



# 4.7.

## STREET FOOD

March 29, 2018



## SUMMARY OF THE AUDIT

### OBJECTIVE

Ensure that a functional and effective process has been instituted to ascertain that food trucks are operating in compliance with the laws, by-laws and frameworks in effect in the territory of Montréal.

In addition to these results, we have formulated various recommendations for business units.

The details of these recommendations and our conclusion are outlined in our audit report, presented in the following pages.

Note that the business units have had the opportunity to formulate their comments, which appear after the audit report recommendations.

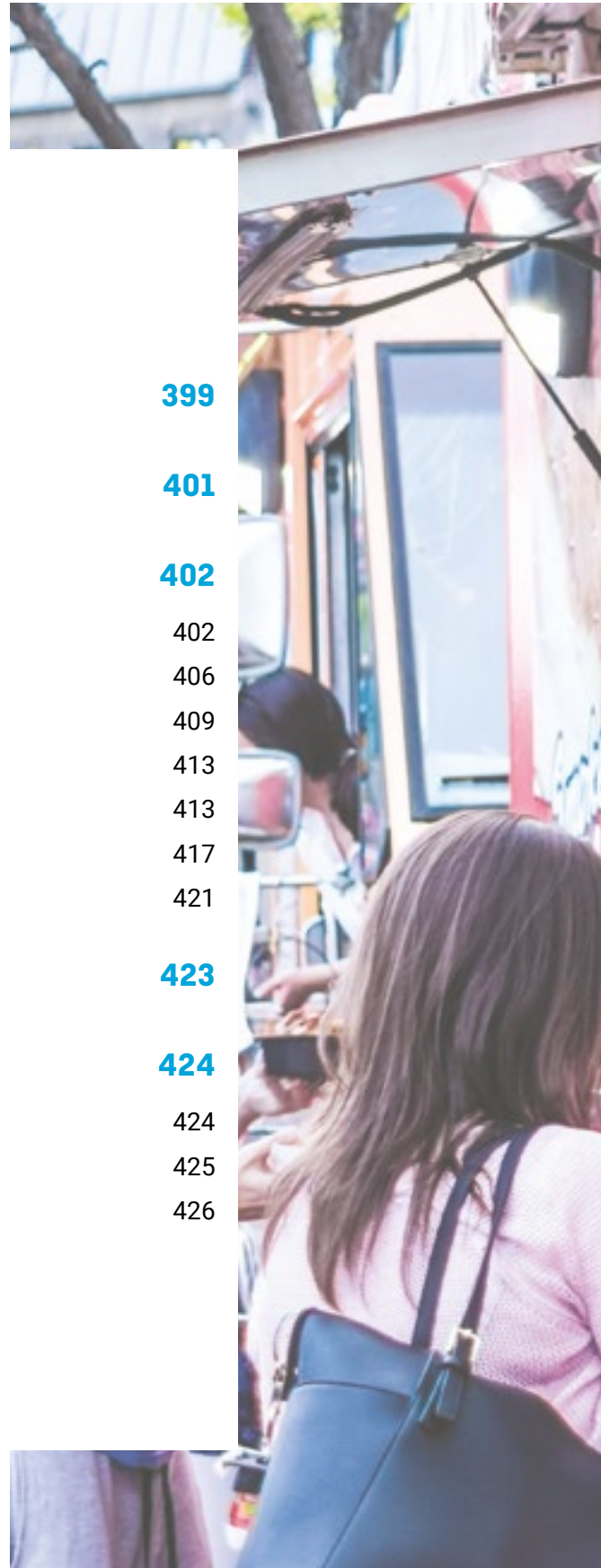
### RESULTS

On March 24, 2015, the municipal council adopted a by-law governing street food within the city's territory. The governance surrounding the management of this activity was also amended, in particular with regard to the division of roles and responsibilities of the various business units involved. Three years later, we believe that improvements should be made with regard to the following main aspects:

- The selection process for the kinds of food trucks authorized to apply for a permit represents an administrative burden and does not in any way take into consideration the outcomes achieved in terms of food inspection.
- Monitoring mechanisms have not been established to ensure that the conditions required to receive street food permits are maintained throughout the period of validity.
- Some aspects of the current operating method for the occupation of the public domain by food trucks cause dissatisfaction for the operators, which negatively influences the visitor rates at street food sites.
- The street food by-law and the responsibilities delegated for its enforcement are not well known by the boroughs. Consequently, most of the boroughs audited do not inspect the food trucks in their respective territories to enforce the by-law.

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## LIST OF ACRONYMS

**MAPAQ**

Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec

**SCA**

Service de la concertation des arrondissements

**RBI**

Risk-Based Inspection

**SIAM**

Système d'inspection des aliments de Montréal



## 1. BACKGROUND

Street food can be defined as the sale of food prepared and served by merchants in mobile equipment (e.g., trucks, trailers, carts) set up in the public domain<sup>1</sup>.

Although the sale of food in the public domain was prohibited in the territory of the Ville de Montréal (the city) beginning in 1947, the growing popularity of this activity and the pressure to allow it once again led the city to consider the matter. On June 19, 2012<sup>2</sup>, the city's municipal council mandated the Commission permanente sur le développement économique et urbain et l'habitation (the "Commission") to study the sale of food in the public domain. A number of issues had to be considered, particularly with regard to:

- Governance: the division of responsibilities between the central city and the boroughs;
- Economy: tax fairness and competition related to the cohabitation of street trucks and established restaurants;
- Urban environment: the occupation of the public domain (e.g., odours, obstruction of traffic) and cleanliness;
- Public health and safety: hygiene and food safety, fire prevention;
- Reputation: the impacts on the city's gastronomic image (e.g., the quality of the culinary offering).

After completing a public study and submitting its report in April 2013, the Commission declared itself in favour of developing a scenario to allow food trucks in the public domain and agreed on the need to set up a pilot committee to propose a regulatory framework for the deployment of this activity beginning in 2015. We should specify, however, that street food was already available in Montréal during outdoor events (e.g., festivals, neighbourhood celebrations) based on ordinances and rules established by the boroughs.

In summer 2013, the Ville-Marie borough was entrusted with the task of carrying out a street food pilot project at specific sites in its territory. The pilot project was repeated in 2014 and the Rosemont–La Petite-Patrie borough was added to the area allowing food trucks. The experience over the two years of the pilot project led to a positive report, and on March 24, 2015, the municipal council adopted the *By-law governing street food*<sup>3</sup> (By-law 15-039) which is applicable to the entire territory of the Ville de Montréal.

By-law 15-039 regulates street food in the public domain at established sites<sup>4</sup> and spots<sup>5</sup> occupied in rotation by operators with a street food permit. It includes subsections on the selection process and the constitution of the selection committee, the permit application

<sup>1</sup> The public domain means streets, alleys, squares and public places, including sidewalks and parks.

<sup>2</sup> Municipal council resolution CM12 0570.

<sup>3</sup> Municipal council resolution CM15 0365.

<sup>4</sup> Fixed marked location on the public domain that includes, at most, three spots for food trucks.

