

Authority: Policy and Finance Committee Report 3, Clause 4,
as adopted by City of Toronto Council on April 25, 26 and 27, 2006
Enacted by Council: July 27, 2006

CITY OF TORONTO

BY-LAW No. 677-2006

To adopt a new City of Toronto Municipal Code Chapter 190, Polling and Notification Procedures, and to repeal the former municipalities' polling procedures.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following chapter as Chapter 190, Polling and Notification:

Chapter 190 POLLING AND NOTIFICATION

Article I General

§ 190-1. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

HOLIDAY – Saturday, Sunday, New Years Day, Good Friday, Easter Monday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day (Canada), Christmas Day, Boxing Day, or any day designated by City Council as a designated holiday.

POLL – A process to formally tabulate the opinions of residents within a specified area by requesting a response to a specific question or questions.

POLLING AREA – The area as determined by the requesting division or as defined by Council policy or by-law.

REQUESTING DIVISION – The City division required by statute or by-law to obtain the results of a poll before taking a specified action.

RESIDENT – A person residing within the polling area at their true, fixed, permanent home or lodging place to which, whenever they are absent, they have the intention of returning, including a person who occupies a room or part of a room as a regular lodger or who occupies a room to which the person habitually returns, having no other permanent lodging place.

§ 190-2. Application of polling procedure.

Where there is a statutory or City by-law requirement or Council approved policy that the City conduct a poll and there is no polling process prescribed by by-law or statute, the procedures in this Chapter shall be followed.

§ 190-3. Initiation of the poll.

Where a requesting division determines that a poll is required, the following steps shall be taken:

- A. In consultation with the ward Councillor, the requesting division shall submit to the City Clerk in a form prescribed by the City Clerk a written request to complete the poll, and the ward Councillor may request that the established polling area be expanded and that any additional costs be taken from the Councillor's budget for the extension of the established polling area;
- B. The requesting division shall send a copy of the written request described in § 190-3A to the Ward Councillor;
- C. The Ward Councillor may, within ten days of receiving the copy of the written request described in § 190-3A, submit a written request to the requesting division that the poll be conducted in up to two languages spoken by at least three per cent of the ward's population according to the most recent Statistics Canada Census; and
- D. The City Clerk shall arrange for translation if the City Clerk determines that the written request in § 190-3C complies with the requirements in § 190-3C.

§ 190-4. Polling list.

The City Clerk's Office shall compile a polling list including names and corresponding addresses of those listed on the following documents as owners, residents and tenants of property located wholly or partially within the polling area:

- A. Current Returned Assessment Roll;
- B. Municipal Connect, Toronto Property System (TPS) or any other related geographic information system (GIS) developed using information from Municipal Property Assessment Corporation (MPAC) and City records; and
- C. Affidavit delivered to the City Clerk during the polling period in a form prescribed by the City Clerk and asserting that the affiant is an owner, resident or tenant of property located wholly or partially within the polling area.

§ 190-5. Ballot.

- A. The City Clerk shall mail a ballot to persons named on the polling list at the addresses shown for those persons on the polling list.
- B. The ballot shall contain the question that is required by the requesting division to be included in the poll and shall also instruct those polled how to request on the ballot that they be notified of the results of the poll.

- C. The ballot shall indicate the following:
- (1) The polling period described in § 190-6;
 - (2) The criteria for accepted ballots outlined in § 190-7;
 - (3) Voter eligibility; and
 - (4) Ballot confidentiality.

§ 190-6. Polling period.

- A. The polling period shall be thirty (30) days, commencing upon the day the ballots are mailed.
- B. Where the thirtieth day of a polling period falls upon a holiday, Saturday or Sunday, the polling period shall end on the next regular business day that is not a holiday.

§ 190-7. Accepted ballots.

