



MA VILLE MA VOIX

10 YEARS OF PUBLIC
CONSULTATIONS
WITH MONTREALERS



HISTORY

UNIVERSAL SUFFRAGE WAS ONLY EXERCISED IN MONTRÉAL FOR THE FIRST TIME DURING THE MUNICIPAL ELECTION IN NOVEMBER 1970. IN FACT, IN THE 1950s, THE MUNICIPAL COUNCIL WAS COMPOSED OF CATEGORIES OF COUNCILLORS, SOME APPOINTED BY VARIOUS GROUPS, INCLUDING THE ARCHDIOCESE, AND OTHERS ELECTED PRIMARILY BY HOMEOWNERS. IN THAT SENSE, MONTRÉAL'S DEMOCRATIC LIFE IS LESS THAN HALF A CENTURY OLD.

The first occurrence of citizen participation dates back to 1860. It focused on one specific issue, the protection of Mount Royal, and involved citizen assemblies and the circulation of petitions.

A century later, in the early 1960s, the growing presence of social and community movements in public debate slowly led authorities to establish public consultation mechanisms for specific projects. The pressure from those groups led to advancements in the '60s and '70s, and later, in 1984, a coalition composed of Heritage Montréal, the Chambre de commerce and the Board of Trade exerted pressure for an independent public consultation concerning a major Cadillac Fairview real estate project planned for McGill College Avenue. Following the consultation, funded by the developer, the project was ultimately abandoned. Similarly, in 1985-1986, again under pressure from groups, the Société du Vieux-Port organized an independent consultation on the redevelopment of the territory under its responsibility.

Gradually, authorities felt a need to structure the citizen's wish to be involved in discussions. Consultation exercises were held more frequently, including those concerning the expansion projects for the Musée des Beaux-Arts, in 1987.

THE FORMALIZATION OF PUBLIC CONSULTATION

It wasn't until the 1980s, only 30 years ago, that a first formal public consultation structure appeared in Montréal. The Bureau de consultation de Montréal (BCM), created in 1989, held public consultation on issues submitted by Montréal authorities for a period of five years. However, at that time, the existence of the BCM was closely linked to the political power in office. It was constituted under a by-law adopted by city council. Therefore, in 1994, the new administration, having a majority in council, decided to abolish it by revoking the by-law. Henceforth, public consultations would be held by a single city council standing committee.

THE GENESIS OF THE OFFICE

Over the years, it became clear that the mechanism in place was not enough, and that some projects, given their importance, merited a more neutral and detailed analysis than could be provided by a commission composed only of city councillors who often already had firmly set ideas about the projects under review. For citizens and groups interested in evaluating and improving a project, consultation proved useless when elected officials had already made

up their minds about it. Also, ten or so projects were examined at a time during each session of the commission.

Faced with this situation, and following various pressures from several sectors of civil society, the municipal administration created, in 2000, a commission mandated to examine consultation practices pertaining to urban planning. This group, composed of five members, was led by Gérald Tremblay. The Tremblay commission

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held public hearings throughout the summer of 2000, and received a large number of briefs. It then submitted its report on November 15, 2000.

The report noted the real and perceived dissatisfaction of large segments of the population with established procedures. The commission set out a number of recommendations, including that of creating an Office de consultation publique with a mandate and mission that would largely inspire the government in the creation of the Office as we know it today. In fact, it was during the process of adopting Bill 170, creating the new Ville de Montréal following the amalgamation of the island's cities, that Minister of Municipal Affairs Louise Harel decided to incorporate into the Charter of Ville de Montréal provisions allowing the creation of the Office de consultation publique de Montréal.

In 1999, before the work of the Tremblay commission even began, the idea of including in the Charter of Ville de Montréal independent and credible public examination mechanisms for urban planning projects was already circulating in certain segments of civil society. The inclusion of provisions creating the Office de consultation publique in the Charter ensured that changing political teams in Montréal's administration would no longer jeopardize the existence of the Office.

The Office was therefore created on January 1, 2002, at the same time as the new Ville de Montréal, but its first president, Jean-François Viau, was only appointed during the council meeting on May 28. The first team of the secretariat was established on June 10, in the premises inherited from the Sommet de Montréal, at 775 Gosford Street. Nonetheless, the Office was not in a position to honour its mandate, as defined in the Charter, as no formal structure was in place. The municipal council had not yet appointed commissioners to lead the consultations. The first appointments took place in the month of August.

Faced with a situation that was handicapping projects awaiting the intervention of the Office to proceed with the regulation changes allowing their start-up, Montréal authorities requested the intervention of the legislator in order to have the National Assembly adopt a law providing interim provisions to authorize a number of regulation amendments until the Office was operational. That legislation, Bill 94, provided for the beginning of operations of the Office on September 1. The Bill was finally adopted by the National Assembly on June 6, 2002, after having been defended to the members of the Commission sur l'aménagement du territoire by Robert Libman, the first person responsible for the OCPM on the executive committee.

