All Forms of Racial Discrimination”* (2002);

**In view** of the *Montréal Declaration for Cultural Diversity and Inclusion* (2004);

**In view** of Montréal’s signing the IULA (International Union of Local Authorities) *Worldwide Declaration on Women in Local Government* (2002);

**In view** of the *Montréal Declaration in honour of International Women’s Day* (2005);

**In view** of the *Policy Statement by the Montréal Community Regarding Sustainable Development* (2003);

**Whereas** Montréal recognizes that it may, through its actions and the exercise of its authority, help promote the rights and responsibilities of its citizens;

**Whereas** Montréal intends to engage its elected officials, employees, paramunicipal agencies and city-controlled corporations in an effort aimed at promoting and protecting inclusive citizenship;

**Whereas** every citizen has the duty to refrain from any behaviour that would infringe on the full exercise by others of their rights, and thereby undermine the dignity and the quality of life of all;

**Whereas** each citizen is responsible for observing laws, by-laws and the public good;

**Whereas** the *Montréal Charter of Rights and Responsibilities* is an original instrument that has been provided to citizens as a source of inspiration in their daily lives and in the exercise of their rights and responsibilities, and that they may also invoke before the Montréal Ombudsman if they feel that they have been wronged by a decision, an action or an omission of Montréal, of a paramunicipal agency, of a city-controlled corporation, of a civil servant, of an employee or of any other party performing work on behalf of Montréal;

Montréal hereby proclaims through this *Montréal Charter of Rights and Responsibilities* its commitment to work with its citizens in building on these rights and responsibilities and in ensuring its application.



# Principles and Values

ARTICLE 1 | The city is both a territory and a living space in which values of human dignity, tolerance, peace, inclusion and equality must be promoted among all citizens.

ARTICLE 2 | Human dignity can only be preserved as part of a sustained struggle against poverty and all forms of discrimination, and in particular, those based on ethnic or national origin, race, age, social status, marital status, language, religion, gender, sexual orientation or disability.

ARTICLE 3 | Respect, justice and equity are values that give rise to a collective will to enhance and to consolidate Montréal's position as a democratic, united and inclusive city.

ARTICLE 4 | Transparency in the management of municipal affairs serves to promote the democratic rights of citizens.

ARTICLE 5 | Citizen involvement in municipal affairs serves to build confidence in democratic institutions, reinforce a sense of belonging to the city and promote active citizenship.

ARTICLE 6 | Living in a physical, cultural, economic and social environment that protects and enhances the habitat they share with their fellow citizens contributes to the personal development of citizens.

ARTICLE 7 | Environmental protection and sustainable development have a positive impact on economic, cultural and social development and contribute to the well-being of current and of future generations.

ARTICLE 8 | The recognition, protection and enhancement of our heritage contribute to the maintenance and improvement of quality of life and to Montréal's reputation.

ARTICLE 9 | Culture is at the heart of Montréal's identity, history and social cohesion and serves as an essential driving force in the city's development and vitality.

ARTICLE 10 | An equitable provision of services takes into account the diverse needs of citizens.

ARTICLE 11 | Leisure, physical and sports activities are aspects of the quality of life that contribute to comprehensive personal development and to cultural and social integration.

ARTICLE 12 | Montréal's cosmopolitan character represents a valuable resource that is further enhanced by promoting inclusion and harmonious relations between its communities and persons of all origins.

ARTICLE 13 | Montréal is a French-speaking city that, according to the law, also provides services to its citizens in English.

ARTICLE 14 | Each and every citizen of Montréal has the duty to act in a manner that does not infringe on the rights of others.

# Rights, Responsibilities and Commitments

## CHAPTER I

### Democracy

#### ARTICLE 15 | Rights and Responsibilities

Citizens have democratic rights and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They take part in this effort through actions consistent with the commitments stated in this chapter.

Citizens exercise their voting rights and participate, within their means, in Montréal's affairs and in issues of concern to them and may respectfully express informed opinions in view of influencing decisions.

