



STAFF REPORT ACTION REQUIRED

Final Report - Toronto Ward Boundary Review

Date:	May 9, 2016
To:	Executive Committee
From:	City Manager
Wards:	All

SUMMARY

Toronto's wards have not been reviewed since 2000 and there are currently significant population discrepancies in some Toronto wards. In June 2013, City Council directed a third-party review of Toronto's ward boundaries, per an approved Terms of Reference and work plan. The *City of Toronto Act, 2006* (COTA) provides authority to City Council to make changes to its ward boundaries by by-law.

The Canadian Urban Institute ("the Consultant") was retained to conduct a third-party review of Toronto's ward boundaries. This report transmits the Consultant's final report, *Toronto Ward Boundary Review*, which recommends a ward structure of 47 wards with an average population of 61,000 to ensure effective representation given population growth in Toronto over the last fifteen (15) years. The Consultant's final report recommends a ward boundary structure that applies judicially recognized principles, considers leading electoral and public policy research and advice, and draws upon the input received through a two-step broad engagement and consultation strategy with the Toronto public, communities, key stakeholders and Members of City Council.

COTA provides a period for appeals to the Ontario Municipal Board (OMB) and appeals to Divisional Court are also possible. For any ward boundary changes to take effect by the 2018 election, any appeals must be concluded by December 31, 2017.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council consider the report, *Toronto Ward Boundary Review*, Attachment 1 to this report, approve a ward boundary structure and direct the City Solicitor to submit the bill designating the wards in the fall of 2016.

2. City Council direct that the composition of City Council be 1 Councillor per ward pursuant to the ward boundary structure approved and instruct the City Solicitor to submit a bill to implement any change to the composition of City Council after either the appeal period has expired without any appeals, or the appeal process for the ward boundary by-law has concluded.
3. City Council request the City Solicitor to represent the City's interests in any legal proceedings including appeals relating to City Council's decision.

Financial Impact

The *Toronto Ward Boundary Review* report from the third-party Consultant recommends the establishment of three (3) new wards. The annual operating cost for each Member office is approximately \$290,000 for a total annual estimated operating cost of \$870,000 to establish three (3) new wards. An additional \$70,000 per Member, for a total of \$210,000, may also be required for one-time start-up costs to set up City Hall and constituency offices.

Costs associated with City Council's final ward boundary changes will be submitted through the annual Operating and Capital Budget process as required.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Equity Statement

The principles articulated by the courts in relation to ward boundary reviews support the City's equity framework, and equity goals and objectives. The Consultant incorporated equity considerations in their work plan, throughout the review process and in the engagement and consultation strategy. As part of the review's engagement process the Consultant ensured that American Sign Language (ASL) translation services were available, provided additional translation services on request and provided for TTY translation as necessary. The Consultant also worked with the City to identify *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) compliant sites to hold public engagement sessions and ensured the Review's web communications were compliant with AODA standards.

DECISION HISTORY

On June 10, 2014, City Council approved the "Draw the Line: Toronto Ward Boundary Review Project Work Plan, Civic Engagement and Public Consultation Strategy" submitted by the Canadian Urban Institute.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX42.4>

On March 5, 2014, following a Request for Proposal process, Bid Committee awarded the contract for the provision of services to conduct an independent, objective analysis and review of the City of Toronto's ward boundaries to the Canadian Urban Institute.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.BD167.7>

On June 11, 2013, City Council authorized the City Manager to retain a third party consultant to undertake a Ward Boundary Review consistent with the Terms of Reference.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX32.2>

On March 19, 2012, the Executive Committee recommended the City Manager report on a process to establish a ward boundary review to better reflect effective representation.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX18.12>

On April 15, 2010, City Council requested the City Manager and the City Clerk to report on a mechanism to recognize the uneven population growth in some wards, with recommendations for the appropriate allocation of resources. Council also authorized the City Manager to provide one additional staff member at the constituency assistant level for any ward that exceeds the median by more than 50 percent.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX42.1>,
<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrb/backgroundfile-29379.pdf>

ISSUE BACKGROUND

Toronto is the largest city in Canada, and contains a wide diversity of communities and interests. A strong and fair foundation for local government is fundamental for the effective governance of Toronto, and begins with the ward structure. Ward boundaries are dynamic and should not be considered permanent fixtures as local government structures must keep pace with population changes and municipal growth. Toronto ward boundaries do not and are not required to align along federal and provincial riding boundaries.

