

**Montréal's Municipal Guidelines for Participation and Public Hearings:  
Assessing Context, Process and Outcomes**

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*Résumé*

Au cours de la dernière décennie, la Ville de Montréal a développé des nouvelles pratiques pour améliorer les processus de consultation et de participation publique, notamment par l'utilisation d'audiences publiques dans des projets de planification urbaine. Ces nouvelles réglementations incluent la création d'une politique municipale de participation publique, ainsi que la mise sur pied d'un organisme indépendant, l'Office de la consultation publique de Montréal. En utilisant une structure d'évaluation fondée sur des critères contextuels, de processus et de résultat, cet article explore comment ces nouvelles réglementations s'appliquent et se manifestent dans deux exemples de grands projets urbains. L'analyse de ces nouvelles mesures témoigne d'un manque de clarté des processus de consultation publique et de la difficulté à saisir les retombées et les suivis des activités de consultation. L'article conclut avec des recommandations sur la manière dont les processus de consultation publique peuvent être améliorés à Montréal et ailleurs.

**Mots clés:** participation publique, audiences publiques, assemblées publiques, projets de développement urbain

*Canadian Journal of Urban Research*, Volume 21, Issue 1, Supplement pages 106-131.  
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ISSN: 1188-3774

*Abstract*

In the past decade, the City of Montréal has introduced measures to improve its public participation practices, most notably in the use of public hearings in urban planning projects. These new measures include the creation of a public participation policy and an independent consultation body, the Office de la consultation publique de Montréal, to head certain public hearings. Our paper uses an evaluation framework based on context, process and outcome dimensions to explore whether these new measures result in improved public hearing processes and urban outcomes in the case of two large-scale projects. Analysis of these new municipal measures suggests that the framing of the public hearing process remains unclear and politicized, barriers to participation could be further reduced, and outcomes of consultations cannot be traced to changes in project elements. The article concludes with recommendations to improve public participation in Montréal and elsewhere.

**Key words:** public participation, public hearings, urban development projects, Montréal

## I. INTRODUCTION

Myriad public participation and consultation 'best practice' guides describe how consultation or participation mechanisms can be employed in urban development processes. Formal versions are similarly abundant, with municipal governments worldwide adopting public participation policies, procedures and regulations. Including citizen engagement activities in governmental legislative procedures is viewed as a way to inform citizens, incorporate citizens' knowledge and opinions, advocate for fairness and justice (especially for minority groups) in decision-making, and strengthen accountability (Innes and Booher 2005; Abelson and Gauvin 2006; Sheedy 2008; Healey 1997). Although much energy is invested in outlining how to engage citizens in decision-making, less attention is devoted to evaluating the effectiveness and impact of such efforts (Abelson and Gauvin 2006). This paper explores the outcomes of new municipal policies and regulations towards public consultation in the case of Montréal.

In the past decade, the City of Montréal has modified planning processes to better engage the public in decision-making.<sup>1</sup> These new measures include the creation of a public participation policy,<sup>2</sup> an independent consultation body (the *Office de la consultation publique de Montréal* - OCPM), citizen and developer guides<sup>3</sup> on how to participate in or lead public consultation activities, and numerous borough-level experiments with participatory governance (c.f., Gariépy and Gauthier 2009; Landry and Angeles 2011). The adoption of

these measures poses important questions for Montréal residents, planners and other observers: Do they lead to final decisions about urban development projects that better reflect the concerns of all stakeholders, citizens, developers, and public officials? Could they better encourage and more constructively employ public input to improve urban development projects? Do they result in improved public hearing processes as well as other forms of consultation?

Our research responds to these questions via a critical examination of the new measures as they have been applied to specific urban development projects. Four different projects were studied, of which two are the focus of this article. Our research entailed: review of municipal policies on the public hearing process; observation of two public consultations, 15 community-developer meetings, and over 40 community meetings; review of related public documentation (e.g., transcripts of the consultations available on the OCPM website, media analyses, news articles, public briefs presented at hearings by citizens and concerned community groups, government briefs on the projects, and developer summaries of project elements, as provided on their websites) and finally, interviews with six key informants from the municipal, institutional and community sectors, who spoke to us on conditions of anonymity. These various methods allowed us to document the policy framework for consultation, the ways in which such policies were employed in practice, and the outcomes. Research was conducted between 2006 and 2011.

The article first provides a framework for evaluating the effectiveness of participatory policies and bodies; our focus is at the meso-level, examining how guidelines are embedded in specific institutions and practices (Healey 2007), and with what effects, particularly for the design and implementation of urban projects. Attention turns to the case of Montréal, exploring how citizen engagement is promoted and bound in specific ways. Montréal's new measures are then assessed as they operate in practice, supplemented by analysis of two recent municipal public hearings on large-scale urban developments. These case studies explore both the influence of the new measures on the processes used in public consultations and the outcomes achieved. The article concludes by identifying current problems and recommending ways to improve municipal participation measures in Montréal, as well as elsewhere.

## **II. FRAMEWORK FOR ASSESSING MUNICIPAL CITIZEN ENGAGEMENT MECHANISMS**

Increasingly, municipalities are recognizing that when the public is not consulted, people can become angry, ambivalent and distrustful. Numerous forms of civic engagement—from electoral politics to citizen summits to the ‘cas-

seroles' and tents of recent protest movements—are part of the urban fabric (c.f., Bornstein 2010; Latendresse 2008), however institutionalized forms of participation, such as the public hearing, are increasingly a feature of urban development decision-making (Hamel 1999; Gariépy and Gauthier, 2009; Juvé 2005). Regulating citizen engagement in governmental legislative procedures, and specifying when and how public engagement activities will be pursued, provides a possible means to assure public input—and its potential benefits—in public processes while minimizing the potential negative aspects, such as longer timeframes, the risk of NIMBYism, or capture of the process by specific interests or groups (Innes and Booher 2005; Abelson and Gauvin 2006; Sheedy 2008).