<sup>5</sup> Space within the site where the food truck must be installed.

and conditions, the validity period and expiry of permits, the general conditions of the food truck, the sale of food, signs and advertising, inspection and penal provisions. Section 3 of the by-law specifies that it does not apply to:

- Commercial promotions authorized by the city;
- Events, festivals or demonstrations authorized by the city;
- Mobile canteens;
- Private events where a food truck associated with the event is parked on the public domain;
- Vehicles intended for making food donations.

It is important to specify that on February 24, 2015<sup>6</sup>, prior to the adoption of this by-law, the municipal council declared its jurisdiction, under section 85.5 of the *Charter of Ville de Montréal*, for a period of two years, over the occupation of the public domain for the sale, preparation and consumption of food and beverages, with the exception of authorizations granted for the sale of food items in the public domain during events, festivals, demonstrations or commercial promotions, which remained under the jurisdiction of the boroughs. This declaration of jurisdiction was made with the goal of developing a shared approach in the territory, given that the powers to adopt and apply by-laws related to the sale of food and beverages in the public domain had been delegated to the boroughs<sup>7</sup>. Subsequently, at a session held on February 20, 2017<sup>8</sup>, the municipal council resolved to extend the application of this declaration of jurisdiction for a period of two additional years (expiring February 2019).

Through the adoption and the gradual amendment of By-law 15-039, the municipal council also adopted (in 2015 and 2017) amendments<sup>9</sup> to the *By-law concerning the delegation of city council powers to borough councils* (By-law 02-002) to clarify the division of roles and responsibilities in relation to this activity. By-law 02-002 stipulates that the city council must:

- Delegate to the borough councils the powers to adopt and enforce by-laws related to the sale, preparation and consumption of food and beverages in the public domain during events, festivals or demonstrations or commercial promotions<sup>10</sup>.

Under By-law 15-039, the city council must:

- Delegate to Ville-Marie borough the enforcement of provisions related to street food permit applications and issuance conditions;

<sup>6</sup> Municipal council resolution CM15 0186.

<sup>7</sup> By virtue of the by-law concerning the delegation of city council powers to borough councils (02-002) (section 1, paragraph 1, subparagraph i)).

<sup>8</sup> Municipal council resolution CM17 0171.

<sup>9</sup> Municipal council resolutions CM15 0365 and CM17 0352.

<sup>10</sup> By-law 02-002, paragraph 1, subparagraph i) and section 4.2, paragraphs 1 and 2.



- Delegate to all boroughs the enforcement of the provisions of this by-law with the exception of those related to the selection process, the selection committee, the authorization to occupy the public domain for the purpose of street food and the validity and expiry of permits, which are under the responsibility of the Service de la concertation des arrondissements (SCA).

All the boroughs are accountable for carrying out the inspections required to enforce By-law 15-039 and determine the number of sites and spots where food trucks are authorized in their respective territories. The boroughs choose the sites and spots and can change them as required, by ordinance. The SCA manages the occupation calendar for street food sites in the public domain. In this regard, we should specify that in recent years, the SCA has awarded the contract for managing the site occupation calendar to an external organization.

Annually, the municipal council adopts the *By-law concerning fees* to which the fees associated with food trucks have been added. The fees for food trucks concern the examination of the eligibility application for the selection of operators, the cost of the permit and the occupation fee for the public domain (see Appendix 5.2).

Under an agreement concluded with the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec (MAPAQ), the Division de l'inspection des aliments of the Service de l'environnement is the MAPAQ's agent for inspecting food establishments in the restaurant, retail sales, processing, distribution and storage sectors in the greater Montréal territory. Food trucks are covered by this agreement.

## 2. PURPOSE AND SCOPE OF THE AUDIT

By virtue of the provisions of the *Cities and Towns Act*, we conducted an audit mission of the resource optimization for food trucks. This audit was performed in compliance with the Canadian Standards on Assurance Engagement (CSAE) 3001 of the CPA Canada Handbook – Assurance.

The purpose of the audit was to ensure that a functional and effective process had been instituted to ascertain that food trucks are operating in compliance with the laws, by-laws and frameworks in effect in the territory of Montréal.

The role of the Auditor General of the Ville de Montréal is to provide a conclusion regarding the purpose of the audit. To do so, we have collected a sufficient amount of relevant evidence on which to base our conclusion and to obtain a reasonable level of assurance. Our evaluation is based on criteria we have deemed valid for the purpose of this audit. They are presented in Appendix 5.3.

The Auditor General of the Ville de Montréal applies the *Canadian Standard on Quality Control* (CSQC 1) of the CPA Canada Handbook – Assurance and, consequently, maintains

a comprehensive quality control system that includes documented policies and procedures with respect to compliance with ethical guidelines, professional standards and applicable legal and regulatory requirements. It also complies with regulations on independence and other ethical guidelines of the Code of Ethics of Chartered Professional Accountants, which is governed by fundamental principles of integrity, professional competence, diligence, confidentiality and professional conduct.

Our audit work focused on the period extending from January 1, 2015, to December 31, 2017, but for certain issues, data prior to these years were also considered. Most of the audit work was carried out between December 2017 and February 2018, but we also took into consideration information given to us until March 2018.

This work was performed primarily with the following business units:

- SCA – Division soutien aux projets et programmes;
- Service de l’environnement – Division de l’inspection des aliments;
- Mercier–Hochelaga-Maisonneuve borough – Direction des travaux publics;
- Outremont borough – Direction de l’aménagement urbain et du patrimoine;
- Rosemont–La Petite-Patrie borough – Direction du développement du territoire et des études techniques;
- Sud-Ouest borough – Direction de l’aménagement urbain et du patrimoine;
- Verdun borough – Direction de l’aménagement urbain et des services aux entreprises;
- Ville-Marie borough – Direction des travaux publics.

Upon completing our audit work, we presented a draft audit report to the managers of each of the audited business units for discussion purposes. The final report was then forwarded to the Direction générale and to each of the business units involved in the audit in order to obtain action plans and timetables for their implementation. A copy of the final report was also submitted, for information purposes, to the directors of the boroughs not directly targeted by our audit, so they could implement the recommendations if appropriate.

## **3. AUDIT RESULTS**

### **3.1. FOOD TRUCKS SELECTION PROCESS**

#### **3.1.A. BACKGROUND AND FINDINGS**

In compliance with section 5 of By-law 15-039 governing street food, permits are issued based on a selection process carried out with the assistance of a selection committee that is responsible for evaluating the applicants’ file and making recommendations. To this end, a call for applications is launched each year by the SCA. Only applicants that have been

recommended by the selection committee can apply for a street food permit from the Ville-Marie borough. Through this process, the city wishes to assess the creativity, originality and quality of the culinary offering proposed by the food truck operators, in order to protect Montréal's reputation as a gastronomic destination. The applicants pay a fee of \$70 for the examination of their application file (see Appendix 5.2.).

By-law 15-039 specifies the information and documents that must be included in the application file. In particular, to be eligible, the applicant must work from a production kitchen<sup>11</sup> that holds a valid operation certificate for the city territory and a permit issued by the MAPAQ. As for the food truck, to be eligible, it must be motorized and self-propelled, be of the prescribed maximum height, length and width, be licensed by the Société de l'assurance automobile du Québec, have an independent supply of drinking water, electricity and propane, and be equipped with sufficient retention tanks for wastewater and grease. The application file must include: a presentation of the proposed street food concept, the menu and prices, photos of the culinary offering and the food truck, the ingredients that will make up each dish offered, scale plans (inside and outside) showing the layout of the food truck and an environmentally responsible management plan (e.g., choice of containers, waste disposal methods).