#### ARTICLE 16 | Commitments

To foster participation by citizens in municipal affairs, Montréal is committed to:

- a)** Encouraging public participation and, to this end, providing citizens with useful information delivered in clear language and supporting the use of appropriate communication practices;
- b)** Facilitating access to documents pertaining to municipal affairs;
- c)** Ensuring the credibility, transparency and effectiveness of the public consultation process through the adoption and maintenance of appropriate procedures;
- d)** Providing citizens with summaries of Montréal's financial statement, every year, as well as explanations regarding the Montréal budget and its three-year programme of capital expenditures with a view to encouraging citizen participation;

- dd)** Supporting public budgeting processes with regard to the preparation of Montréal's budget and its three-year programme of capital expenditures;
- e)** Taking appropriate measures to promote, with community partners, the rights, responsibilities and values stated in this Charter and, to this end, supporting public awareness and educational initiatives;
- f)** Promoting representation by women of all origins, Aboriginals, visible minorities and members of ethnic and cultural communities and young people within consultative and decision-making forums;
- g)** Supporting equality between women and men;
- h)** Maintaining through a City Council by-law, a right of initiative for citizens in matters of public consultation;
- i)** Combating discrimination, racial profiling, social profiling, xenophobia, racism, sexism and homophobia, ageism, poverty and social exclusion, all of which serve to erode the foundations of a free and democratic society;
- j)** Planning for the renewal of Montréal public service by fostering the employment of young people within it and by recruiting employees with a view towards reflecting the diversity of Montréal population, in accordance with the applicable equal access to employment programmes.

# Tolerance

## CHAPTER 2

### *Economic and Social Life*

#### ARTICLE 17 | **Rights and Responsibilities**

Citizens have economic and social rights and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They take part in this effort through actions consistent with the commitments stated in this chapter.

#### ARTICLE 18 | **Commitments**

To foster the enjoyment by citizens of their economic and social rights, Montréal is committed to:

- a)** 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;
- b)** 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 have expressed the need;
- c)** Taking into account, in the implementation of housing measures, the needs of vulnerable persons and particularly individuals and families with low or modest incomes;
- d)** Maintaining, with the support of government partners, assistance measures for vulnerable persons that foster their access to appropriate and affordable housing;

**e)** Promoting citizen involvement in their respective communities in order to improve overall economic and social conditions;

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

**eee)** Taking appropriate measures, with the support of partners, to promote the physical, mental, spiritual, moral and social development of each child;

**f)** Providing its citizens with access to quality drinking water in sufficient quantities;

**g)** Ensuring that no citizen is denied access to drinking water for economic reasons.



## CHAPTER 3

*Cultural Life*ARTICLE 19 | **Rights and Responsibilities**

Citizens have cultural rights and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They take part in this effort through actions consistent with the commitments stated in this chapter.

ARTICLE 20 | **Commitments**

To foster the enjoyment by citizens of their cultural rights, Montréal is committed to:

- a) Taking appropriate measures to preserve, protect and enhance the cultural and natural heritage and to promote the dissemination of knowledge and information that highlight this heritage;
- b) Maintaining geographic and economic access to its cultural and artistic centres and fostering their use;
- c) Promoting creative endeavours;
- d) Supporting the development and diversity of cultural practices;
- e) Fostering the development of its library network and also promoting it as well as its municipal museums network as a venue for knowledge and information.

## CHAPTER 4

*Leisure, Physical and Sports Activities*ARTICLE 21 | **Rights and Responsibilities**

Citizens have rights to leisure, physical and sports activities and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They take part in this effort through actions consistent with the commitments stated in this chapter, notably through the appropriate use of community facilities.

ARTICLE 22 | **Commitments**

To foster the enjoyment by citizens of their rights to leisure, physical and sports activities, Montréal is committed to:

- a) 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;
- b) Developing high-quality parks and facilities for leisure, physical and sports activities that are fairly apportioned in view of the community's evolving needs;
- c) Promoting access to community activities and facilities.