Many challenges arise when evaluating the effectiveness of a participation or consultation activity. Key amongst them is the difficulties of definition. Rosener (1981) observes, for example, that the participation concept is value laden and, as such, no widely-held criteria exist for judging success or failure, and no universally agreed-upon methods have been defined. In an ideal world, those designing a participatory activity and those using it would share expectations, goals and objectives so that each party shares the same definition of effectiveness for the activities undertaken (Syme and Sadler 1994), however this is rarely the case. Even when evaluation criteria are agreed upon by all parties (e.g., evidence that recommendations resulting from the consultation will be taken into consideration), transforming them into a set of indicators that could serve as a measurement for evaluating the outcome is fraught with difficulties, both in choosing appropriate measures and in collecting the information. Evaluation is further hampered by difficulties in defining an appropriate end-point for the analysis (e.g., at the end of the participatory process or once recommendation on the project are made) (Abelson and Gauvin 2006), or how much weight should be given to the adoption of citizen-based recommendations (Kethlene and Martin 1991). Despite these difficulties, academics and practitioners have elaborated on the properties of good consultation and identified some criteria for assessment. Abelson and Gauvin (2006) suggest, for example, organizing criteria for assessment by context, process and outcome, and it is their approach that was employed in our study.

*Context assessment* is important because public consultation is not untouched by the surrounding in which it takes place. The socio-political environment, as well as the nature of the issue at hand, heavily affects the choice of participatory mechanisms and their effectiveness (D'Aquino 2007: 6). Contextual variables include: the issue, the attributes of sponsoring organizations, the type of decisions, the timeline, socio-political characteristics of the project area and region, political will and community factors, among others (Abelson and Gauvin 2005; Rowe and Frewer 2005). Qualitative case study research—as

was conducted for this study—can help in identifying contextual variable that influence the activity and its outcomes.

*Process evaluation* refers to the study of what occurs during an activity and its effects on achieving the objectives of the activity, whether defined by those involved or in reference to wider participatory objectives. Process criteria often assessed include: representativeness and inclusivity; scope of development process in which citizens are engaged; independence of facilitator; locus and structure of decision-making; extent of formal partnership agreements; availability and quality of information; quality of deliberations and interactions; adequacy of resources to support the process; and adaptability of the process to the context (Abelson and Gauvin 2006; Alterman et.al. 1984; Arnstein 1969; Blana and Yonts 1989; Bickerstaff and Walker 2001; Brody et.al. 1981; Brody et. al. 2003; Forester 1989; Kathlene and Martin 1981; MacNair et.al. 1983; Rowe and Frewer 2004 and 2005; Webler 1999).

*Outcome assessment* focuses on the end results of the consultation and whether it has achieved its aims, as defined in public policies and by decision-makers, participants and the general public. Difficulties in tracking decisions and the rationales behind them, in measuring social and institutional impacts over an undefined time period, and assigning causality complicate outcome assessment. Nonetheless, key variables for positive outcome evaluation can be drawn from the literature and include: demonstrated influence on decisions; cost effectiveness of participation; reduction of subsequent challenges in the courts; decreased time to develop regulations; positive social impacts (e.g., public trust in government, increased interest in public issues); resolution of conflicts among competing interests; and improved capacity for future public involvement (Abelson, and Gauvin, 2006; Beierle and Konisky 2000; Bickerstaff and Walker 2001; Coglianesi 1997; Crosby et.al. 1986).

Our analysis of the public consultation processes address these various context, process and outcome dimensions with respect to both the formal consultation activities outlined in City of Montréal documents and additional participatory activities pursued by developers and municipal authorities as sponsors of proposed projects.

### **III. MONTRÉAL'S PUBLIC CONSULTATION POLICIES AND REGULATIONS**

The City of Montréal has made efforts in the past decade to standardize public hearing processes, elaborate transparent policies and create a neutral consultation body, the OCPM, to preside over a selection of urban planning developments. This section (a) describes these measures within their regulatory framework, (b) examines how Montréal's municipal government has

defined public consultation and participation in its policies and (c) explores how these definitions have filtered into the regulations for public hearing processes led by the city's boroughs and the OCPM.

**a. Montréal's policy on public participation and consultation**

In 2002, Montréal's city council adopted a public consultation and participation policy, immediately after a Citizen's Summit called on the city to do so. Montréal's 2002 policy on participation was elaborated by the City's Taskforce on Democracy to "foster public consultation practices that are transparent, credible, effective and useful to the decision-making process" (Ville de Montréal: The Challenge of participation n.d.). The policy outlines principles to guide consultation processes and cites the three pillars of participatory democracy as information, consultation and participation. As such, it is useful to examine the ways in which the city interprets these pillars: the definitions are quite specific, often narrow, and quite clear about the ways in which citizens and government are to interact.