The established selection process provides that, on receipt of the application file, an SCA representative will conduct a technical analysis of the file to ensure that the applicant meets the eligibility conditions and that the file is complete and in compliance with the rules set out in By-law 15-039. Once this verification is complete, the application files are submitted to the selection committee, which evaluates them based on the six criteria in the evaluation chart appended to By-law 15-039. A score out of 100 is attributed to each file. The overall passing mark is 70%, with one quarter of the mark coming from the first criterion, "Creativity, originality and quality of the culinary offering." The other criteria are related to: origin of the products, professional experience and knowledge of issues related to restaurant operation, environmentally responsible management, general appearance of the food truck and the overall quality of the application file.

We want to point out that By-law 15-039 stipulates that the selection committee must be made up of five voting members, including three external members, who are not city employees and who are associated with the restaurant business or culinary arts, and two internal members, who are city employees. The city's executive committee appoints the external members of the selection committee by ordinance, while the SCA designates the internal members.

For the purposes of this audit, we have examined the street food selection process for the season beginning in April 2017. Exceptionally, in 2017, two selection committee meetings were held (in February and April 2017) to allow more applicants to apply. A total of 31 application files were submitted to the SCA. The outcome of the two selection processes was that 27 food trucks were retained, becoming eligible to apply to the

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<sup>11</sup> Commercial establishment located in the city territory and used by the operator in particular for street food.

Ville-Marie borough for a permit. With the 7 food trucks retained by the 2016 selection committee, 34 food trucks were eligible to apply for a permit in 2017. Under By-law 15-039, retained applicants can automatically renew their permits once<sup>12</sup> without having to submit another application file. Ultimately, 26 food trucks obtained permits in 2017 (see Appendix 5.1.).

Our audit work began by corroborating, by means of a survey, that the application files were in compliance with the specifications in By-law 15-039 and that the application fee (\$70) had been paid. Two files selected at random were examined to this end. Everything was found to be in compliance. Then, for each of the 31 application files, we verified that a technical analysis had been carried out by the SCA before the file was forwarded to the selection committee members. Overall, we found evidence of a documented technical analysis, except for one application file that was ultimately retained by the selection committee and given a street food permit in 2017. According to the information obtained from the person who had been assigned that task, it was an oversight that occurred in the wake of the April 2017 selection committee meeting. We want to point out that the selection committee works from the premise that the application file is complete and that the technical compliance of the food truck has been verified in advance. The technical analysis is therefore an important step.

Next, we examined whether the composition of the selection committee was in compliance with the rules set out in By-law 15-039 and sought evidence of the appointment of the external members by the city's executive committee. Everything was found to be compliant. The composition of the selection committee was in keeping with the rules and the appointment of the external members was approved by the city's executive committee at a session held on January 25, 2017<sup>13</sup>. We also found evidence of the selection committee's evaluation of each of the 31 application files. We were given a copy of the electronic file for each one, containing the evaluation chart with the attributed scores and the final mark received. All the retained applications had received the passing grade.

On another note, we did find, however, that the application evaluation process does not take into account the result of visits to food trucks carried out for food inspection purposes. As we will see in section 3.4.2, inspectors from the city's Service de l'environnement, Division de l'inspection des aliments visit food trucks (for planned interventions or after receiving complaints) in order to protect the public by ascertaining the safety and quality of the foods that are prepared and served. All their interventions are documented and recorded in individual dashboards for each food truck. Our audit work revealed that some food trucks received permits even though the outcomes of their food inspection visits were sometimes less than glowing or they had been the subject of complaints about the quality or condition of the food served. Some had received infraction notices for non-compliances that could have an impact on consumer health. The dashboards for some

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<sup>12</sup> By-law 15-039, section 26.

<sup>13</sup> Resolution CE17 0085.

of them even report cases of foodborne illness<sup>14</sup>. According to the statistics obtained from the Division de l'inspection des aliments, of a total of 19 complaints submitted from 2015 to 2017 about street food, 15 reported cases of foodborne illness from six different food trucks. We agree that this situation is far from widespread. Nevertheless, we feel that the information is very relevant to consider for informed decision-making about the choice of applicants that can be authorized to apply for a street food permit. The information held by the Division de l'inspection des aliments about the results of food truck inspections should, in our opinion, be obtained by the SCA and considered in the selection process.

Finally, we must point out the unwieldiness of the administrative process for selecting the food trucks that are ultimately allowed to apply for a permit. The application file has to be studied three times: once by the SCA, to verify the compliance of the food truck with the requirements set out in By-law 15-039 (technical analysis), once by the selection committee, which has to assess the creativity, originality and quality of the culinary offering, among other things, and, as we will see in the next section of this report, a third time by the Ville-Marie borough in order to issue the street food permit. There are therefore many people involved in the process, with the risk of duplicating efforts and the costs this entails, for an activity that seems to be waning. Indeed, since the adoption of By-law 15-039 for the period from 2015 to 2017, only 8 of the 19 boroughs have sporadically offered sites on their territory for street food activities. For the 2018 season, it is currently projected that only three boroughs will participate (see Appendix 5.1.).

## RECOMMENDATIONS

- 3.1.B.** We recommend that the Service de la concertation des arrondissements ensure that all applications received undergo a technical analysis to confirm that the applicant meets the eligibility conditions and that the file submitted is complete and in compliance with the rules set out in By-law 15-039 governing street food.
- 3.1.C.** We recommend that the Service de la concertation des arrondissements make the required provisions to ensure that the dashboards showing the historic results of food truck inspection interventions are obtained and considered in the selection process, to improve its effectiveness.
- 3.1.D.** We recommend that the Service de la concertation des arrondissements propose the amendments it deems appropriate to streamline the selection process for food trucks authorized to apply for a permit.

<sup>14</sup> Foodborne illness is an illness suffered after ingesting contaminated water or food.

## BUSINESS UNIT'S RESPONSES

### 3.1.B. **Service de la concertation des arrondissements**

*An analysis table for the technical specifications has been developed that covers all technical articles in the by-law governing street food. The files will be systematically transferred from the person in charge of receiving the files to the person in charge of the technical analysis. (Planned completion: completed)*

### 3.1.C. **Service de la concertation des arrondissements**

*An access to information request will be submitted annually to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec two months before the beginning of the evaluation period to receive the food trucks' food inspection history. (Planned completion: November 2018)*

### 3.1.D. **Service de la concertation des arrondissements**

*Regulatory amendments to streamline the selection process are being adopted by the authorities (municipal council meeting on April 24). The selection committee will be replaced by two forms (new or old operator) with objective, measurable criteria that will simplify and streamline the process for the operators. (Planned completion: April 2018)*

## 3.2. ISSUANCE OF STREET FOOD PERMITS

### 3.2.A. BACKGROUND AND FINDINGS

As mentioned previously, the Ville-Marie borough is the business unit that has been designated to issue street food permits. In this borough, this task has been assumed by the staff at the Division circulation et occupation du domaine public, which is part of the Direction des travaux publics.

