

## THE CHARTER OF VILLE DE MONTRÉAL DEFINES THE MANDATE OF THE OCPM AS FOLLOWS:

- 1° to propose a regulatory framework for the public consultations carried out by the official of the city in charge of such consultations pursuant to any applicable provision so as to ensure the establishment of credible, transparent and effective consultation mechanisms;
  - 2° to hold a public consultation on any draft by-law revising the city's planning program;
    - 2.1° to hold a public consultation on any draft by-law amending the city's planning program, except those adopted by a borough council;
  - 3° to hold public hearings in the territory of the city, at the request of the city council or the executive committee, on any project designated by the council or the committee.
- Sections 89 and 89.1 also provide that the OCPM must hold public consultations on all by-laws to be adopted by city council respecting projects that involve:
- Shared or institutional equipment, such as cultural equipment, a hospital, university, college, convention centre, house of detention, cemetery, regional park or botanical garden;
  - Major infrastructures, such as an airport, port, station, yard or shunting yard or a water treatment, filtration or purification facility;
  - A residential, commercial or industrial establishment situated in the business district, or if situated outside the business district, such an establishment the floor area of which is greater than 25,000 m<sup>2</sup>;
  - Cultural property recognized or classified or a historic monument designated under the Cultural Property Act (R.S.Q., c. B-4) or where the planned site of the project is a historic or natural district or heritage site within the meaning of that Act.

On December 7, 2005, the government adopted decree 1213-2005 amending the Charter of Ville de Montréal. This decree allows the agglomeration council, under the Act respecting the exercise of certain municipal powers in certain urban agglomerations, (R.S.Q., c. E-20.001), to authorize projects related to its jurisdiction anywhere within its territory, and to entrust the ensuing public consultation process to the Office de consultation publique de Montréal. This provision came into force on January 1, 2006.

On June 12, 2008, draft By-law 82 was enacted, amending section 89.1 of the City Charter so that, for purposes of the approval by referendum process pursuant to subparagraph 4 of the section, the territory of reference would be the borough or boroughs in which the project is planned. It is important to note that this modification applies only to projects located wholly or in part in the historic borough of Old Montréal.

On June 20, 2008, draft By-law 22 was enacted, returning to city council the power, concurrently with the borough councils, to take the initiative for an amendment to the planning program in respect of an object to which a draft amendment adopted by the city council pertains. Following this amendment, the functions of the Office were modified, giving it responsibility for public consultations on any amendment to the planning program initiated by city council.

On June 15, 2012, draft By-law 69 was enacted. Among other things, it redefined the criteria under which mandates could be given to the Office pursuant to section 89 of the Charter of Ville de Montréal. The draft By-law replaced, in sub-paragraph 1 of the first paragraph of the section, the words "university, college" with the words "public educational institution, college - or university-level educational institution." The purport of this amendment is to allow the application of the provisions of that section to secondary and primary schools.

The same draft By-law, under its section 25, allows Montréal to amend, with a by-law and without any other formality, certain provisions of the "Règlement sur la construction, la transformation et l'occupation du Centre universitaire de santé McGill, sur un emplacement situé à l'est du boulevard Décarie, entre la rue Saint-Jacques et la voie ferrée du Canadien Pacifique," despite section 89.1 of the Charter of Ville de Montréal.