THE FIRST STEPS OF THE OFFICE

On September 1, 2002, the Office moved into new premises at 333 Saint-Antoine Street. The secretariat would remain there until March 2003, before taking up permanent residence on Metcalfe Street. In the meantime, at its meeting on August 20, the city council appointed six commissioners, two of them, Catherine Chauvin and Jean Paré, on a full-time basis. The Office's current president, Louise Roy, was part of that first group of commissioners, as an ad hoc commissioner. The number of commissioners would eventually grow to approximately 25. The position of full-time commissioner was abandoned in August 2006, but remains an option under the provisions of the Charter.

Upon its creation, the Office was given the mandate to hold public consultations on all changes to the Montréal Master Plan. The context at the time meant that, primarily on the territory of the old City of Montréal, many local projects required amendments to the Plan. In fact, the Montréal Master Plan, dating back to 1992, was designed so that its provisions were very specific, but not very flexible. This resulted in many minor projects being presented to the Office between the time of its creation and the adoption of a new master plan for the new Ville de Montréal. Between October 2002 and December 2003, some 40 projects were evaluated. The first consultation was held on October 22, 2002.



Mrs. Louise Roy, President

This unusual situation was to be resolved by the adoption of a new master plan in 2004, but amendments made to the Montréal Charter in December 2003 changed the mandate of the Office. The adoption of the new Plan considerably reduced the number of requests for variances, which had dropped from 30 in 2003, to an average of 15 per year. Moreover, in addition to regulation amendments concerning land-use planning, it had been decided at the outset that the Office could hold consultations on other issues entrusted to it.

A CHANGE OF COURSE

The first legislative framework under which the Office fulfilled its mandate was drastically changed by amendments contained in Bill 33, which was adopted by the National Assembly on December 18, 2003. The scope of Bill 33 was much broader than the mandate of the Office. It implemented a vast reorganization of the municipal structure that affected the powers of the boroughs and the central city, the election process for borough

mayors, and many other provisions. The general economy of that legislation resulted in a devolution of extended powers to the boroughs, which, given the political context at that time, meant the opportunity for the boroughs derived from the former suburban municipalities to de-merge from the new city. Under the new rules, amendments to the Master Plan would no longer entail automatic consultations by the Office. Henceforth, only the five-year revision of the Plan, amendments to the Complementary Document, and amendments to the Plan that could arise from regulation amendments under section 89 of the Charter would be submitted to the Office.

Still today, section 89 is key in the assignment of the majority of consultation mandates entrusted to the Office. The provision allows city council to adopt an urban planning by-law that amends a borough by-law under certain conditions, depending on the size of the project, its square footage, its location with respect to the business district, etc. In doing so, the council signals that the project extends beyond the local scope, and that it is of interest to all of Montréal. The council then chooses to remove from neighbours of the site in question their recourse to a referendum, in favour of a detailed examination through an Office consultation. However, projects that





meet the criteria provided in section 89 may also be the object of regulation amendments made directly by the borough councils, without calling on the Office. The recourse to a referendum is then maintained.

THE PROCEDURES

When the Office began operations, its consultation process closely mirrored that of the Québec government's Bureau d'audiences publiques en environnement (BAPE), which was established in 1979. This model is based on the creation of a body that acts as a neutral third party in reviewing projects entrusted to it, and holds the public consultations in a spirit of independence from political powers. It

is a two-part procedure: an information period for citizens, where developers and city representatives present the projects under review, allowing citizens to ask any questions they feel may enlighten them, and a second period, devoted to the expression of opinions, where interested citizens and groups present their points of view on the project.

From the very beginning, the commissions followed a course from which they never varied: that of conducting a thorough analysis of the object of the consultation. In most cases, the Office is mandated to hold consultations on amendments to by-laws pertaining to urban planning. Those amendments are usually intended to authorize a real estate or infrastructure

project. In 2002, when the first projects were reviewed, some would have liked the Office to limit its examination to the by-laws. Others would have liked the reports of the Office to simply observe and report on the climate of opinion, but not to make any recommendations. It quickly became apparent that, during the commissions, the citizens who participated in the consultation process were primarily interested in the real projects allowed by the regulation amendments. The first commissions therefore decided to produce reports that not only examined the projects underlying the regulation amendments, but that also contained recommendations. They based themselves on section 89, which stipulated, in 2002, that the Office must

"report on the consultation in a report in which it may make recommendations."