The current process provides that each year the SCA will submit to the Ville-Marie borough the list of food trucks that have been retained by the selection committee. It is based on this list that the Ville-Marie borough manages the applications it receives from applicants to issue street food permits. For 2015, 2016 and 2017 respectively, 31, 29 and 26 street food permits were issued (see Appendix 5.1.). The applicants can apply for a seasonal permit (valid from April 1 to October 31) or an annual permit (valid from April 1 to the next March 31). Exceptionally in 2017, a winter permit was offered (valid from November 1, 2017, to March 31, 2018) (see Appendix 5.2.).

Our audit work began by comparing the list of permits issued by the Ville-Marie borough in these three years with the list of food trucks retained by the selection committees for those years. This examination allowed us to confirm that only authorized applicants received street food permits.

By-law 15-039 sets out the conditions for the issuance of permits<sup>15</sup>. In particular, the permit application must be accompanied by the following documents:

- The city's permit application form, duly signed and completed;
- A copy of the document attesting that the applicant has a corporate civil liability insurance policy for a minimum amount of \$2 million covering the entire period for which the permit is being requested and identifying the city as the co-insured;
- A copy of the operation certificate issued for the production kitchen and the required MAPAQ permits (for the production kitchen and the food truck);
- A copy of the lease, the sublease, the title deed in the applicant's name or a copy of the property tax bill for the address where the production kitchen is located;
- A copy of the incorporation documents for the company that operates the food truck;
- The resolution by the board of directors of the business that operates the food truck authorizing the submission of the application;
- A copy of the valid registration certificate for the food truck, issued by the Société de l'assurance automobile du Québec;
- A certificate (from a specialized private firm) for the connection of an exhaust ventilation system and a fire prevention system for commercial cooking equipment in the food truck, if applicable;
- Payment of the permit issuance fee, as set in the annual by-law concerning fees in the year of the application (see Appendix 5.2.).

Ultimately, when all these conditions are fulfilled and the analysis of the file has been completed, the permit is prepared, approved by the technical agent assigned and remitted to the applicant after the related fees have been duly paid.

That said, in order to corroborate that the permits were issued in compliance with the established rules, we examined the files of a sample of nine food trucks that received permits in 2015, 2016 and 2017, three different food trucks each year. Overall, our examination revealed that the permit issuance process unfolded in compliance with the rules set out in By-law 15-039. The required approvals were obtained with the exception of a single permit issued in 2015, where the copy placed in the file showed no evidence of a signature from the technical agent who prepared it or approval from the head of the division in charge. For that same permit, and for another one issued in 2015, we noted that some of the

<sup>15</sup> By-law 15-039, sections 22 to 24.

documentary proofs required for the permit to be issued were not found in the file. In one case, the MAPAQ permits for the production kitchen and the food truck were not in the file, and in the other, we could not find evidence of a certificate for the connection of an exhaust ventilation system and a fire prevention system for the commercial cooking equipment.

Furthermore, we would like to point out that the permits issued are conditional on the applicant's maintaining all the documents required for its issue up to date and valid, for the entire duration of the permit obtained. This requires follow-up to ensure that the conditions for the issue of the permit are being upheld by obtaining proof concerning documents that expire during the season (e.g., MAPAQ permits, registration certificate, civil liability insurance policy, fire safety certificate for the exhaust ventilation system and fire prevention system for the commercial cooking equipment). However, although the files established by the Ville-Marie borough to issue permits contained email communications informing applicants of the need to submit proofs of renewal for the expired documents, for five of the nine files examined, we did not find evidence of follow-up. The updated documentary proof was not in the files.

We feel that follow-up mechanisms should be instituted in order to ensure that street food permits are in compliance with the by-law governing this activity throughout their entire validity period. In this regard, the person assigned to this file at the SCA informed us that steps had been undertaken to set up the appropriate follow-up mechanisms.

## RECOMMENDATIONS

**3.2.B.** We recommend that the Ville-Marie borough take the necessary measures so that all conditions for the issue of a street food permit are met and that all documentary proofs are obtained in a timely fashion, to enforce the by-law in effect.

**3.2.C.** We recommend that the Service de la concertation des arrondissements complete the steps undertaken to set up follow-up mechanisms to ensure that the conditions for receiving a permit are upheld throughout its validity period.

## BUSINESS UNITS' RESPONSES

**3.2.B.** *Ville-Marie borough*  
A checklist will be created for each permit application that includes all conditions and supporting documents. **(Planned completion: June 2018)**



**3.2.C. Service de la concertation des arrondissements**

*A tracking chart was developed that specifies the validity dates of each document, the permit issue date and the payment date for the permit.*

*Requiring payment for the permit at the time of issue allows for closer tracking of the permit holders.*

*Finally, the operators are not permitted to reserve locations on the online platform before having properly obtained a permit.*

***(Planned completion: completed)***

### 3.3. MANAGEMENT OF THE STREET FOOD SITES OCCUPATION CALENDAR

#### 3.3.A. BACKGROUND AND FINDINGS

Since the adoption of By-law 15-039 in 2015, the SCA has recommended that the city's executive committee grant a contract to a specialized external firm to manage the street food site allocation calendar for operators with permits.<sup>16</sup> The budgets historically dedicated to this purpose are presented in Table 1.

**TABLE 1 – CHANGE IN BUDGETS DEDICATED TO THE MANAGEMENT OF THE STREET FOOD SITES ALLOCATION CALENDAR FOR OPERATORS WITH PERMITS**

EXTERNAL FIRM HIRED	CONTRACT DURATION	PERIOD	COST OF CONTRACT (TAXES INCLUDED)
<b>A</b>	1 year	2015-2016	\$57,671
<b>B</b>	1 year	2016-2017	\$119,574
<b>C</b>	2 years	2017-2019	\$132,221

Beginning in 2017, the agreement concluded with the firm hired (firm C) was developed based on a new operating method for street food permits that involves separate pricing for the permit and the occupation of the public domain. Previously, the site occupation calendar was based on the availability of the street food operators. According to the information obtained from the people we met, this operating method required a lot of work, was more costly to manage and was criticized by the operators, who complained that they could not gain access the sites most coveted for their heavy visitor traffic. The fee for occupying the public domain was at that time incorporated into the price paid to receive the permit. The new operating method is based on the use of the sites (first come, first served).

<sup>16</sup> For information purposes, we would like to specify that when the street food pilot project was set in motion in 2013 and 2014, this task was also entrusted to an external firm.

This operating method stipulates that before occupying the site, the operator must reserve the spot and pay the amount determined by the by-law concerning fees. Amendments have been made to By-law 15-039 to include rules that apply to the occupation of the public domain<sup>17</sup> with regard to issues such as the terms for reservations, the payment of a fee to occupy the public domain and cancellation. Amendments have also been made to the by-law concerning fees (2017 financial year)<sup>18</sup>, to stipulate the permit fee as well as a fee based on visitor traffic at four site categories. The most popular sites (e.g., category A) are a little more expensive to reserve (see Appendix 5.2.). Management of the calendar, reservations and payment for the spot are carried out online (website) using a digital platform run by firm C. The parameters for the various authorized sites and the list of food trucks with permits are included in the platform. When the street food permit-holder wants to open up for business, they have to use the application to pay the reservation fee charged for the spot and the occupation period, by credit card. The reservation site is accessible through the city's Internet portal under the heading "Street Food," and it allows public access so consumers can find the food trucks and view the calendar of where and when they will be in operation in the territory.

