



**STAFF REPORT
ACTION REQUIRED**

Advance vote by-law for the 2016 by-election to fill the vacancy on the TDSB, Ward 21

Date:	October 29, 2015
To:	City Council
From:	City Clerk
Wards:	TDSB Ward 21 – Scarborough – Rouge River (City wards 41 and 42)
Reference Number:	

SUMMARY

The Toronto District School Board (TDSB) has requested the City Clerk to conduct a by-election to fill the vacancy in the office of trustee for Ward 21 – Scarborough – Rouge River (City wards 41 and 42), which is vacated by Trustee Shaun Chen. Trustee Chen was elected as a Member of the House of Commons of Canada in the recent federal election on October 19, 2015.

Section 65(3) of the *Municipal Elections Act, 1996* (the *MEA*) states that by-elections must be conducted as far as possible in the same way as regular elections.

Pursuant to section 65(4)3 of the *MEA*, the City Clerk has established that, for the by-election to fill the vacancy on the TDSB, voting day will be January 25, 2016 and this report recommends advance vote dates and hours.

Section 43(1) of the *MEA* states that, at least 30 days before voting day, Council must pass a by-law establishing the dates and hours of the advance vote.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council establish the following dates and hours for advance voting for the 2016 Toronto District School Board by-election to fill the vacancy in the office of trustee Ward 21 – Scarborough – Rouge River (City wards 41 and 42):
 - a. Saturday, January 16, 2016, from 10:00 a.m. to 6:00 p.m.; and
 - b. Sunday, January 17, 2016, from 10:00 a.m. to 6:00 p.m.
2. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect thereto, including the introduction of the bill attached as Appendix 'A'.

Financial Impact

Pursuant to sections 7(3)2 and (4) of the *MEA*, the TDSB is required to reimburse the City for its reasonable costs as soon as possible after the TDSB receives a certificate verifying the amount and signed by the Clerk.

The cost of the advance vote is included in the by-election cost which is fully recoverable from the TDSB.

The Deputy City Manager & Chief Financial Officer has reviewed this report and concurs with the financial implications.

ISSUE BACKGROUND

On October 19, 2015, a TDSB trustee was elected to the federal House of Commons. According to section 219 of the *Education Act*, Members of the House of Commons of Canada are disqualified from holding the office of school board trustee.

At its meeting of October 28, 2015, the TDSB adopted a resolution directing the City Clerk to conduct a by-election to fill the vacancy in the office of trustee Ward 21 – Scarborough – Rouge River. A copy of that resolution is attached as Appendix 'B'.

COMMENTS

This report addresses the by-law which the *MEA* requires Council to pass before the TDSB by-election.

Subsection 43(1) of the *MEA* requires Council to pass a by-law establishing one or more days for advance voting and the hours during which voting places shall be open on those dates. This by-law must be passed at least 30 days before voting day.

It is recommended that City Council establish the following dates and hours for advance voting for the 2016 TDSB by-election to fill the vacancy on the TDSB Ward 21 – Scarborough – Rouge River (City wards 41 and 42):

- a. Saturday, January 16, 2016, from 10:00 a.m. to 6:00 p.m.; and
- b. Sunday, January 17, 2016, from 10:00 a.m. to 6:00 p.m.

In 2012, Council approved two advance voting dates for the TDSB by-election, which proved to be successful.

A draft by-law outlining the advance vote dates and hours is attached as Appendix 'A'.

This report has been prepared in consultation with Legal Services.

CONTACT

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City Clerk's Office
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SIGNATURES

Winnie Li
Acting City Clerk

ATTACHMENTS

Appendix 'A' – draft bill to establish the dates and hours of advance vote for the 2016 Toronto District School Board by-election

Appendix 'B' – TDSB resolution, dated October 29, 2015, instructing the City Clerk to conduct a by-election

Appendix 'A'

**Dates and Hours of Advance Vote for the 2016
Toronto District School Board By-Election for Ward 21**

CITY OF TORONTO

BY-LAW No. _____

**To establish the dates and hours of advance vote for the
2016 TDSB by-election for Ward 21**

WHEREAS the Toronto District School Board has requested the City Clerk to conduct a by-election to fill the vacancy in the office of trustee, Ward 21 – Scarborough – Rouge River (City wards 41 and 42); and

WHEREAS subsection 43(1) of the *Municipal Elections Act, 1996*, as amended, requires the City of Toronto Council to, by by-law, establish the dates and hours for advance voting;

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

1. The dates and hours for advance voting for the 2016 Toronto District School Board by-election to fill the vacancy on the Toronto District School Board, Ward 21 – Scarborough – Rouge River (City wards 41 and 42) shall be:
 - a. Saturday, January 16, 2016, from 10:00 a.m. to 6:00 p.m.; and
 - b. Sunday, January 17, 2016, from 10:00 a.m. to 6:00 p.m.

ENACTED AND PASSED this _____ day of _____, A.D. 2015.

JOHN TORY
Mayor

ULLI S. WATKISS
City Clerk