The standard two-part consultation model was the rule until 2006-2007. In those first years, it often happened that the two parts of the consultation, information and expression of opinions, were held on the same evening, separated only by a 20-minute break. Forty of the 60 consultations held between 2002 and 2006 were held in a single evening. These were smaller consultations, at a time when all amendments to the Master Plan were submitted to the Office. The last such consultation involved a change of vocation for the building located at 265 Mont-Royal Avenue West, in the Plateau Mont-Royal borough. It was held on June

14, 2006, coinciding with the appointment of Louise Roy to the position of president of the OCPM. Her four-year mandate, as provided for under the Montréal Charter, was renewed in 2010.

TOWARDS NEW CONSULTATION MODELS

The abandonment of the practice of consultations held over the course of a single evening and the adoption of new models of consultation are largely linked to the evolution of the mandates entrusted to the Office, and to its wish to promote more rigorous discussion and analysis. The consultations on drafts of Montréal's major policies called for more in-depth analysis. Therefore, thematic workshops and information evenings were organized to address specific issues, often calling on experts and witnesses.

Moreover, real estate and infrastructure projects are becoming more complex. Projects such as the establishment of the Centre hospitalier de l'Université de Montréal, for example, or the development of the campus of the Université de Montréal, at the Outremont train yards, required a highly detailed analysis in the consultations. In those cases, new processes were also implemented; the commission sometimes went from one neighbourhood to another, as was the case for the review of major policies.

More recently, the Office has developed new upstream consultation practices that apply particularly well to planning activities for neighbourhood revitalization and redevelopment.

also been enhanced with numerous texts of interest for land-use planning in Montréal, including Québec legislation, the Master Plans for 1992 and 2004, as well as numerous other reference documents.

Over the years, with the addition of discussion forums and complementary sites, use of the site has become more diversified. In some consultations, such as those on Griffintown and urban agriculture, citizens were given the opportunity to answer questionnaires, make comments, post visuals, and showcase personal accomplishments. The Office was the first component of the Ville de Montréal to be on Facebook, back in 2008. It then went on to Twitter, allowing greater dissemination of information on current and upcoming consultations. More traditional media are also used. The door-to-door flyer remains an essential tool for cases involving neighbourhood real estate projects. Its form has greatly evolved since 2002. Poster campaigns have been carried out, and advertisements have been placed both in the print and electronic media. From advertising banners in social media and electronic billboards in metro stations and cars to the distribution of CDs, all sorts of means have been employed and perfected throughout the years and projects.

Meetings were held as required with elected officials to discuss public consultation practices. The Office also organized three seminars, in 2007, 2010, and 2012, to promote reflection on public consultation, notably for major projects. On those occasions, citizens, elected officials and representatives of civil society had the opportunity to share experiences and opinions. The results of those meetings were published in "Les cahiers de l'OCPM," yet another dissemination tool employed by the OCPM. In the winter of 2007, the Office organized a series of three workshops on public consultation practices for elected officials. Almost one third of Montréal's city council members attended one or another of the workshops. The same formula was repeated, in collaboration with the Association internationale des maires francophones, during a three-day training session given to some 40 Senegalese elected officials, in September 2011, in Saint-Louis, Senegal.

The Office has regularly worked with the Sommet de Montréal's Democracy Task Force, primarily in drawing up the public consultation policy adopted by city council, and drafting public consultation participation guides addressed to citizens and developers. In 2008, again in keeping with its mandate to propose better regulations, the Office was actively involved in the revision of the by-law governing consultations held by council standing committees.



THE EVOLUTION OF COMMUNICATION TOOLS

For the very first time, public opinion was solicited by electronic means as part of the review of the draft Mount Royal Master Protection and Enhancement Plan. Some 3000 citizens answered a questionnaire available on the Office Web site and more than 200 pages of comments were posted there. The site

was set up in 2002. It was one of the first communication tools adopted by the Office, and it was a resounding success, with visits multiplying tenfold within only a few years. The site remains successful to this day, and is still an essential source of documentation pertaining to the consultations of the Office. It has

THE PROMOTION OF BEST PRACTICES

Upon its creation, the Office was given the mandate to foster the establishment of credible, transparent and effective consultation mechanisms by proposing regulations to Montréal officials. One of the first acts of the Office in that respect was to draw up a code of professional conduct that Office commissioners, staff and collaborators would agree to respect. That aspect of the OCPM's mission would become more sustained in 2006, assuming several forms.



THE RENDERING OF ACCOUNT

THE CHARTER OF VILLE DE MONTRÉAL PROVIDES THAT THE OFFICE MUST RENDER ACCOUNT TO CITY COUNCIL AT LEAST ONCE A YEAR, AND THAT IT MAY MAKE ANY RECOMMENDATIONS IT SEES FIT AT THAT TIME. THAT OPTION IS EXERCISED THROUGH THE ANNUAL REPORT OF ACTIVITIES, WHICH IS TABLED IN CITY COUNCIL AND IS THE SUBJECT OF A PRESENTATION AND DISCUSSIONS WITH THE STANDING COMMITTEE ON COUNCIL CHAIRMANSHIP.