According to the information we obtained, to allow the hired firm to manage the calendar and assign spots in keeping with the established rules, each year the SCA gives it a list of the food truck operators with permits and a list of the available sites and spots. Any changes to this information are also communicated over time.

To begin, our audit work consisted of checking whether the site reservation calendar was functional and followed. Our objective was to corroborate that:

- The reservations that appear on the dedicated digital platform match the real occupation in the field (check that the food trucks on the sites are those that made reservations and find any that were present but had not made reservations);
- The food trucks present at the sites are on the list of those retained by the selection committee and that they had their street food permits posted in the food truck in public view;
- The spots for which no reservations were made were not occupied.

To do this, based on information on the reservation site for September 21, 22 and 26, 2017, we selected and visited a total of 14 spots, 9 of which had reservations and 5 that should have been free since no reservations had been made. This examination in the field allowed us to determine that the reservations made matched the real occupation in the field. We did not find any trucks on the sites that had not made reservations and paid their fee in advance. Moreover, all the food trucks present at the spots during the three field visits were on the list of those retained by the selection committee. They all had a street food permit, but it was not always posted clearly in view as stipulated in By-law 15-039. Finally, the visit to the spots for which there were no reservations revealed that they were effectively not occupied.

<sup>17</sup> By-law 15-039, sections 24.1 to 24.3.

<sup>18</sup> By-law 16-065.

Next, using this same sample of spot reservations, we wanted to corroborate that the firm hired to manage the calendar had collected the fees for occupying the public domain, in keeping with the fee by-law in effect. In this regard, we want to mention that the firm hired is required to periodically submit a detailed list of revenues collected to the SCA. Based on this list, the transaction related to each reservation in our sample was traced, and we compared the price invoiced (based on the site category) with the by-law concerning fees for 2017. Our examination did not reveal any irregularities. Everything was in compliance. Our audit work also confirmed that the person in charge of the file at the SCA conducts checks to verify the accuracy of the revenues collected by the firm hired to manage the occupation calendar. We feel this is a good management practice.

On another note, we examined a report produced by firm C for the period from April 1 to October 31, 2017, that shows the results of the activity in terms of the rate of reservations for the sites proposed by the six participating boroughs. Table 2 presents the statistics from this report for each borough.

**TABLE 2 – RATE OF RESERVATIONS FOR SITES PROPOSED BY THE BOROUGHS FOR THE PERIOD FROM APRIL 1 TO OCTOBER 31, 2017**

BOROUGH	TOTAL NUMBER OF RESERVATIONS RECORDED	RESERVATION RATE
Ville-Marie	1,251	94.2%
Verdun	11	0.83%
Sud-Ouest	5	0.38%
Rosemont–La Petite-Patrie	48	3.6%
Mercier–Hochelaga-Maisonneuve	0	0%
Outremont	13	0.99%
<b>TOTAL</b>	<b>1,328</b>	<b>100%</b>

In light of these results, we must confirm that the food trucks are not very active in most of the participating boroughs. Only Ville-Marie posted a significant popularity rate. According to the information obtained from the SCA, for many of the boroughs, these low visitor rates are due partly to the fact that the sites proposed by the boroughs are located in areas that are not very attractive in terms of traffic (not very visible to the public) and therefore not very profitable for the operators. As mentioned in section 3.1., considering the low visitor rates at their sites, several boroughs have decided to withdraw from this activity. For 2018, only three boroughs<sup>19</sup> will participate.

<sup>19</sup> Ville-Marie, Rosemont–La Petite-Patrie and Outremont.

Moreover, an analysis of the situation carried out by the SCA for the 2017 season reveals the displeasure of the street food operators concerning:

- Occasional lack of availability of reserved sites which were inaccessible due to various obstructions (e.g., roadwork under way). The lack of communication between the various stakeholders was mentioned;
- The 48-hour cancellation time imposed by By-law 15-039<sup>20</sup> for the operator to be reimbursed, which is deemed too long (considering weather conditions) and causes operators to lose money;
- The rate for site reservation, which increased the operators' operating costs.

Clearly, if the city wishes to maintain this activity in its territory, we feel a re-evaluation is required with regard to the current operating method. In this respect, the head of the division in charge of the activity at the SCA informed us that various discussion groups had been held to gather comments and assess options.

## RECOMMENDATIONS

**3.3.B. We recommend that the Ville-Marie borough, to enforce the by-law governing street food, take steps to reiterate to operators that have received a street food permit what their obligations are, particularly with regard to posting the required permit in their food truck.**

**3.3.C. We recommend that the Service de la concertation des arrondissements pursue the steps undertaken to re-evaluate the current operating method for food trucks in the territory of Montréal and make the appropriate presentations to the municipal administration concerning potential improvements if it intends to continue this activity.**

## BUSINESS UNITS' RESPONSES

**3.3.B. *Ville-Marie borough***

*A notice will be addressed to all permit holders concerning the obligation to display the permit.*

*The checklist will include a systematic verification that must be carried out. (Planned completion: June 2018)*

<sup>20</sup> By-law 15-039, section 24.3.

### **3.3.C. Service de la concertation des arrondissements**

*Based on the survey results and the working committee meetings with the operators between December 2017 and January 2018, potential improvements were identified and were or are the subject of ordinances (food truck sites) or regulatory amendments (e.g., reduction of site reservation time, review of cancellation policy).  
(Planned completion: April 2018)*

## **3.4. STREET FOOD INSPECTIONS**

### **3.4.1. INSPECTIONS UNDER THE BY-LAW GOVERNING STREET FOOD**

#### **3.4.1.A. BACKGROUND AND FINDINGS**

By virtue of a delegation of powers by the city's council to the borough councils, the boroughs are accountable for enforcing certain provisions of By-law 15-039 in their territory.

By-law 15-039 includes several provisions that must be upheld by the operators and that require monitoring in the field to ensure compliance. By way of example, inspection visits should verify that:

- The food truck complies with the spots and hours determined for the occupation of the public domain;
- Food is sold only in the food truck;
- With the exception of garbage cans and recycling bins, no furniture, equipment or accessories are located outside the food truck;
- The spot is kept clean at all times;
- The street food permit is displayed in public view;
- The generator and propane gas tanks are mechanically, solidly and permanently fastened to the food truck by an approved brace that is in compliance with the standards for the transport of this type of material;
- A sign prohibiting smoking within a minimum of three metres from the food truck's propane tanks is posted in public view;
- The food truck is equipped with at least one portable fire extinguisher classified 5-A: 20-B:C and one class K extinguisher when the food truck uses combustible cooking agents.

We want to point out that By-law 15-039 sets out penal provisions with fines ranging from \$350 to \$2,000 and from \$700 to \$4,000, depending on whether the infraction is committed by a natural person or a corporation.

For our audit, we questioned the managers in each of the six boroughs involved, to assess their knowledge of the regulations in effect concerning this activity and identify the mechanisms in place for the inspection of food trucks in their territory. Based on the information obtained, we can state that with the exception of the Ville-Marie and Rosemont–La Petite-Patrie boroughs, the managers (that is, in Mercier–Hochelaga-Maisonneuve, Sud-Ouest, Verdun and Outremont) were not very familiar with the existence of By-law 15-039 and the delegated responsibilities related to its enforcement. As such, we feel it would be appropriate for the SCA to remind the boroughs of their responsibilities with regard to the regulatory provisions governing street food.