## CHAPTER 5

# Environment and Sustainable Development

### ARTICLE 23 | Rights and Responsibilities

Citizens have rights in matters of environment and sustainable development and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They take part in this effort through actions consistent with the commitments stated in this chapter, notably by consuming water in a responsible manner.

### ARTICLE 24 | Commitments

To foster the enjoyment by citizens of their rights in matters of environment and sustainable development, Montréal is committed to:

- a)** Promoting waste reduction at source, re-use, recycling and valorization;
- b)** Reconciling environmental and built heritage protection with cultural, social and economic development;
- c)** Fostering the continuous improvement of water quality along the city shoreline and the quality of soil and air, and promoting measures to increase cool areas;
- d)** Promoting both public transportation and active modes of transportation as well as other forms of transit, thereby limiting the use of automobiles in an urban milieu, with a view to reducing air pollution and greenhouse gas emissions;
- e)** Promoting access to the city's shorelines and green spaces;
- f)** Fostering the protection and enhancement of natural environments and the urban forest;

**ff)** Preserving biodiversity and fostering its expansion in parks and green spaces;

**g)** Taking measures to reduce abusive irritants resulting from noise and traffic, controlling those stemming from the wrongful dumping of garbage and promoting with citizens responsible civic behaviours that show respect for the social and natural environments;

**h)** Supporting the responsible management of resources, notably with respect to water management;

**i)** Encouraging the implementation of sustainable development systems that take into account the evolution of knowledge and practices in this domain.



## CHAPTER 6

# Security

### ARTICLE 25 | Rights and Responsibilities

Citizens have the right to security and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of this right. They take part in this effort through actions consistent with the commitments stated in this chapter, notably through preventive behaviours.

### ARTICLE 26 | Commitments

To foster the enjoyment by citizens of their right to security, Montréal is committed to:

- a) Developing its territory in a safe manner;
- b) Supporting specific measures aimed at security for women, with the support of community partners;
- c) Taking measures to ensure citizen security in public spaces, notably in parks and community and recreational facilities;
- d) Supporting preventive measures aimed at increasing citizen awareness and involvement with respect to this issue, in partnership with public safety and civic protection officials;
- e) Protecting people and their property.



## CHAPTER 7

# Municipal Services

### ARTICLE 27 | Rights and Responsibilities

Citizens have the right to a high quality municipal services and to participate with the Montréal administration in a joint effort to ensure the continued enjoyment of this right. They take part in this effort through actions consistent with the commitments stated in this chapter, and notably in helping to keep the city clean.

### ARTICLE 28 | Commitments

To foster the enjoyment by citizens of their right to a high quality municipal services, Montréal is committed to:

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

# 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 performing work on behalf of Montréal. 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*. The Montréal Charter, therefore, applies to the boroughs, under the rules established herein.

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

ARTICLE 31 | The commitments set out in the present Charter are subject to the limits already imposed on Montréal authority and the authority shared with other levels of government, subject to the limits inherent in the general financial resources available, and to the reasonable limits of 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 Montréal 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 forum.

ARTICLE 33 | In exercising the powers conferred by the *By-law concerning the ombudsman*, the Montréal 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*, adopted by Montréal, investigate citizens’ complaints based on Part II of this Charter with regard to 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 Montréal.



# Equality

ARTICLE 34 | For the purpose of any investigation based on this Charter, the Montréal Ombudsman may, if it is deemed necessary, refer to the Preamble and to Part I of this Charter in order to interpret Part II.

ARTICLE 35 | When the principal basis for a complaint filed with the Montréal Ombudsman arises from this Charter and is based on a decision of the City Council, the Executive Committee or a Borough Council, the Montréal Ombudsman may conduct an investigation into the decision, recommendation, action or omission that is the object of the complaint.

However, the first paragraph of this Article does not apply if the decision, recommendation, action or omission intended or alleged is essentially budgetary in nature.

ARTICLE 36 | The provisions of the *By-law concerning the ombudsman* apply to complaints received and investigations conducted by the Montréal Ombudsman under this Charter, except in situations where their scope may be limited by the Charter.