Over the years, the Office has therefore made a number of recommendations to elected officials concerning its mandate and mission. Some involved a follow-up on specific consultations, such as the need to proceed quickly with the adoption of the Mount Royal Master Protection and Enhancement Plan, while others had to do with the jurisdiction of the Office, such as the obligation to submit certain types of projects to the Office. In the annual reports of 2004 and 2005, the Office recommended that all amendment to the Montréal Master Plan be again submitted to an examination by the OCPM, as was the case prior to Bill 33. The Office also recommended that all projects having an impact on more than one borough or on both a borough and a linked city be submitted

to the Office, in addition to those that affect major emblematic structures or are of metropolitan scope. The latter recommendation was reiterated in 2007.

Along the same vein, it was recommended that the Office report to the agglomeration council rather than to city council. It was also suggested that the borough councils, the councils of the linked cities, and the agglomeration council should be in a position to mandate the Office to hold certain public consultations. Other recommendations request the establishment of follow-up mechanisms and the implementation of a procedure obliging those who mandate the Office to respond to the submitted reports, much in the manner of what is done with council standing committees.



THE INNOVATION CONTINUES

THE 2007, 2009 AND 2010 REPORTS UNDERSCORED THE IMPORTANCE OF IMPLEMENTING AT LEAST TWO CONSULTATION PHASES FOR MAJOR PROJECTS SPANNING MANY YEARS.

The recommendation was heard. The Office is now called to hold upstream consultations in the planning of large areas to be redeveloped. In such cases, the Office establishes innovative processes to create a vision and development principles rallying together a good number of interested players and allowing collective gains. That approach was used for the area of the old CN Shops in Pointe Saint Charles, as well as in the Namur / Jean-Talon area, known today as “The Triangle”, in the borough of Côte-des-Neiges / Notre-Dame-de-Grâce, and in the Griffintown area, near downtown. It appears that these types of exercises will continue to multiply, which does not prevent the intervention of the Office downstream of the process, when a draft by-law is submitted to structure the planned development.

The regulation, which takes the form of a special planning program (SPP), represents a new field of endeavour for the Office. An SPP is essentially an amendment to the Master Plan. Since

the end of 2003, consultations for such amendments were conducted exclusively by the boroughs. However, they often involve the development of areas with repercussions extending far beyond the borough borders.

This became apparent during the review of the Peel-Wellington SPP, in the southern part of Griffintown. The development of that site clearly had consequences reaching beyond the territory of the Sud-Ouest borough. In that context, and in view of the metropolitan nature of the project, many believed that the public consultation should be held by the Office rather than by the borough. It did not play out that way, but the experience led to an amendment of the Montréal Charter, in June 2008, that now allows the city council to mandate the Office for the public examination of SPPs. This is not an automatic provision, but an option that is available to elected officials, one that they have exercised on four occasions, including three in the Ville-Marie borough, since that legislative change.

IN CONCLUSION

SINCE 2002, THE MANDATES AND PRACTICES OF THE OFFICE HAVE GREATLY EVOLVED. THE OFFICE IS ONE OF THE MAJOR INSTRUMENTS CONTRIBUTING TO A HEALTHY DEMOCRATIC LIFE IN MONTRÉAL. BUT, OF COURSE, IT IS NOT THE ONLY SUCH MECHANISM.

The consultations held by council standing committees and borough councils, and other tools, such as the public consultation and participation policy, the Montréal Charter of Rights and Responsibilities, and the work of the ombudsman, are all parts of the mechanisms that ensure citizen participation in the decisions of elected officials.

However, the Office de consultation publique de Montréal distinguishes itself by being unique to Montréal; there do not seem to be any comparable models anywhere else in the world. The Office is often asked to give presentations on its consultation practices based on the concept of an independent, transparent and credible neutral third party. Thus, throughout the years, the Office has shared its experiences with various cities and associations, such as the International Association for Public Participation (IAP2), the Association internationale des maires francophones (AIMF), the World Association of Major Metropolises (Metropolis), and the International Observatory on Participatory Democracy (IOPD). Moreover, the Office has often hosted delegations seeking to learn more about its modus operandi and gather inspiration. This was the case with the Brazilian city of Porto Alegre, which has maintained contact with the Office over the past few years and is in the process of creating a similar structure.

In its first ten years of existence, the Office de consultation publique de Montréal has held 102 public consultations, which have:

- Brought together tens of thousands of citizens;
- Allowed thousands of them to ask questions and express their opinions;
- Given rise to thousands of advertisements of every kind;
- Seen the distribution of hundreds of thousands of flyers in areas affected by the consultations in order to promote them;
- Seen millions of pages visited on the Web site;
- Fostered the broadest possible dissemination of information to give interested Montrealers a voice in the development of their city and neighbourhoods.

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