Furthermore, it appears that only the Ville-Marie borough carried out inspections for this activity. In fact, the people we contacted in the other five boroughs stated that the activity was not very popular in their territory. Although the Rosemont–La Petite-Patrie borough is planning once again to offer food truck spots for the season beginning in April 2018, it clearly stated that it did not intend to oversee the application of the by-law, mainly because the borough does not have enough inspectors to add the oversight of an additional activity. Nevertheless, considering that failure to uphold the regulation could, in some regards, endanger public security, not to mention the risk of tarnishing the city's image, we feel that all the boroughs that allow street food in their territory must make provisions to plan for inspections.

As concerns the Ville-Marie borough, we found that beginning in 2017, a blitz of street food inspections was launched. According to the information obtained from the head of the division in charge, inspections were also carried out sporadically in 2015 and 2016. We were unable to find any evidence of this, however. These inspections were not subject to reporting and may be recorded inconsistently in the inspectors' individual daily reports (on paper). As such, our audit focused on examining the interventions carried out in 2017. Based on the inspection summary and related documentation submitted to us, we found that food truck inspections were carried out over a period of six weeks in June and July 2017. During this period, 20 food trucks were inspected, of a total of 26 permit-holders. According to the information we obtained, some food trucks were rarely present on the identified sites in the borough, which made it more difficult to plan an inspection.

To assist the inspectors in their inspections, the borough created a list of inspection points called "*Fiche d'inspection - véhicule-cuisine*" which lists the aspects of By-law 15-039 that have to be assessed for compliance during the inspection visit. We examined this sheet to assess whether it exhaustively reflects By-law 15-039. It appears to us to be complete except that it does not include checking for the presence and compliance of the fire safety equipment, particularly portable extinguishers<sup>21</sup>. Since fire safety is a priority concern,

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<sup>21</sup> By-law 15-039, section 73.

we feel that the appropriate corrections should be made so this issue is covered in the food trucks inspections.

Finally, our examination of the street food inspection files compiled for the Ville-Marie borough showed that 9 of the 20 inspection files revealed non-compliances. In order to determine whether the inspectors followed up to ensure that the requested changes were implemented, we randomly selected three of these nine files. We could not find any evidence in any of the three files of any follow-up for the non-compliances reported. Although the people we met in the borough stated that this follow-up was carried out, it appears that documentary proof (e.g., email exchanges, photos) to support this was not retained. In this regard, we feel that the documentation in the inspection files should be improved so that the borough can demonstrate that the operators have promptly made the changes requested after receiving non-compliance notices.

## RECOMMENDATIONS

- |                 |  |
|-----------------|--|
| <b>3.4.1.B.</b> | <b>We recommend that the Service de la concertation des arrondissements, with a view to enforcing regulatory compliance, remind the boroughs of the existence of By-law 15-039 governing street food and of their responsibilities with regard to its application in their respective territories.</b> |
| <b>3.4.1.C.</b> | <b>We recommend that the boroughs of Mercier–Hochelaga-Maisonneuve, Rosemont–La Petite-Patrie, Sud-Ouest, Verdun and Outremont plan to carry out food truck inspections when this activity is authorized in their territory, to fulfil their delegated responsibilities.</b>                           |
| <b>3.4.1.D.</b> | <b>We recommend that the Ville-Marie borough, with a view to upholding public safety, take the necessary steps for inspections to include verifying the presence and compliance of the fire safety equipment, as stipulated in section 73 of By-law 15-039 governing street food.</b>                  |
| <b>3.4.1.E.</b> | <b>We recommend that the Ville-Marie borough make the required provisions for non-compliance notices to entail appropriate follow-up and for the related documentary proof to be kept in the compiled inspection file, to ensure the requested changes are made.</b>                                   |

## BUSINESS UNITS' RESPONSES

### 3.4.1.B. **Service de la concertation des arrondissements**

*A note will be sent to the borough managers involved at the beginning of the season to remind them of the borough's responsibilities concerning the enforcement of the by-law governing street food.  
(Planned completion: April 2018)*

### 3.4.1.C. **Mercier–Hochelaga-Maisonneuve borough**

*The Mercier–Hochelaga-Maisonneuve borough council adopted a resolution to change the food truck locations in the borough's territory (CA18 27 0037) which withdrew all food truck locations in the borough as there was little traffic at the sites. We will plan to carry out the statutory inspections if the service is recommenced in our borough, however.  
(Planned completion: N/A)*

#### **Outremont borough**

*A tracking table will be created to quantify the visits in the field and ensure that the standards are upheld by the operators.  
(Planned completion: June 2018)*

#### **Rosemont–La Petite-Patrie borough**

*The Rosemont–La Petite-Patrie borough will take all necessary measures to enforce the by-law governing street food. Control inspections will be conducted regularly during the operating period.  
(Planned completion: June 2018)*

#### **Sud-Ouest borough**

*We want to inform you that at the borough council meeting on January 15, 2018, it was resolved by our elected officials not to have any street food sites in the Sud-Ouest borough territory in 2018.  
(Planned completion: N/A)*

#### **Verdun borough**

*No sites have currently been identified for street food activities in the borough. If the activity is revived in the borough, our borough inspectors will be trained in collaboration with the Service de la concertation des arrondissements and will carry out regular summer patrols to regulate it. (Planned completion: N/A)*



**3.4.1.D. Ville-Marie borough**

*A joint visit will be made with the Service de sécurité incendie de Montréal to all food trucks to ascertain the compliance of the equipment with a formal letter of confirmation. (Planned completion: June 2018)*

**3.4.1.E. Ville-Marie borough**

*Notices of non-compliance will be filed with a follow-up note concerning the date of correction. (Planned completion: June 2018)*

**3.4.2. FOOD INSPECTIONS****3.4.2.A. BACKGROUND AND FINDINGS**

The Service de l'environnement, Division de l'inspection des aliments is the MAPAQ's agent for food inspection in the entire territory of greater Montréal. The agreement concluded between the city and the MAPAQ delineates the programs and inspection standards for food establishments and the samples that must be taken by the city inspectors. The agreement authorizes the Division de l'inspection des aliments, when necessary, to take coercive measures (e.g., seizures, orders for the temporary cessation of activities) and to pursue legal proceedings in the case of an infraction of any of the provisions of the Québec plan<sup>22</sup> or when an imminent danger to consumer health is observed. In exchange, the MAPAQ provides financial compensation (\$4.6 million for 2018, \$4.1 million each year for 2015, 2016 and 2017) to finance the inspection activities and related laboratory work (e.g., analysis of samples) carried out by the Division de l'expertise technique de la Ville<sup>23</sup>.

Under the MAPAQ's "*Cadre définissant les programmes d'inspection régulière et de gestion des risques supérieurs*", food trucks are included in the commercial restaurant sector. As such, like the some 13,900 food establishments in the urban agglomeration of Montréal, they are subject to food inspections based on the Risk-Based Inspection (RBI) program. These inspections assess basic food handling practices by auditing control points divided into five components (matter, methods, manpower, material and milieu). A risk level is then attributed to the establishment based on the calculation of the "risk load." The value obtained classifies the food establishments based on the health risk they pose and determines the inspection frequency. Since the inspection frequency is based on the risk load attributed to the establishment, it can be changed based on the results of the latest RBI inspection or an inspection due to a complaint. Table 3 presents the RBI inspection frequency with adjusted intervals based on risk load.