Information is defined as "a one-way communication process in which the municipal administration produces information and delivers it to the public at large" (Ville de Montréal: The Challenge of participation n.d.). The policy's guiding principle here, as stated in the same document, is to "actively provide information to allow the greatest possible number of citizens, particularly those who are often marginalized or difficult to reach, to become interested and involved in municipal affairs." Interestingly, information sharing is restricted to public communication, a one-way process, in which the sponsor presents information to the public at large (e.g., a pamphlet, poster or public information session).

In contrast, consultation is depicted as a "two-way process" (Ville de Montréal: The Challenge of participation n.d.), aimed at allowing citizen to "provide feedback to the municipal administration." As the policy document clearly outlines, consultation, usually in the form of a public hearing or, more recently, a web survey, contributes to improved decision-making in the following manner:

- Consultation allows citizens—individuals and groups alike—to ask questions and express expectations, concerns, comments or opinions, with a view to helping the municipal authorities to reach the best decision.
- To document the relationship between citizen input and decisions, the City policy recommends that a report be produced after a public consultation that:

“summarizes the opinions and concerns expressed,” “provides their analysis along with any applicable conclusions, advice or recommendations,” and informs “citizens...of the subsequent decisions and the reasons for them.”

Finally, the policy document (Ville de Montréal: The Challenge of participation n.d.) describes participation as “a partnership between the public and its municipal administration,” “by nature interactive and varied” and helps “identify the needs, design the projects, programs or policies, and evaluate the results” thereby aiding in the visioning, development and implementation stages of a project.” Unlike information-sharing or public consultation, participation here is understood as a mutually advantageous process that is not bounded by a particular stage of the planning process.

#### **b. Regulations on public hearing processes on urban developments**

While policy statements and guides provide orientation to citizens and developments, formal rules structure participatory practice in even more powerful ways. Federal and provincial laws provide the wider framework for public consultation in Montréal, as in most Canadian municipalities. Consultation is required as part of the review of major projects likely to have environmental impacts as specified in the Canadian and Quebec Environmental Protection Acts (Statutes of Canada 2003; RSQ 2006), and proposed municipal by-law modifications and Master Plan adoption as per the Quebec Act respecting land use planning and development (RSQ 2012a; RSQ 2012b). Consultation under each of these Acts requires public notification of a project or proposal in advance of an approval decision, and establishes guidelines for public meetings, with opportunities for citizens to provide input (e.g., comments, questions or written briefs) and request additional pertinent information. In addition, Article 16 of the Ville de Montréal’s (2006) Charter of Rights and Responsibilities outlines commitments to “encouraging public participation,” “providing citizens with useful and clearly formulated information,” and “ensuring that the public consultation process is credible, open and effective, by adopting and maintaining the appropriate procedures.”

In Montréal, most public consultations take the form of public hearings, which occasionally are combined with other forms of engagement. The hearing provides citizens with a chance to react to the proposed plan. In terms of urban development projects, public hearings are legally necessary when a by-law change (e.g., change in zoning) is required or when a new plan for a specific area is proposed. In these cases, public hearings are either headed by the borough in which the proposed development is situated or by the OCPM, as the

City's official consultation body.<sup>4</sup> Although the OCPM's initial mandate (2002-03) was to head up consultations on a new master plan, following amendments to the City Charter, in 2003, it was given responsibility for "large projects of metropolitan scope...while the boroughs would again be responsible for consultations on projects of a more local nature" (OCPM 2007).

As of January 2010 and the adoption of The Right of Initiative (in line with the City's Charter of Rights and Responsibilities), citizens may also call for hearings on matters believed to have significant impact. The Right of Initiative obliges government to hold hearings on urban issues that citizens, by obtaining a predetermined number of signatures, identify as requiring scrutiny; to date, the initiative is being tested with two requests at the city-wide level.

With regards to urban development projects, the public consultation process—most generally in the form of public hearings—is structured by a tight set of rules, as described below:

***Borough-led hearings:*** Many public hearings on urban development projects in Montréal are led by the borough in which the development will be located. The borough is responsible for providing information to the public prior to the change in law. These borough-led hearings are organized around two main events: a public meeting in which borough representatives present the project or plan to the public and answer questions; and presentation of oral or written briefs on the proposal by citizens.

Borough-led public hearings are usually chaired by elected borough officials. Announced in the newspaper, these public consultations may be held at any time, including during the day on weekdays. Following the public meeting, the borough is required to produce a post-consultation report that includes the minutes from the hearing and summarizes the concerns raised. This public report need not include a list of missing information (e.g., studies), evaluation of concerns, or recommendations for improving the project. As a result, the post-consultation report does not have to identify steps to be taken by officials, developers, other stakeholders or citizens.

***OCPM-led hearings:*** In contrast to borough-led hearings, those led by the OCPM are more lengthy, interactive, and oriented towards an assessment and improvement of the proposed project or policy. Legally instituted in 2002 by the Montréal Charter, the OCPM is an apolitical body that aims to ensure a credible and transparent public consultation process, facilitated by independent commissioners. The OCPM's creation was largely inspired from its antecedent the Bureau des consultations de Montréal, which had been discontinued by Mayor Bourque in 1994 (Breux, Bherer and Collin 2004). The OCPM is not automatically involved in every Montréal planning project, nor can the OCPM request to administer a particular one. Typically the OCPM will only manage the consultation and review processes for projects that are deemed to: generate



city-wide impacts; relate to shared or institutional equipment (e.g. hospital or university), major infrastructure, or cultural property; or are major commercial, residential or industrial developments either exceeding 25000 sq. m. in floor area or located in the business district. As mentioned above, the City's executive committee (and city council<sup>5</sup>) determines if the OCPM, the City or the borough will head consultations on a particular project.

