

Declaration of Vacancy in the Office of Councillor, Ward 1, Etobicoke North

Date: July 12, 2022

To: City Council

From: City Clerk

Wards: Ward 1

SUMMARY

Rosemarie Bryan resigned the Office of Councillor, Ward 1, Etobicoke North effective June 24, 2022. City Council needs to officially declare the Ward 1, Etobicoke North seat vacant.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council declare a vacancy in the office of Councillor, Ward 1, Etobicoke North.
2. City Council decide on a method to fill the vacancy.

FINANCIAL IMPACT

The costs to advertise and recruit qualified electors for appointment to Council are minimal and can be absorbed by the City Clerk's Office budget.

DECISION HISTORY

Rosemarie Bryan resigned the Office of Councillor, Ward 1, Etobicoke North effective June 24, 2022.

COMMENTS

City Council must declare the seat vacant

Under the City of Toronto Act, 2006 if a Council seat becomes vacant, City Council must officially declare the seat vacant at its next scheduled meeting.

Rosemarie Bryan provided her resignation to the Acting City Clerk effective June 24, 2022.

City Council must fill the vacancy

Under the City of Toronto Act, 2006, City Council must fill any vacancy that occurs more than 90 days before the election. After that date (July 26, 2022) filling any vacancies that occur is optional. A vacancy in this case is triggered by the resignation of the member, not by the declaration of the vacancy by City Council.

The City of Toronto Act, 2006 also requires that seats be filled no later than 60 days after they have been declared vacant, which is September 17, 2022 in the case of a declaration made at this meeting.

City Council must appoint, it cannot fill the vacancy by by-election

Under the Municipal Elections Act, no by-election may be held for a seat that becomes vacant after March 31st in an election year.

Qualifications for holding office

The City Clerk screens candidates in accordance with the qualifications for holding office in the Municipal Elections Act (MEA).

To be qualified to hold office, a person must be:

- 18 years of age or older
- a Canadian citizen
- a resident of the City of Toronto, or an owner or tenant of land in the City or the spouse of such an owner or tenant
- not be prohibited from holding municipal office or from voting under any Act.

City Council must choose an appointment process to fill the vacancy

Council can fill the vacancy using the usual appointments process, with some minor process changes to ensure that all parties have access to as much information as possible before the meeting. This would be as follows:

That City Council fill the vacancy in Ward 1 in accordance with the following:

- a. the City Clerk advertises the vacancy inviting any interested and qualified applicants to seek appointment to City Council;
- b. the City Clerk is authorized to establish the deadline for submitting the required forms to the City Clerk;
- c. interested persons complete a Consent of Nominee and Acknowledgement of Qualifications and provide personal identification showing their name and qualifying address within the City of Toronto;
- d. the City Clerk posts the names of the applicants on the City's webpage as they submit their nomination forms;
- e. the City Clerk submits a report with the list of applicants for publication on the agenda of a special City Council meeting to be called by the Mayor;
- f. the agenda for the special meeting of City Council is posted no later than five (5) business days before the meeting;
- g. each applicant is provided the opportunity to address City Council for up to 5 minutes;
- h. the order in which applicants address City Council is determined by random draw conducted by the City Clerk when City Council begins its debate on the item;
- i. Members of City Council are entitled to ask one question of each candidate;
- j. City Council votes on the appointment by ballot in accordance with procedures established by the City Clerk; and
- k. City Council enacts a by-law confirming the appointment of the successful candidate to the office for the remainder of the term of the present Council.

Alternative appointment options

As the process for appointment is not outlined in legislation, Council could choose to vary from the standard process outlined above. For example, Council is not required to publicly seek nominations for appointment. Council can directly appoint a qualified candidate, or, Council can require that candidates be nominated by a Member of Council to be considered for appointment. In any case, the City Clerk would still need to verify any candidates' eligibility for appointment before Council consideration.

There are resulting committee and board vacancies

There are a number of vacancies on City committees and boards as a result of the Ward 1 vacancy:

- Audit Committee
- Economic and Community Development Committee

- Exhibition Place Board of Governors
- Greater Toronto Airports Authority (GTAA) Consultative Committee
- Striking Committee
- Toronto Police Services Board

The incoming Councillor for Ward 1 will become a member of the Etobicoke York Community Council by virtue of office. They will also assume various ward based appointments by virtue of office, such as Arena Boards, Business Improvement Area Boards and Community Centre Boards.

While there are no more scheduled regular Council and committee meetings for the balance of the term, some of the other bodies may continue to meet.

Given the lateness in the term, Council may wish to consider making appointments to fill some of these vacancies at this meeting.

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SIGNATURE

John D. Elvidge
City Clerk