<sup>22</sup> Regulation respecting food, CQLR, c. P-29, r.1.

<sup>23</sup> This division also reports to the Service de l'environnement.

**TABLE 3 – RISK-BASED INSPECTION FREQUENCY BASED ON THE RISK LOAD ATTRIBUTED TO THE ESTABLISHMENT**

TYPE OF INSPECTION FREQUENCY	RISK LOAD	RISK LOAD CATEGORY	RISK-BASED INSPECTION INTERVAL (MONTHS)
<b>Risk-based inspection</b>	0 to 99	Low	36
	100 to 299	Medium-low	36
	300 to 599	Medium	12
	600 to 1,299	Medium-high	6
	1,300 and +	High	3

The Division de l'inspection des aliments manages inspections using a computer application called the Système d'inspection des aliments de Montréal (SIAM). This system manages the interventions based on the frequency and risk attributed to each establishment. For each inspected establishment, the system creates a dashboard of the detailed history of all interventions over time. At the time of our audit in February 2018, 87 food trucks (with "active" status) were registered in the SIAM. Based on information received from the head of the division in charge, Table 4 provides an overview of food truck inspections carried out from 2015 to 2017. Table 5 presents the risk load category attributed to the food trucks.

**TABLE 4 – PORTRAIT OF FOOD TRUCKS INSPECTIONS FROM 2015 TO 2017 (IN FEBRUARY 2018)**

	2015	2016	2017	TOTAL
<b>Number of inspections carried out</b>	79	105	105	<b>289</b>
<b>Number of complaints investigated</b>	2	12	5	<b>19</b>
<b>Number of infraction notices<sup>[A]</sup></b>	8	13	11	<b>32</b>
<b>Number of lawsuits recommended</b>	0	2	5	<b>7</b>
<b>Number of lawsuits settled</b>	0	0	0	<b>0</b>

[A] An infraction notice may contain more than one infraction.

**TABLE 5 – RISK LOAD CATEGORY ATTRIBUTED TO FOOD TRUCKS REGISTERED IN THE SYSTÈME D'INSPECTION DES ALIMENTS DE MONTRÉAL (IN FEBRUARY 2018)**

RISK LOAD CATEGORY	NUMBER OF FOOD TRUCKS	PERCENTAGE
Low (36 months)	16	18%
Medium-low (36 months)	47	54%
Medium (12 months)	14	16%
Medium-high (6 months)	4	5%
High (3 months)	1	1%
To come <sup>[A]</sup>	5	6%
	<b>87</b>	<b>100%</b>

[A] Risk load not yet attributed – awaiting inspection.

That said, for 2015, 2016 and 2017, our audit consisted of corroborating whether each food truck that received a permit was subject to food inspection at the established frequency. This work was based on the list of permits issued by the Ville-Marie borough in 2015, 2016 and 2017, respectively 31, 29 and 26 permits (see Appendix 5.1.). For each of these permits, we examined the food inspection data (the dashboard) recorded in the SIAM. Overall, we found that the food trucks are subject to appropriate food inspection monitoring. The dashboard compiled for each food truck includes the following information:

- Contact information for the food truck operator;
- Risk load category attributed;
- Number and details of inspections conducted;
- Number and details of complaints submitted;
- Information concerning samples taken and laboratory interpretation;
- Details about non-compliances raised and follow-up.

Our examination did reveal, however, that there were three food trucks that had permits at one time or another during the period from 2015 to 2017 for which there is no evidence that food inspections were conducted. The findings concerning these three food trucks are presented in Table 6.

**TABLE 6 – FINDINGS CONCERNING THE THREE FOOD TRUCKS THAT WERE NOT SUBJECT TO A FOOD INSPECTION**

FOOD TRUCK	FACTS
<b>A</b>	The file was created in the SIAM in 2016, but no inspection was carried out. A street food permit was issued in 2015.
<b>B</b>	The file was closed in the SIAM in 2016, although a permit was issued for this food truck in 2017.
<b>C</b>	No file was created in the SIAM, although a permit was issued in 2017.

We are aware that some food trucks may not have been very present in the territory, making it more difficult to plan an inspection. We believe, however, that oversight should be exercised to ensure that every food truck that receives a permit during the year is systematically added to the SIAM to plan an inspection visit.

#### RECOMMENDATION

**3.4.2.B.** We recommend that the **Service de l'environnement** take the measures required to ensure that all food trucks with permits are systematically recorded in the **Système d'inspection des aliments de Montréal** every year and that an inspection is conducted or planned in compliance with the food establishment inspection program.

#### BUSINESS UNIT'S RESPONSE

**3.4.2.B.** *Service de l'environnement*

*Annually, formally and in writing, the Service de l'environnement Division de l'inspection des aliments will contact the boroughs and related municipalities and ask for a complete list of permits issued to food trucks.*

*All food trucks with a permit for the year will be systematically registered in the Système d'inspection des aliments de Montréal and inspected in accordance with the inspection program in effect.  
(Planned completion: April 2018)*

## 3.5. ACCOUNTABILITY REPORTING

### 3.5.A. BACKGROUND AND FINDINGS

Management reports must be produced periodically to allow changes in the activities to be monitored and to support informed decision-making concerning any corrective measures required.

In this regard, we want to point out that the contractual agreement between the external firm in charge of managing the street food site allocation calendar stipulates that the firm must submit a report to the SCA for each period (i.e., summer season, winter season), providing information such as:

- Statistics on the number of times food trucks were in operation, by borough, by site and by food truck;
- A description of issues encountered and proposed solutions;
- Details of revenues earned from reservations made by the operators to occupy the public domain.

We read the report filed in November 2017 by the firm mandated for this activity, which provided results for the summer season from April 1 to October 31, 2017. We also read two surveys conducted by this same firm in 2017 to evaluate the satisfaction of the operators and the customers, and we obtained and examined the 2015 and 2016 annual reports filed by the external firms that were retained to manage the site allocation calendar in those years. We can confirm that these reports are a source of relevant information for evaluating this activity.

There is also a report called “*Analyse de la cuisine de rue à Montréal*”, which was filed at the end of the summer 2017 season by the person in charge of this activity at the SCA. This report describes several problematic issues that merit consideration to find solutions for improvement (e.g., sites offered by the boroughs, low visitor rate in certain boroughs, management of the site allocation calendar, regulations). According to the head of the division in charge, this report was submitted to the SCA management and led to several discussion groups.

Likewise, for 2017, we found evidence of accountability reporting by the SCA to the boroughs that offer street food sites in their territory. A report called “*Bilan cuisine de rue – saison 2017*” was prepared and submitted to each of the six boroughs that were the subject of this audit. We obtained a copy of the reports produced and the managers involved in each borough confirmed receipt of them. We found that the report in question informs the boroughs about the changes since 2015 in the reservation rates for the various street food sites offered, the operators’ satisfaction with these sites and the number and type of complaints filed. The report also makes recommendations on improving the process.