ARTICLE 37 | If the Montréal Ombudsman has reasonable grounds for believing that a complaint under this Charter is well-founded, he or she may, in the course of the investigation, engage in mediation in order to find one or more solutions compatible with the provisions of the Charter.

ARTICLE 38 | In all cases where mediation has occurred, the Montréal Ombudsman must transmit a copy of results of the mediation and his or her recommendation to the parties and individuals concerned by the complaint and investigation.

ARTICLE 39 | In any case where mediation has occurred, the Montréal Ombudsman's report must state the nature of the results of the mediation or of his or her recommendation, including details of measures deemed appropriate and details of recommendation to take action or to cease action.

In cases where it would be impossible to remedy the situation which has led to a complaint that was deemed justified within a reasonable timeframe, the Montréal Ombudsman's report shall explain the reasons.

ARTICLE 40 | The Montréal Ombudsman may, if he or she deems it appropriate, undertake any investigation on his or her own initiative with regard to the violation of one or more citizen rights, as set out in the present Charter.

ARTICLE 41 | The annual report submitted by the Montréal Ombudsman to the City Council and that pertains to the fulfillment of his or her duties shall include a specific section providing statements of his or her interventions and activities based on this Charter. The Montréal Ombudsman may make any recommendation in it that he or she deems appropriate.

# Final Provisions

## ARTICLE 42 | **Revision of the Charter**

Within four years of the date this Charter comes into force, and periodically thereafter, Montréal shall proceed with a public consultation aimed at assessing the effectiveness, relevancy and coverage of the rights and responsibilities defined in this Charter, and the monitoring, investigative and complaint procedures provided therein.

## **RIGHT OF INITIATIVE**

The Right of Initiative in matters of public consultation (Article 16 h) empowers citizens to propose new and constructive solutions or innovative and mobilizing projects in order to meet the issues and challenges of their city by obtaining a public consultation following a petition. In this way, they have an opportunity to put forward original proposals, to make them known and to validate them through public consultation. With the Right of Initiative, citizens can contribute in a positive manner to their city's growth and development.



## **SCHEDULE B**

### **RIGHT OF INITIATIVE IN PUBLIC CONSULTATIONS**

#### **PREAMBLE**

As that right is one of the commitments taken by the city in the Montréal Charter of Rights and Responsibilities (article 16 (h)), namely to define, establish guidelines, and grant citizens, by by-law, the right of initiative in public consultations;

As that right is complementary to existing public consultation processes and does not provide for doubling or replacement, and refers to new significant and developmental projects;

As that right neither replaces nor seeks to limit actions individually taken by citizens to request the holding of a public consultation by the city or their borough by any means deemed appropriate, among which there are petitions;

As that right does not limit the power of elected officials to initiate at any time a voluntary public consultation process;

As that right was proposed many times in the past twenty years;

As that right, though innovative, bears on characteristics of the consultation process having a certain analogy with existing processes in our laws and elsewhere;

As that right does not affect the responsibility of elected officials to make decisions;

As that right is added to democratic tools put forth by the city in the last few years, among which there are the Charter of Rights and Responsibilities, and the Public Consultation and Participation Policy;

The city proclaims under this right of initiative in public consultations its commitment to favor a participative democracy that harmoniously blends into a representative democracy;

#### **PART I**

##### **INTERPRETATION**

**1.** In this schedule, the following words mean:

“borough matter”: a matter which, in accordance with the sharing of powers, is under the jurisdiction of borough councils;

“central city matter”`: a matter which, in accordance with the sharing of powers, is under the jurisdiction of the executive committee, the city council, the urban agglomeration council, or which, by its nature and in the opinion of the executive committee, has an impact on the entire territory of Montréal. A matter whose power is shared by one of the decision-making bodies of the city and another level of government is also considered a city council matter;

“person qualified to sign a petition”`: an individual aged 15 or more, residing on the territory of Montréal, if it is a petition relating to a central city matter, or on the territory of the borough concerned, if it is a petition relating to a borough matter.

## **PART II**

### **APPLICATION**

**2.** The right of initiative may be exercised over any city power. Subject to the conditions provided for in this schedule, the exercise of that right has the effect of requiring the holding of a public consultation.