The *City of Toronto Act* provides City Council with authority to make changes to its ward boundaries. Council last reviewed Toronto's ward boundaries in 2000 and since that time Toronto has experienced significant population growth.

The Supreme Court of Canada has set out guidelines for drawing of electoral boundaries and has established that governments must respect the principle of "effective representation". The first condition that courts consider for effective representation is voter parity, an equal number of voters in every electoral area, but effective representation rather than voter parity is the goal. The Supreme Court has recognized that other factors such as geography, communities of interest, community history, minority representation, and projected population growth justify departure from voter parity to ensure effective representation. The OMB has applied the Supreme Court factors to justify departures from voter parity in decisions related to municipal ward boundary appeals.

COMMENTS

1. Initiating A Ward Boundary Review for Toronto

City Council initiated a ward boundary review in 2013 to address population growth in Toronto as a number of wards were exceeding or close to exceeding acceptable benchmarks for electoral boundaries. To ensure the review was objective and arms-length, the City Manager retained a third-party Consultant to undertake the review process following Terms of Reference approved by City Council.

The Terms of Reference established that the consultants would undertake the ward boundary review pursuant to the following parameters:

- Develop a ward boundary review process, work plan and engagement and consultation strategy that does not assume a pre-determined number of wards or specific boundaries of wards for Toronto;
- Apply the principle of "effective representation" as outlined by the Supreme Court of Canada and applied by the courts and the OMB in developing ward boundary options;
- Consider and reflect the principles of geography, community history, minority representation, communities of interest, physical and natural boundaries in developing ward boundary options;
- Adhere to requirements set out in relevant OMB and court decisions about undertaking municipal ward boundary reviews;
- Consider and accommodate Toronto's projected growth and population shifts for a reasonable period of time;
- Build on lessons learned through other ward boundary reviews and leading electoral and public policy research and advice;
- Consider key City policies in the development of ward boundary options including the Official Plan and community revitalization plans;
- Include at least two rounds of broad and comprehensive public consultation: the first to provide information to support informed engagement and solicit feedback on existing ward boundaries; and the second to provide information and solicit feedback on ward boundary options;
- Consider the appropriate number of wards as well as ward boundaries; and
- Work within any additional parameters established by City Council.

2. Overview of The Ward Boundary Review Process

City Council approved the Consultant's work plan and outreach and engagement strategy to undertake a ward boundary review from June 2014 to March 2016.

The Consultant undertook a five-step review process to develop ward boundary options including a recommend option. The Ward Boundary Review process included:

- **Research (June 2014 to November 2014)** - that formed the background information for the first round of public consultation including the legal context, jurisdictional reviews, analysis of Toronto's current wards and ward population projections out to 2030.
- **Civic Engagement (Round One: June 2014 to February 2015 and Round Two: May 2015 to November 2015)** - web-based activities (including social media platforms), communication and outreach to educate the public about the purpose of the ward boundary review, keep the public informed about the process and provide a range of opportunities for the public to get involved.
- **Public and Stakeholder Consultation (Round One: June 2014 to February 2015 and Round Two: June 2015 November 2015)** – included two rounds of public and stakeholder consultation.
- **Generation of Ward Boundary Options (March 2015 to April 2015)** – following Round One of the public and stakeholder consultation, and building on the research, a series of ward boundary options were developed for public and stakeholder input in Round Two.
- **Final Report (February 2016 to March 2016)** – following Round Two of public and stakeholder consultation, the final report was developed with a recommended ward boundary structure for City Council's consideration.

3. Recommended Ward Boundary Changes

The Consultant generated five (5) ward boundary options that achieved effective representation and elicited input on these options during the Round 2 consultation and engagement process.

The options include:

- Option 1 – Minimal Change (47 wards with an average population of 61,000)
- Option 2 – 44 Wards (with an average population of 70,000)
- Option 3 – Small Wards (58 wards with an average population of 50,000)
- Option 4 – Large Wards (38 wards with an average population of 75,000)
- Option 5 – Natural/Physical Boundaries (41 wards with an average population of 70,000)

Option 1 (minimal change with 47 wards and an average population of 61,000) emerged as the preferred option based on input from the public, stakeholders and Members of City

Council elicited through the second round of engagement and consultation. The Consultant's report notes that Option 1 achieves effective representation balancing a range of factors including voter parity, geographic communities of interest, future growth, coherent boundaries, ward history and the capacity of Councillors to represent their constituents.