In the boroughs, we found that the management reports retained are those produced by the SCA. Other than these, given that street food is, all things considered, a very minor part of all the activities under the responsibility of the administrative units in charge, it appears that accountability reporting is carried out verbally.

For the Division de l'inspection des aliments, we found that accountability reporting mechanisms are described in the agreement concluded with the MAPAQ, and several activity reports are submitted to it monthly. We obtained copies of the various reports filed covering activities up to December 31, 2017. We should specify that these reports cover all types of establishments inspected, not only food trucks. Although we did not conduct an exhaustive analysis, these reports appear to us to be fairly complete. We also saw a Power-Point presentation on the activities of the Division de l'inspection des aliments in 2017 and its objectives for 2018. This presentation was prepared for meetings in early 2018 with the management of the Service de l'environnement and the MAPAQ and it covers a variety of information, including:

- Number of inspections carried out since 2010;
- Number of hours worked in relation to the number of inspections;
- Number of food samples taken for microbiological analysis;
- Number of complaints filed and their reasons (e.g., foodborne illnesses);
- Number of non-compliances (or infractions) found;
- Number of lawsuits.

In conclusion, the accountability reporting for street food activities appears to us to be satisfactory and we have no recommendations to propose.

## 4. CONCLUSION

In 2012, in light of the fact that street food was gaining in popularity in many of the major cities of the world, the city decided to reconsider the possibility of allowing the sale of food in the public domain of Montréal, which had been prohibited since 1947. A street food pilot project was therefore launched in 2013 and 2014. The results were conclusive in the eyes of the city and a by-law governing street food (15-039) was adopted by the municipal council in March 2015.

As the fourth street food season following the adoption of By-law 15-039 is about to begin, we find that the activity is on the wane. In 2017, six boroughs offered sites for food trucks in their territory. For 2018, currently only three boroughs intend to take part. The other boroughs have withdrawn from this activity because the visitor rates at their sites were too low. In 2017, 94% of the site reservations were in the Ville-Marie borough. The operators' complaints relate mainly to the fact that the sites proposed by the boroughs are not very appealing in terms of visitor traffic and, by extension, profitability.

In conclusion, our audit reveals that many processes surrounding this activity were put in place to ensure that it is conducted in compliance with the regulatory provisions. Authorized food trucks are subject to a selection process, the issue of permits guided by rules that must be upheld by the operators, the management of the site allocation calendar and oversight of the food quality by the city. Nevertheless, despite all these efforts, some of the controls related to the application of By-law 15-039 need to be tightened. In particular:

- The process surrounding the selection of food trucks authorized to apply for a permit could be simplified to make it more streamlined from an administrative point of view;
- The selection of food trucks should also take into consideration the information held by the city concerning past food inspection interventions;
- The controls surrounding the issue of permits should be improved by introducing follow-up mechanisms to ensure that the documentary proofs required to receive the permits remain in effect throughout their period of validity;
- All the boroughs that plan to offer street food in their territory should enforce By-law 15-039, in keeping with the responsibilities delegated to them in this regard;
- All street food permit-holders should be systematically registered in the *Système d'inspection des aliments de Montréal* so a food inspection can be planned.

Finally, if it is the city's intention to maintain this activity in its territory, we feel that a re-evaluation is required of the operating conditions for the occupation of the public domain by food trucks, so this activity can attain the desired level of success.

## 5. APPENDICES

### 5.1. HISTORY OF FOOD TRUCKS FROM 2015 TO 2018

YEAR	NUMBER OF BOROUGHES	NAMES OF BOROUGHES	NUMBER OF SITES	NUMBER OF SPOTS FOR ALL SITES	NUMBER OF PERMITS ISSUED
2015	5	Côte-des-Neiges–Notre-Dame-de-Grâce	2	4	31
		Mercier–Hochelaga-Maisonneuve	3	3	
		Rosemont–La Petite-Patrie	4	4	
		Sud-Ouest	2	2	
		Ville-Marie	9	15	
<b>TOTAL</b>			<b>20</b>	<b>28</b>	
2016	7	Côte-des-Neiges–Notre-Dame-de-Grâce	2	4	29
		Mercier–Hochelaga-Maisonneuve	4	4	
		Rivière-des-Prairies–Pointe-aux-Trembles	1	1	
		Rosemont–La Petite-Patrie	6	6	
		Sud-Ouest	4	4	
		Verdun	2	2	
		Ville-Marie	11	17	
<b>TOTAL</b>			<b>30</b>	<b>38</b>	
2017	6	Mercier–Hochelaga-Maisonneuve	2	2	26
		Outremont	2	2	
		Rosemont–La Petite-Patrie	5	5	
		Sud-Ouest	1	1	
		Verdun	1	1	
		Ville-Marie	15	22	
<b>TOTAL</b>			<b>26</b>	<b>33</b>	
2018	3	Outremont	2	n/a	n/a
		Rosemont–La Petite-Patrie	2	n/a	
		Ville-Marie	23	n/a	
<b>TOTAL</b>			<b>27 (Note 1)</b>	<b>n/a</b>	

n/a not available

**Note 1** The data for 2018 are preliminary. On the audit date, they had not been officially approved by the borough councils in question.



## 5.2. STREET FOOD FEES

YEAR	NUMBER OF BY-LAW CONCERNING FEES	SECTION OF BY-LAW CONCERNING FEES	PRICE FOR THE EXAMINATION OF THE ELIGIBILITY APPLICATION FOR THE SELECTION PROCESS	PERMIT TYPE	PERMIT PRICE	
2015	14-044	17.1	\$70	Annual <sup>[A]</sup>	\$1,910	The price includes the cost of obtaining the permit and the right to occupy the public domain.
				Seasonal <sup>[B]</sup>	\$1,045	
2016	15-091	17	\$70	Annual <sup>[A]</sup>	\$2,075	The price includes the cost of obtaining the permit and the right to occupy the public domain.
				Seasonal <sup>[B]</sup>	\$1,215	
2017	16-065	15	\$70	Annual <sup>[A]</sup>	\$350	The price excludes the fees for occupying the public domain, which are invoiced separately based on the category of the spot reserved by the operator (category A, B, C or D) <sup>24</sup> .
				Summer season <sup>[B]</sup>	\$300	
				Winter season <sup>[C]</sup>	\$50	

[A] Permit valid from April 1 to March 31 the next year.

[B] Permit valid from April 1 to October 31 of the current year.

[C] Permit valid from November 1 to March 31 the next year.

<sup>24</sup> The visitor traffic history of the sites (and their spots) determines which category they are placed in.

## 5.3. GOALS AND ASSESSMENT CRITERIA

### OBJECTIVE

Ensure that a functional and effective process has been instituted to ascertain that food trucks are operating in compliance with the laws, by-laws and frameworks in effect in the territory of Montréal.

### ASSESSMENT CRITERIA

- The call for applications process is impartial and complies with the established rules;
- The permits and occupation rights for the public domain are issued in compliance with the decreed rules;
- A functional allocation calendar for the operators' occupation of the street food sites exists and is followed;
- A periodic inspection program has been established and is duly carried out for the enforcement of the by-law governing street food and the control of food quality;
- Accountability reporting is carried out periodically for the activities surrounding the oversight of street food.