- A. Ballots will only be accepted if they are:
- (1) Original ballots issued by the City Clerk's Office;
 - (2) Signed by only one (1) person whose name appears on the polling list; and
 - (3) Received by mail or hand-delivered to the City Clerk's Office as noted on the original ballot by 4:30 p.m. of the last day of the polling period.
- B. At the end of the polling period, the City Clerk shall do the following:
- (1) record all accepted ballots;
 - (2) certify, in writing, the results of the poll;
 - (3) provide ward Councillors with a copy of the results as soon as they are available;
 - (4) write a letter to the requesting division indicating the results of the poll;
 - (5) post the results of the poll on the City of Toronto internet web site for Polling; and
 - (6) notify by mail all persons who responded to the poll.

§ 190-8. Minimum response rate and majority.

- A. A poll will be considered valid when at least twenty-five (25) percent of the ballots mailed have been returned to the City Clerk and accepted in accordance with § 190-7.

- B. The result of the poll will be the response chosen in at least fifty (50) percent plus one of the accepted ballots.
- C. If the accepted ballots are divided equally between those responding in the affirmative and those responding in the negative, the result of the poll will be a negative response to the question.
- D. Where a poll has been conducted, re-polling for the same purpose may not be conducted until two years have passed from the end of the polling period.

§ 190-9. Voting eligibility.

No person shall be eligible to vote in a poll unless the person's name appears on the polling list and the person is eighteen years of age or over, and is an owner, resident or and tenant of property located wholly or partially within the polling area as of the closing date of the poll.

§ 190-10. Confidentiality.

The secrecy of the ballot shall be maintained, and all polling lists and returned ballots shall be treated in confidence and are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

§ 190-11. Interpretation.

Where the provisions of any other by-laws are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

- 2. The following by-laws of the former City of Toronto are repealed:
 - (1) City of Toronto By-law No. 1994-0394.
 - (2) City of Toronto By-law No. 1996-0450.
 - (3) Chapter 90, Polling and Notification Procedures, of the Municipal Code of the former City of Toronto.
- 3. Borough of East York By-law No. 20-96, is amended by deleting all of the words in section 3.5 after the word "shall" and substituting the words "conduct a poll", and by deleting sections 3.6, 3.7 and 3.8.
- 4. Chapter 313 of the Municipal Code of the former City of Toronto is amended as follows:
 - (1) Section 313-36B(4) is amended by deleting the words "Chapter 90, Polling and Notification Procedures" and replacing them with the words "City of Toronto Municipal Code Chapter 190, Polling and Notification".
 - (2) Section 313-36B(6) is amended by deleting the words "as defined in 90-2G".

- (3) Section 313-36B(7) is amended by deleting the words “polling or”.
 - (4) Section 313-36B(9) and (10) are repealed.
 - (5) Section 313-39.1A is amended by deleting the words “Chapter 90, Polling and Notification Procedures” and replacing them with the words “City of Toronto Municipal Code Chapter 190, Polling and Notification”.
 - (6) Section 313-77 is amended by deleting the numbers “313-36”.
- 5.** Chapter 400 of the Municipal Code of the former City of Toronto is amended as follows:
- (1) Section 400-5 is deleted.
 - (2) Section 400-9B(3) is deleted.
 - (3) Section 400-9D(1)(f) is deleted.
 - (4) Section 400-9D(2) is amended by deleting the words “Chapter 90, Polling and Notification Procedures” and replacing them with the words “City of Toronto Municipal Code Chapter 190, Polling and Notification”.
 - (5) Section 400-9D(3.1) is amended by deleting the words “Chapter 90, Polling and Notification Procedures” and replacing them with the words “City of Toronto Municipal Code Chapter 190, Polling and Notification”.
 - (6) Section 400-9D(6)(a)[3] is amended by deleting the words “The Commissioner of Works and Emergency Services conducts a poll” and substituting “The City Clerk conducts a poll according to City of Toronto Municipal Code Chapter 190, Polling and Notification.”
- 6.** This by-law shall come into force on January 1, 2007.

ENACTED AND PASSED this 27th day of July, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)