Option 1 includes a number of refinements to the ward boundaries suggested through the engagement and consultation process. This option minimally increases the number of current wards from 44 to 47, retains the current average ward population of 61,000, achieves effective representation in all wards by 2026, and is designed to last for four (4) municipal elections. It achieves a population variance to plus or minus 15% of the average ward population in 44 of the 47 proposed wards with two wards slightly above the population variance and one ward slightly below the population variance. It is anticipated that these three (3) wards will achieve a population variance to plus or minus 15% by 2026.

This report recommends that the final ward boundary structure maintains the composition of City Council as one (1) Councillor per ward. Section 135 of the *City of Toronto Act, 2006* authorizes City Council to pass a by-law changing its composition. This report requests authority to submit a bill to reflect any change in the number of councillors resulting from a change in the number of wards.

4. Key Implementation Activities and Time lines to Adjust Toronto's Ward Boundaries

The following implementation activities will commence when City Council adopts a final ward boundary structure.

A. Ward Boundary By-law (Fall 2016)

Under the *City of Toronto Act, 2006*, City Council has authority to make changes to its ward boundaries through the passage of a by-law. The by-law will need to provide detailed descriptions of the ward boundaries. Once Council selects a ward boundary structure, the required land survey work will begin for inclusion in the bill to adjust Toronto's ward boundaries. It is anticipated that the City Solicitor will bring forward the bill to adjust Toronto's wards in fall 2016.

B. Time for Appeals to the Ontario Municipal Board (December 2016 to September 2017)

The passage of changes to Toronto ward boundaries is governed by the *City of Toronto Act, 2006*, Section 128. In addition to providing that City Council may change the City's ward boundaries, s. 128 provides for an appeal of City Council's decision. Within 45 days after the by-law is passed, a member of the public, agency or the Minister of Municipal Affairs and Housing may appeal the Toronto ward boundaries by-law to the

Ontario Municipal Board. The Board will subsequently hear the appeal and may make an order affirming, amending or repealing the Toronto ward boundary by-law.

It is estimated that an appeal to the Ontario Municipal Board will take approximately eight (8) to ten (10) months to conclude.

An appeal to Divisional Court is also possible and may take approximately a year to conclude if leave to appeal is granted. An appeal to Divisional Court will make it highly unlikely that the ward boundary changes can be implemented in time for the 2018 municipal election as it is unlikely this sort of appeal would conclude before the deadline of December 31, 2017.

C. Implementation of Ward Boundary Changes (September 2017 to December 2017)

After the period for appeals has concluded, implementation of the final ward boundary changes will commence, including the following key activities:

- Develop and implement a communications strategy to inform the public and stakeholders of the new ward boundaries;
- Redraw Toronto's ward maps, as required;
- Create new geographic representation of ward boundaries from the adopted municipal by-law and integrate into the City's geospatial platform;
- Review and redraw all voting subdivisions based on new ward boundaries;
- Notify the Municipal Property Assessment Corporation (MPAC) and the school boards of the ward boundary changes; and
- Provide final voting subdivisions to MPAC.

The implementation of the ward boundary changes in time for the 2018 municipal election will be dependent on whether the ward boundary changes are appealed to Divisional Court. The City Manager will report further as required with respect to the time line for implementing the new ward boundaries. Attachment 3 summarizes the key time lines and activities to implement ward boundary changes.

5. Governance Implications of Ward Boundary Changes

Any changes to Toronto's ward boundaries will have implications for the number and boundaries of Community Councils. City staff will assess these implications and report back to Executive Committee with recommended changes once Toronto's ward boundary changes are final.

Additionally, the Consultant included a number of comments and suggestions identified through the ward boundary review engagement process that were outside the scope of this review. These include matters related to governance (for example, structure and operation of City Council, expanded role for Community Councils), staff and resources for Councillor Offices, naming of Toronto wards, and school zone boundaries.

The City Manager's Office will review and consider these comments and suggestions in future related reports.

CONCLUSION

This report responds to City Council's direction that a Toronto Ward Boundary Review be undertaken by an independent, third-party Consultant, in keeping with its approved Terms of Reference and Work Plan. This report transmits the Consultant's final report *Toronto Ward Boundary Review* for City Council's consideration including a recommended ward structure to ensure effective representation.

In the event there is an appeal to Divisional Court or the Ontario Municipal Board, the City Solicitor will represent the City's interests in the proceedings and will inform City Council of them.

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SIGNATURE

Peter Wallace
City Manager

ATTACHMENTS

Attachment 1: Final Report: Toronto Ward Boundary Review
Attachment 2: Final Report Appendices
Attachment 3: Ward Boundary Review Implementation Time lines