The OCPM is most often involved in a single stage—the public hearing on the proposal—rather than throughout a project's development however there are exceptions. The OCPM plays an important role in the pre-consultation project review stage. For instance, prior to a public hearing, OCPM commissioners and analysts will meet with the developer and government representatives to ensure that the commissioners understand the project, documentation is complete, and audio-visual materials for use at the hearing convey the project accurately; reports on these private preparatory meetings are then publicly diffused on the OCPM website (OCPM 2010c). Moreover, in exceptional cases, the OCPM may be involved in a multi-stage consultation process, including consultations *en amont*, those conducted with regard to visioning the site before by-laws are developed or changed. Unlike the regular OCPM public hearings, the first stage of the consultation *en amont* process does not have a regulated framework (OCPM 2010c).

The structure of regular OCPM public hearing events are similar to that of the borough-led hearings: presentation of the project, followed by questions from the public and commissioners and answers by the project proponents; and, about 21 days later, an opportunity for citizens and other stakeholders to express concerns and opinions on the project, including to “bring a correction or add to factual information” (OCPM 2010c). During the public hearings, the OCPM commissioners play an important role in clarifying information on the project; they can ask questions to the developer or municipal department that are “likely to enlighten the public about the subject of the consultation” (OCPM 2010c), determine gaps in information presented, and help citizens clarify their questions to the developer. All citizen and commissioner questions must be answered. If an answer cannot be provided during the hearing, it must be provided in writing during the 21-day follow-up period.

After the hearings, the OCPM commissioner (assisted by OCPM staff) prepares a post-consultation report, which differs in structure and objectives from a borough's post-consultation report. The OCPM report includes a summary of the project, synthesis of participants' concerns, evaluation of these concerns against the information presented, and a resulting list of recommendations. Recommendations can address changes to by-laws or qualitative architectural design and urban integration considerations, be aimed at the borough, the City, the developer or stakeholders, and highlight the need for further studies or

possible partnerships between stakeholders to ensure the success of the project. The report is presented to the executive committee by the OCPM and made public shortly thereafter.

Importantly, the OCPM has no decision-making power—it can only offer recommendations to the decision-making bodies and other stakeholders. As iterated in several annual reports, the OCPM's influence on subsequent decisions remains unclear and no formal follow-up process exists though several internal assessments of the consultation process have been conducted.<sup>6</sup>

#### **IV. MUNICIPALLY-REGULATED PUBLIC PARTICIPATION IN PRACTICE**

Our research into public consultation in practice focused on large-scale developments in central areas of the City that, because of their scale and proposed changes in land use, density, and road networks, would likely have impacts on nearby neighbourhoods. Recent projects with public hearings were reviewed and, for this article, two case studies were chosen so as to explore and compare how well borough and OCPM-dictated consultation approaches functioned. The two case studies, both located to the south and west of downtown Montréal, include a high-density residential and commercial development proposed for a sizable area in Griffintown by a private developer and a medical campus proposed for the Glen Yards by the McGill University Health Centre (MUHC). Led by the borough in 2008, the Griffintown public hearing process concerns the adoption of a special project plan that entailed changes in building heights, new street configurations, expropriations, and demolition of buildings. The Glen Yards development concerns a design and planning concept for a large hospital campus and entailed OCPM-led public hearings, as well as a consultation process involving the MUHC and an inter-neighbourhood community coalition (the *Concertation Interquartier* or CIQ).

The analyses of the case studies feature the project and its development (context), the quality and extent of citizen engagement (process), and the feedback and difference that the consultations made to the project's design, implementation and wider impacts (outcomes), as described in section II above.

##### **a. Learning from context: framing the process and the scope of participation**

A key element emerged from the analysis of context in the review process: the importance of City decisions around how the consultation would be framed, both in who would head the process and how the scope of consultation was defined. As we show below, such decisions were greatly influenced by city offi-

cials' assessment of the context and importance of the developments, and were fundamental in limiting the consultation process.

The first step in a consultation is the decision about *the form it will take*—where, presided over by whom, how formal, and with which participants. Both the Griffintown residential and commercial development and the Glen Yards hospital development required by-law changes and consequently, had accompanying public consultations. However, the form that these consultations took differed, a product of government decisions regarding who would sponsor the consultations. Although City guidelines say little about context, this important decision about the form of consultation is greatly influenced by understanding of context, as described below.

The choice of who will head a consultation (borough vs. OCPM) is at the discretion of the city's executive committee and council. In the case of Griffintown, the development proposal differed substantially from the Montréal's guiding Master Plan and essentially extended the commercial core to the west of the existing downtown area. Downtown merchants and independent planners questioned the wisdom of setting up a shopping and entertainment zone in an adjacent area (Gariépy 2009). Moreover, they questioned whether it was appropriate that the overall plan proposed for the area—a *plan particulier d'urbanisme* or PPU that describes zoning, roads networks, public spaces, building heights, and the like—had been shaped first by the vision of the developer rather than by the city's planners and political leaders (Fischler 2007). Finally, numerous attendees at the hearings publicly questioned the decision to grant—as occurred in the fall of 2007—the rights to develop the area to one party, Devimco, without a competitive bidding process (Rapport de l'assemblée publique de consultation: Projet de PPU du secteur Peel-Wellington 2008).<sup>7</sup>

Aside from the controversial origins of the Griffintown project, there were many public concerns about city-wide impacts of the Griffintown development, impacts which would have resulted in an OCPM-led consultation. Without providing a justification for the decision, the City chose to direct consultation to the borough level, where there were fewer requirements on the process. Borough-led consultations, as described above, are run by borough officials as opposed to independent facilitators, and need not lead to analysis of discussions or elaboration of recommendations. As such, directing the consultations to the borough level was based on a particular understanding of context—in which city-wide impacts were downplayed.