For the purposes of the first paragraph, a city matter is any borough matter or any central matter.

**3.** Despite article 2, the right of initiative does not apply to the following:

- (1) a rule relating to the sharing of responsibilities, the governance or a statute of the city, as provided for in the Charter of Ville de Montréal (CQLR, 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 (CQLR, 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 specifically, 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 Charter of Rights and Responsibilities;
- (7) a matter for which a public consultation process or a referendum approval is required 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 a 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 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.

**4.** To respect the limits inherent to financial and human resources at the disposal of the city or its boroughs, the maximum number of public consultations that an authority may be required to hold in a calendar year under the right of initiative is set at 3, for central city matters, and at 2 per borough, for borough matters. The consultations that should be held in consequence of conforming petitions once the maximum number is reached, are deferred until the next calendar year.

For the purposes of the first paragraph, as the process linked to the right of initiative may cover more than one calendar year, a consultation is entered for the calendar during which, according to article 20, the first part of the consultation was held.

The first paragraph does not have the effect of preventing an authority from holding an additional public consultation under that right if it deems to have the necessary resources.

**5.** No draft petition may be filed between January 1 and November 15 during a municipal election year or during the election period of a borough by-election.

If a by-election is held, the procedure relating to the right of initiative is suspended as of the date on which the election is called until the day after polling day. No signatures may be solicited during the suspension.

**PART III**  
**PROCEDURE**

**CHAPTER I**  
**PRESENTATION OF A DRAFT PETITION**

**6.** The exercise of the right of initiative begins with the filing of a draft petition.

For the purposes of a draft petition, the use of a standard form that the city may provide, in paper or electronic format, is compulsory. A draft petition otherwise tabled is not admissible.

A draft petition must:

- (1) clearly and briefly state the object of the proposed consultation in a maximum of 400 characters;
- (2) justify the desirability of the proposed consultation for the community concerned in a maximum of 600 characters;
- (3) be signed by at least 25 persons qualified to sign a petition;
- (4) identify, from among the signers of the draft petition, 3 persons designated as representatives of the group, with one person as the contact person;
- (5) not contain any statement susceptible of inducing in error, lending to confusion, or expressing contempt;
- (6) be completed and transmitted in accordance with specifications.

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05-056-1, a. 4; 05-056-5, a. 1.

**7.** The draft petition is filed with the city clerk's office or the borough office concerned

**8.** A draft petition is admissible if it is in accordance with articles 2 to 6.

**9.** Within 15 days of the filing of a draft petition, the designated contact person is informed of the admissibility of the draft petition.

As soon as possible, a copy of any reply transmitted under the first paragraph is tabled at a meeting of the borough council concerned or of the executive committee, depending on the object of the draft petition.

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05-056-1, a. 4; 05-056-5, a. 2.

## **CHAPTER II**

### **SIGNING OF PETITION**

**10.** Within 45 days of the reply transmitted in accordance with article 9, a notice is given to announce the beginning of the petition signing period.

The notice is published on the Internet site of the city, for central city matters, and in at least one local newspaper on the territory of the borough, and on the Internet site of the borough concerned, for borough matters.

The notice states the object of the petition in the same terms as those used for the draft petition filed, the capacity required of signers, the number of signatures required for the mandatory holding of a public consultation, and the date of the petition signing period.

The petition signing period is 90 days and begins on the day of publication of the notice.

The notice referred to in the first paragraph need not be given if the three persons designated as group representatives ask in writing to withdraw their request, in view of any development in connection with their request.

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05-056-1, a. 4; 05-056-5, a. 3.

**11.** The standard petition form provided by the city, in paper or electronic format, must be used to exercise the right of initiative. Only one format may be used per petition. No other petition form is admissible.

The form referred to in the first paragraph must be completed and transmitted in accordance with specifications.

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05-056-1, a. 4; 05-056-5, a. 4.

**12.** Every person who signs a petition to exercise the right of initiative must, at the place and in the manner provided for, solemnly declare that he meets the criteria as a person qualified to sign.

