

Appendix 3

Ward Boundary Provisions – City of Toronto Act, 2006, S.O. 2006, Chapter 11, Schedule A, ss. 128 and 129

Changes to wards

[128. \(1\)](#) Without limiting sections 7 and 8, those sections authorize the City to divide or redivide the City into wards or to dissolve the existing wards. 2006, c. 11, Sched. A, s. 128 (1).

Conflict

[\(2\)](#) In the event of a conflict between a by-law described in subsection (1) and any provision of this Act, other than this section or section 129, a conflict with a provision of any other Act or a conflict with a regulation made under any other Act, the by-law prevails. 2006, c. 11, Sched. A, s. 128 (2).

Notice

[\(3\)](#) Within 15 days after the by-law is passed, the City shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal under subsection (4). 2006, c. 11, Sched. A, s. 128 (3).

Appeal

[\(4\)](#) Within 45 days after the by-law is passed, the Minister or any other person or agency may appeal to the Ontario Municipal Board by filing a notice of appeal with the City setting out the objections to the by-law and the reasons in support of the objections. 2006, c. 11, Sched. A, s. 128 (4).

Notices forwarded to Board

[\(5\)](#) Within 15 days after the last day for filing a notice of appeal under subsection (4), the City shall forward any notices of appeal to the Ontario Municipal Board. 2006, c. 11, Sched. A, s. 128 (5).

Other material

[\(6\)](#) The City shall provide any other information or material that the Board requires in connection with the appeal. 2006, c. 11, Sched. A, s. 128 (6).

Board decision

[\(7\)](#) The Board shall hear the appeal and may, despite any Act, make an order affirming, amending or repealing the by-law. 2006, c. 11, Sched. A, s. 128 (7).

Coming into force of by-law

[\(8\)](#) The by-law comes into force on the day the new city council is organized following,

- (a) the first regular election after the by-law is passed if the by-law is passed before January 1 in the year of the regular election and,
 - (i) no notices of appeal are filed,
 - (ii) notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or
 - (iii) notices of appeal are filed and the Board issues an order to affirm or amend the by-law before January 1 in the year of the election; or

- (b) the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the Board. 2006, c. 11, Sched. A, s. 128 (8).

Election

(9) Despite subsection (8), where the by-law comes into force on the day the new city council is organized following a regular election, that election shall be conducted as if the by-law was already in force. 2006, c. 11, Sched. A, s. 128 (9).

Notice to assessment corporation

(10) When a by-law described in this section is passed, the clerk of the City shall notify the assessment corporation,

- (a) before January 1 in the year of the first regular election after the by-law is passed, if clause (8) (a) applies;
- (b) before January 1 in the year of the second regular election after the by-law is passed, if clause (8) (b) applies. 2009, c. 33, Sched. 21, s. 4 (6).

Petition re wards

129. (1) Electors in the City may present a petition to city council asking the council to pass a by-law dividing or redividing the City into wards or dissolving the existing wards. 2006, c. 11, Sched. A, s. 129 (1).

Number of electors required

(2) The petition requires the signatures of 500 of the electors in the City. 2006, c. 11, Sched. A, s. 129 (2).

Definition

(3) In this section,

“elector” means a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding a petition being presented to council under subsection (1). 2006, c. 11, Sched. A, s. 129 (3).

Failure to act

(4) If city council does not pass a by-law in accordance with the petition within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario Municipal Board to have the City divided or redivided into wards or to have the existing wards dissolved. 2006, c. 11, Sched. A, s. 129 (4); 2006, c. 32, Sched. B, s. 32 (1).

Order

(5) The Board shall hear the application and may, despite any Act, make an order dividing or redividing the City into wards or dissolving the existing wards and subsection 128 (6) applies with necessary modifications in respect to the hearing. 2006, c. 11, Sched. A, s. 129 (5).

Coming into force

(6) An order of the Board under this section comes into force on the day the new city council is organized following,

- (a) the first regular election after the order is made, if the order is made before January 1 in the year of the regular election; or

(b) the second regular election after the order is made, if the order is made on or after January 1 in the year of a regular election but before voting day. 2006, c. 11, Sched. A, s. 129 (6).

Election

[\(7\)](#) Despite subsection (6), if an order comes into force on the day the new city council is organized following a regular election, that election shall be conducted as if the order was already in force. 2006, c. 11, Sched. A, s. 129 (7).

Deemed by-law

[\(8\)](#) Once an order of the Board is in force, the order is deemed to be a by-law of the City and may be amended or repealed by the City by by-law described in section 128. 2006, c. 11, Sched. A, s. 129 (8); 2006, c. 32, Sched. B, s. 32 (2).