The OCPM, the Conseil du patrimoine and the professional planning order of Quebec, the *Ordre des urbanistes* (OUQ), each publicly expressed their concerns over the choice of borough-led consultation (Urbanité 2008: 62) (Avis du conseil du patrimoine 2008), and a letter opposing the process, signed

by leading urban reformers, architects, academics and planners, was sent to the Mayor. The selection of the borough to conduct the public consultation in Griffintown—with the seeming political expediency of a streamlined process in a single borough over the OCPM-led city-wide process (Gariépy and Gauthier 2009), cast doubt on the impartiality of the review process; for many, the City seemed to be bypassing the best possible consultation for the project and the one specified in City guidelines, i.e., an OCPM-led process.

A narrow and unclear scope for consultations emerged as an additional issue in both the Glen Yards and Griffintown public review processes. For example, in the Glen Yards, the 2005 OCPM public hearings dealt specifically and narrowly with the draft by-laws for the development; however this mega-project's impacts extended beyond what could be outlined in a by-law. The OCPM's post-consultation report highlighted that the hospital's proposal fell short of ensuring its urban insertion and thus demanded an integrated planning process for the site itself and its surroundings (OCPM 2005a and OCPM 2005b). According to key informants, six years later this is yet to occur. As introduced in the Concertation Interquartier brief at the 2005 public hearing, the most important issue for nearby residents—the development's fit with its surroundings—was not properly addressed through the consultation, or reflected in the design approved by the government. Throughout, the decisions required for project approval—by whom and when—were not made clear to the public, and the consultation exercises were not closely tied to that approval process. Moreover, both borough and OCPM-led hearings did not, and do not, address the issue of evaluation criteria.

In both the Glen Yards and the Griffintown developments, consultation mandates were generally too narrow to address the range of urban issues and geographical scope of project impacts. As is true of most legally mandated public hearings, the formal parts of both of these consultations addressed the proposed legal changes, whether to bylaws or the adoption of a plan. Importantly, lack of information for the public on how the consultation fit into the decision-making process meant citizens did not know when a hearing was the best means for public engagement and when other activities should be pursued (CIQ 2006; NDG Community Council 2006, 2009). The scope of the hearings and its form, in the case of Griffintown—also proved less than optimal for consultation around the range and geographical scope of urban issues arising from the two proposed projects. Moreover, as explored later, our analyses suggest that context (financial limitations, different and new stakeholders, etc.) changed enough over project development to reduce the relevance and usefulness of the outcomes of the public consultations.

**b. The participatory process: new guidelines, old practices**

Many of the City's participatory measures focus on process elements, and it is in this area that one would expect the greatest improvements in participatory practices. Three aspects of the process are highlighted: participatory practices in public meetings and hearings; the quality of information as a means to facilitate consultation; and consultative practices outside of the publicly sponsored events.

Our research found that the activities within public meetings generally followed prescribed guidelines: presentations by project developers were clear, municipal officials and other sources of expert knowledge were on hand at meetings to follow-up on concerns that arose, participatory events were documented, and adequate time was allocated to citizens to express concerns, questions and comments. On the negative side, the structure of the public hearing process was often problematic. Hearings were often long, with up to two hours taken for presentation of the process and project prior to citizen comments and questions. Citizens faced numerous barriers to participation, including unfamiliarity with the process, lack of access to technical information, language difficulties, and inconvenient location and timing of events, all of which are oft-cited in the literature on participation (cf. Forester 1989; Hamel 2005; Gauvin and Abelson 2006). Heated comments from some of those attending the meetings reflected expectations—of real outcomes and real influence—that went beyond the 'advisory' and 'consultative' nature of the process (NDG Community Council 2008; OCPM 2005b). Gaps between expectations and the framing of the consultation process also may have led to non-participation, a dynamic documented in diverse participatory processes (cf. Forester 1989; Sheedy 2008).

The information provided to support the citizen engagement process varied in quality and adequacy. Currently, development proposals include different types of studies in their documentation. The OCPM public hearing process attempts to ensure that the documentation submitted by the project sponsors is complete and valid. However, since borough public hearings do not have third-party review of information, certain challenges can arise concerning the comprehensiveness of supporting documentation. For instance, in the case of the Griffintown development, advisory planning bodies, namely the *Conseil du patrimoine* (Heritage council) and the *Comité consultative d'urbanisme* (consultative committee on urban planning) voted against the PPU initially, with the Consultative committee noting that information to properly judge the project was missing. Other information relevant to assessing the project, such as the minutes of borough and central city meetings documenting the decisions to accept the preliminary PPU, were only made available well after the public hearings.

Public hearings are an important form of involvement, drawing residents, providing a forum for documentation and—at least in the hallways—debate, and leading to possible changes to project design in line with community concerns. When managed by an impartial body—such as the OCPM—the results seem to be viewed as legitimate, whether or not they are incorporated into subsequent designs and development approvals.