**13.** Electronic signatures are accepted on the city's standard petition form in electronic format for the exercise of the right of initiative.

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05-056-1, a. 4; 05-056-5, a. 5.

## **CHAPTER III**

### **CONFORMITY OF PETITION**

**14.** A public consultation must be held if a conforming petition has been filed.

**15.** Apart from the requirements otherwise provided for, a petition is considered conforming if it contains the required number of signatures of persons qualified to sign.

For the purposes of a consultation relating to a central city matter, 15 000 signatures are required.

For the purposes of a consultation relating to a borough matter, the minimum number of signatures required is set at 5% of the number of persons qualified to sign, or at a maximum of 5000.

The number of persons aged 15 or more is determined from the socioeconomic profiles of boroughs produced by the city and based on the latest data available from Statistics Canada.

The signatures must be collected during the 90-day period specified in the notice given under article 10. However, the a petition may be filed at any time before the end of that period, if the number of signatures is reached.

**16.** Within 21 days of the filing of a petition, the designated contact person is informed, by the city clerk or the director of the borough office, as the case may be, of the conformity of the petition as to:

- (1) the number of signatures required, in accordance with specifications;
- (2) the period required to collect signatures.

#### **PART IV** **PUBLIC CONSULTATION**

**17.** Within 21 days of the notice referred to in article 16, relating to the conformity of a petition, the schedule of arrangements and of the public consultation is transmitted to the designated contact person. It is also published on the Internet site of the city, for central city matters, and on the Internet site of the borough concerned, for borough matters.

The public consultation must be held within a reasonable period.

**18.** The notice announcing a public consultation is published, at least 15 days before the beginning of the consultation, on the Internet site of the city, for central city matters, and in at least one local newspaper available on the territory of the borough, and on the Internet site of the borough concerned, for borough matters.

The notice states the object of the petition in the same terms as those used for the draft petition filed, and indicates that the background material relating to the object of the petition is available in borough offices and at the city clerk's office, for central city matters, and at the borough office concerned for borough matters, as well any other place designated in the notice.

The authority concerned by the application is responsible for assembling the information relating to the object of the consultation. The information must be relevant and capable of fostering dialogue.

The information must in particular bear on the nature of the project submitted for consultation, its issues and possible impact.

**19.** In the case of a public consultation bearing on a borough matter, the authority responsible for the holding of the consultation is the borough council, one of its committees, any committee or group of designated persons, as the council concerned may choose.

Despite the first paragraph, the executive committee may, at the request of a borough council, designate the *Office de consultation publique de Montréal* as the authority responsible for holding a public consultation.

In the case of a public consultation bearing on a central city matter, the authority responsible for the holding of the public consultation is any existing municipal public consultation authority designated by the executive committee:

- (1) a council committee;
- (2) the Office de consultation publique de Montréal.

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05-056-1, a. 4, 05-056-4, a. 1.

**20.** The conduct of a public consultation is divided into two parts.

The first part bears on the presentation of the file and the question period. During that part, the persons representing the group present and justify the request leading to a public consultation.

The second part is reserved for the expression of opinions.

There must be at least 15 days between the holding of the two parts of the public consultation.

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05-056-1, a. 4; 05-056-5, a. 6.

**21.** Within 90 days after the public consultation, a report must be made public by the responsible authority.

The report must account for the concerns and opinions expressed at the consultation, review them and formulate conclusions, opinions or recommendations. It has no decisional character.

**22.** The borough or the city council, as the case may be, informs the people concerned of the results of the public consultation and, as the case may be, of the decisions taken and their motives.

## **PART V**

### **RECOURSE TO THE OMBUDSMAN**

**23.** Any complaint relating to the application of the right of initiative may, within the limits provided for in the By-law concerning the ombudsman (02-146), be brought to the attention of the ombudsman.

## **PART VI**

### **REVISION**

**24.** The application requirements of the right of initiative under this schedule will be evaluated 2 years after their entry into force as part of a public consultation, and periodically afterwards.