However, in both case studies studied, participatory processes occurred both inside and outside of the formal hearing process. Often held by developers, these 'outside' activities ranged from working group meetings with selected stakeholders to contractual agreements with local organizations, compensation to local residents and property owners, and information sessions for the general public. Some issues—such as off-site impacts—were not the subject of the hearings and, instead, were addressed by citizens through these 'outside' consultations as well as other activities not sponsored by the developer or the city.

Background negotiations were critical to the Griffintown proposal. The developer, Devimco, and the City stated that the development proposal itself had been developed through consultation (Devimco 2007). Although the City and Devimco presented their plans to community stakeholders, the definition of "consultation" was not clear—these meetings were not documented and the results were not diffused to the public (Ange-Gardien 2008). In addition, several specific agreements were privately negotiated to benefit the Sud-Ouest communities in which the development was to be located. For example, RÉSO, a Sud-Ouest community economic development organization, drafted a legally-binding agreement designed to benefit unemployed borough residents (RÉSO 2008).

At the Glen Yards, the *Concertation Interquartier* (CIQ), made up of nine community organizations, has played an important role in encouraging ongoing community engagement and addressing issues that fell outside the scope of the 2005 OCPM-led public hearings. In 2004, the CIQ initiated a partnership agreement with the MUHC to "combine their efforts in order to optimize the positive impacts of the arrival of the MUHC and its integration into the surrounding communities" (CIQ-MUHC 2004). Ongoing meetings between the CIQ and MUHC, and good faith participation in hospital committees to provide guidance on community priorities to the competing bidders, proved of limited importance when the province decided that the two bids submitted were too costly and needed to be reworked. According to members of the CIQ, the plan ultimately adopted meets few of the citizen's expectations regarding site integration with the surroundings. In neither the 2005 OCPM hearings nor the MUHC-CIQ discussions was it made clear who had power of approval,

which different parties (and there are many) were to be involved, and what contextual elements were settled or not.

Review of process elements of the two cases suggests mixed results for Montréal's new measures. Formal guidelines, as followed in the OCPM and borough-led hearings, results in information—more effective in the OCPM-case and of varying quality in the borough process—flowing to residents, and opportunities for feedback to flow back to decision-makers. Yet barriers to meaningful participation by diverse affected parties continue to characterize the new participatory processes. The prevalence of 'side' consultation activities occurring in parallel to the 'public participation events' leads to additional challenges. As seen in the two case studies, important modifications to the plans, and agreements between the developers and others, were made outside of the formal public hearing process (Ville de Montréal 2005a). Some community representatives interviewed see these agreements as a success, and the payments, for example, to owners of buildings subject to demolition as deserved compensation, or the legally binding commitments to hire local residents as a community victory. Others see such agreements simply as the developer's efforts to co-opt potential opponents of the project. In either view, these 'outside' negotiations are characterized by unclear processes of community representation, limited information on the consultations or content of discussions, and lack of public access to resulting agreements; 'outside' processes—to the extent that they remain exclusive and undocumented—reduce the transparency of the development process, sideline the formal consultative process, and undermine the legitimacy of subsequent decisions.

### **C. Outcomes and follow-up: participation in a policy void**

In the area of outcomes and follow-up, neither of the consultations proved satisfactory, though this relates both to the formal process itself and to the expectations that some people bring to it. The public consultations are, by intent, largely advisory, and expectations that they will yield binding results are unrealistic. However, three key issues arose from the case studies: lack of an evaluation component in the borough-led post-consultation reports; an inability to track whether concerns and recommendations emerging from consultations had any subsequent effect; and the absence of structures for follow-up to formal consultation processes.

Evaluation and recommendations were included in the OCPM-led post-consultations reports, allowing citizens to use these as a reference against subsequent decisions and project plans. In contrast, the borough's post-consultation report on the public hearings for Griffintown contains no analysis (Ville de Montréal - Arrondissement du Sud-Ouest 2008c). The report consists

of a synthesis of questions raised and opinions expressed during the public hearings, summarized according to themes (quality of life, transport and circulation, heritage, etc.) and quantified by the number of times iterated by citizens. It is up to the reader to decide which concerns are most important and valid, or where necessary documentation is missing. Due to the lack of evaluation, no official recommendations are made. Additionally, the absence of analysis means it is difficult to ascertain which partners are responsible for dealing with which concerns and consequently, what type of actions would be required or could be pursued in future. The report does not aid in understanding how decision-makers—including government bodies and the developer—chose which opinions to address in subsequent decisions and implementation, which to ignore and for what reasons.

Inability to track decisions is compounded by the lack of clear recommendations in the borough reports but also by incomplete, dispersed and hard-to-find documentation of decisions made on major urban projects and the rationale behind those decisions. For example, city council and executive committee minutes do not reflect discussion of OCPM recommendations for the Glen Yards project and others; the minutes simply acknowledge receipt of the post-consultation report. Likewise, the City of Montréal and Devimco released revisions to the plans for Griffintown after release of the borough post-consultation report (Devimco 2008). These revisions included both by-law and private development agreement changes. Yet, the minutes from the executive committee and the city council contain little information as to why changes were made. In addition, the side agreements, and confidentiality of these and many city-developer agreements, means that important elements of the projects are poorly communicated to the public and cannot easily be tracked.

Public hearings, as specified in municipal policies and guidelines, have no provisions for follow-up, even if the project changes considerably. In the case of the Glen Yards hospital complex, the project shifted from one that was to be built largely by the public sector to one falling under a public-private partnership model for construction and management. Strict guidelines around the tendering process—in which two preferred bidders were identified and given a year to develop plans and building specifications in close collaboration with the MUHC—meant that the entire process was kept secret; the public has no knowledge of design proposals that were not selected, and no understanding—except via speculation around costs or functionality—as to why the design differs from that discussed in the consultations and the resulting recommendations. For instance, the government or project promoters could not respond to local residents' complaints that the new adopted plan for the site departed from what had been agreed in consultations, namely that on-site roads would



continue those of the surrounding road grid, thereby preserving site lines and integrating the development into the neighbouring areas (MUHC public meeting, 14 July 2010).

That large-scale projects can change significantly in structure, design, site access and operations is known; changes in funding, economic fluctuations, politics, technology and infrastructure may drive modifications. As a result, when “ground is finally broken”, projects often differ considerably from when they were first brought to consultation; if they still conform to the relevant by-laws and regulations, there is no legal obligation to hold another public consultation. However, these changes can sometimes result in a new set of environmental, social and economic effects on the surrounding communities, ones that have not been reviewed or addressed by affected parties. Indeed, in both the Griffintown and MUHC projects, consultation was not conducted on the projects that will be built.

## V. RECOMMENDATIONS

In Montréal, the adoption of new municipal measures aimed at improving participation focused on the effectiveness and credibility of Montréal’s main public consultation process, the public hearing. The case study analyses suggest that with respect to context, process and outcomes (Abelson and Gauvin 2005), formal processes are being followed; the OCPM-process, in particular, is leading to informed consultation and constructive recommendations, and information from these hearings is being made available to decision-makers and the public. However, improvements are needed. Despite the observed differences between borough and OCPM-led processes, the two case studies shared the following characteristics: a mandate for public hearings narrowly focused on bylaw changes; a high risk of the project’s physical components changing subsequent to the public hearing; use of often-opaque ‘outside’ consultations in parallel to the official hearing process; the prevalence of community-developer agreements on project “spin-offs” unrelated to topics expressed during the consultation; and a lack of publicized follow-up on the consultation or specifically, in the case of the OCPM, recommendations.

The following questions and ensuing recommendations on how to improve the public consultation process are addressed to a variety of stakeholders, including municipal and public authorities and organizations, developers and community organizations. Important questions include: Does the OCPM’s mandate need to be expanded to include public diffusion of recommendations and monitoring of follow-up actions by various stakeholders? Is there a mechanism to include objectives besides those related to by-law changes in the scope of a public hearing and, if so, who should determine them? Should edu-

cational tools be developed to clearly explain Montréal urban planning issues (e.g. by-laws, policies, etc.) to the public at large (as is practiced in Toronto and Ottawa)? Should a third party be responsible for playing a “watchdog” role on public consultation and participation follow-ups and, if so, what types of cross-departmental information system is required to support it? Who should play a regulating role in side agreements, including those for community benefits? How can community members be included on developer-city planning committees in a transparent manner? The article's concluding recommendations, organized around Abelson and Gauvin's (2005) context-process-outcome framework, point to principles that decision-makers can adopt so as to consolidate the potential benefits of municipal public engagement processes.

### **Context**

1. Clarify, publicize and consistently follow criteria when assigning urban planning projects to specific consultation processes (e.g., the application of borough vs. OCPM-led processes)
2. Explore the use of a wider scope for consultation, one that allows for consultation on project concepts, assessment of impacts at different spatial scales, key decision makers and interaction among projects
3. Encourage documentation, transparency and accountability when conducting consultation and negotiation activities outside of the public hearing process

### **Process**

4. Define clear objectives and evaluation criteria for consultation including how it relates to decision-making (e.g., where decision points are located in the process, how information will be communicated to the public, and how public input will be used in decision-making, if at all)
5. Develop and prescribe a check-list of studies and municipal documents for proposed urban projects that will be made available during and after a public hearing
6. Identify local barriers to participation in public hearings and explore ways—via educational tools, new public participation tools, and the like—to reduce such barriers

### **Outcome**

7. Develop formal follow-up mechanisms that publicize outcomes of public consultations and clearly link changes to the original

recommendation and the project as a whole

8. Encourage follow-up committees to track recommendations (including by-laws recommendations and those issues to be pursued through means other than via by-law changes) aimed at developer, municipal bodies and other stakeholders
9. Develop criteria to determine if subsequent public consultations are required on large-scale projects that have changed since originally presented

## VI. CONCLUSION

In Montréal, the policies, guidelines and regulations on public consultation are designed to expand citizen engagement in specific events—mainly through hearings. These hearings are largely reactive to proposals and plans elaborated via non-participatory process. Our research into context, process and outcome dimensions (Abelson and Gauvin 2005) of these hearings suggests that the guidelines and practices around public participation require further improvement. At the level of context, government decision-makers determine whether or not a consultation will be held and who—the OCPM or a borough—will convene it. This ‘scope of action’ allows for politicization, and indeed manipulation, of a process that ostensibly is to bring transparency and accountability to the urban development process.

At the level of process, public hearings—especially those run by the OCPM—have clear procedural guidelines, a concern to provide accurate and comprehensible information to the public, and a will to use public and expert input to improve urban projects. Yet the process remains flawed by many of the barriers to participation identified in literature and practice (cf. Forester 1989; King 1998). Moreover, the prevalence of ‘outside consultations’ between project sponsors and other stakeholders—the consultations and agreements that are not documented or subjected to public review—threatens to undermine the public hearing process.

With respect to outcomes, although Montréal’s Public Participation and Consultation Policy states that “if they are to guarantee the credibility of the process, decision-makers must consider the opinions collected and provide reasons for their eventual decisions,” this recommendation is rarely followed.<sup>8</sup> Decision-makers do not just include borough or city-wide officials. They also include developers, public institutions and other bodies. Major urban developments need to present a strategy of where these decisional points are located in the process, how issues and plans will be communicated to the public and, when applicable, how public input will be sought to help reach these decisions.

Clarity on recommendations would help citizens to understand how a by-law affects the particular project development and who is responsible for following-up on recommendations.

The analysis of the two Montréal projects used the framework developed by Abelson and Gauvin (2005) to examine strengths and weaknesses of municipal guidelines in terms of: context (and lack of attention to it); ongoing difficulties with participatory processes; and weaknesses in linking consultation to outcomes. Equally important, the cases show that the effects of urban development projects extend beyond the site's boundaries, and encompass many aspects that cannot be covered in a review of proposed by-law changes. As such, municipal efforts to enhance participation and government accountability should focus on (a) improving transparency and clarity on how consultations function within the urban development decision-making process, and (b) creating opportunities for consultation that address a wider range of citizen concerns, the evolution of a project, and its interaction with other developments in the urban environment. The article's concluding recommendations point to potential improvements to the process.

#### ACKNOWLEDGEMENTS

Thank you to Dimitri Roussopoulos, Luc Doray, Joshua Wolfe, Jason Prince, Catherine Vandermeulen, our key informants, two anonymous peer reviewers, members of the community-university research team and others who have formally or informally shared their critical insights on Montréal's public participation processes through the years. The authors also wish to acknowledge the support of *Making Megaprojects Work for Communities*, a SSHRC-CURA financed research alliance, and McGill University's School of Urban Planning.

#### Notes

<sup>1</sup> Numerous writers examine the forces and rationales behind the widening of opportunities for civic engagement around Montreal's urban development (cf., Juvé, 2005). Our focus is on how well such processes work once adopted.

<sup>2</sup> *The Challenge of Participation: Montréal's Policy on Public Participation and Consultation*

<sup>3</sup> *Taking Part in Public Consultation: Becoming Informed, Asking Questions and Expressing Opinions - A Practical Guide for Citizens* and *Interaction with the Public: A Practical Guide for Private, Public or Community Developers*

<sup>4</sup> City-wide public consultations are also held on topics (besides urban developments) that the Mayor's office deems likely to benefit from citizen-input, such as a city charter or policy; these consultations can be led by the city, the borough, the city's standing committees or the OCPM.

<sup>5</sup> Although city council can choose to designate the OCPM, Council does not carry the same decisional power as the executive committee, and tends to side with decisions made by the executive committee. As a result, the executive committee is considered to be responsible for mandating the OCPM. In the summer of 2008, the Quebec National Assembly voted to sanction Bill 22, so as to modify Section 83 of Montréal's City Charter. This amendment sought to give city council the power "to initiate amendments to the City's planning program and provides that public consultations on draft amendments will be carried out by the Office de consultation publique de Montréal" (National Assembly, Bill 22: An Act to amend various legislative provisions concerning Montréal 2008). As a result, the OCPM can now be mandated "to hold a public consultation on any draft by-law amending the City's planning program, except those adopted by a borough council" (National Assembly, Bill 22: An Act to amend various legislative provisions concerning Montréal 2008). In other words, prior to the legislative change, PPU (Projet particulier d'urbanisme) had to be conducted by the borough. However, now a PPU consultation can be held by the borough or the City, at the City's discretion, which in turn can implicate the OCPM. However, this change in legislation still means that the OCPM can be bypassed if a certain PPU is led by the borough (as seen below, in the Griffintown case study).

<sup>6</sup> In its 2008 annual report, the OCPM admits to only having a partial view of the follow-ups on its recommendations by decision-making bodies since it lacks any official follow-up mechanism. Moreover, the OCPM 2008 Annual Report recommends that the City's position on OCPM recommendations be made clearer and that the City implement an automatic response mechanism to the commissions' recommendations. In 2010, the OCPM released a review of a selection of its previous public consultations, in terms of "solidarity, coherence and conviviality." Solidarity is associated with "respect, justice, fairness, democracy and social inclusion" (OCPM 2010a), and focuses on the issues of affordable housing and local hiring. The OCPM looked at the issues raised in the consultation and their effect on the final project, i.e., if OCPM recommendations led to changes in the developers' plans to include, for example, more affordable housing or local hiring. Finally, by-law changes relating to OCPM-consulted projects were recently added to the OCPM website; however, the relationship of the changes to the original OCPM recommendation is not specified.

<sup>7</sup> See also: Fischler 1999; and Gariépy and Gauthier 2009; *Projet Griffintown: des citoyens expriment des inquiétudes*. (2008 February 26). La Presse. Accessed November 20, 2009: [www.monquebec.net/actualites\\_quebec/!che\\_news.php?news=512](http://www.monquebec.net/actualites_quebec/!che_news.php?news=512); and *Projet Griffintown - L'Office de consultation publique de Montréal doit être utilisé*. (2008, March 21). Le Devoir. Accessed

November 20, 2009, [www.ledevoir.com/2008/03/21/181466.html](http://www.ledevoir.com/2008/03/21/181466.html).

<sup>8</sup> The OCPM has also urged that its recommendations receive a formal letter of response from the executive committee or city council, just as is presently done with the city's standing committees recommendations.

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