

Report by the Program Advisory Body on

Municipal Autonomy and Effective Local Governance



Members:

David Del Grande
Gabriel Eidelman
Oksana Ermolenko
Tim Grant

Nicole Grijalva
Bashir Kamugo
Zain Khurram
Bruce Ryder

Kowmitha Satkunarajan
Nick Vlahos
Patricia Wood

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Executive Summary

The *Municipal Autonomy and Effective Local Governance Program Advisory Body* was created by City Council in February 2025.¹ The mandate of the Advisory Body is to provide advice to the City Manager and City Council on how to achieve greater municipal autonomy and effective local governance for the city, and recommendations for the establishment of a city charter for Toronto. More specifically, our mandate includes:

- Outlining the potential sharing and/or exclusive jurisdiction between the City and other levels of government;
- Considering the legislative requirements and constitutional considerations for a city charter;
- Identifying opportunities to establish broad, long-term, stable, City-controlled revenue sources that will enhance the City's financial position and autonomy; and
- Other potential recommendations related to a city charter and greater municipal autonomy.²

We began our deliberative work in November 2025 and in this report present our findings and recommendations for achieving the goals of greater municipal autonomy and more effective local governance.

This report is intended to provide a useful resource to local government administrators, mayors, councillors, provincial parties, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, and especially the citizens and residents of our cities. Many people, including residents of Toronto and members of Toronto City Council, have long been alert to the challenges faced by municipalities in Ontario. We hope this report helps illuminate some potentially powerful and achievable pathways that could lead to major steps forward for local democracy in Ontario.

The report is divided into four parts, each developed and led by a separate working group:

1. Defining the Problem, led by Patricia Wood and David Del Grande
2. Current State of Municipal Autonomy, led by Gabriel Eidelman and Tim Grant
3. Legal Issues, led by Bruce Ryder and Kowmitha Satkunarajan
4. A Democratic Path Forward, led by Nick Vlahos, Oksana Ermolenko, Nicole Grijalva, Bashir Kamugo, and Zain Khurram

¹ City of Toronto, [Municipal Autonomy and Effective Local Governance Program Advisory Body](#) (2025-2026); Toronto City Council, Item 2025.EX20.13. "[Toward Municipal Autonomy and Effective Local Governance](#)", February 5, 2025.

² [Terms of Reference](#), Municipal Autonomy and Effective Local Governance Program Advisory Body (September 2025).

Findings

Toronto's ability to function as an effective local government is limited by an imbalanced relationship with the Province of Ontario, where municipalities lack sufficient autonomy and authority to act on municipal issues, as well as the appropriate resources to do so. This imbalance undermines both efficient service delivery and local democracy by restricting decision-making authority, reducing representation, and weakening meaningful public engagement. Additionally, fragmented and uncoordinated governance hampers collaboration, which highlights the need for clearer roles, stronger municipal autonomy, and more balanced partnerships with all levels of government and other parties.

Compared to other Canadian cities, Toronto enjoys relatively high political and fiscal autonomy, though less so by international standards. Despite broad formal authority, the City's autonomy is limited by close provincial oversight, frequent intervention, and a narrow set of revenue tools. These structural features force the City into ongoing, uneven negotiations with senior governments to meet growing service demands. As a result, the central challenge is not autonomy alone, but finding the right balance between local control and intergovernmental collaboration, ensuring that city responsibilities are matched with the resources needed to govern effectively.

Canada's Constitution does not recognize or protect municipalities, leaving cities like Toronto fully subject to provincial control, which allows provinces to alter or override local governments without consent. While legislative or national constitutional reforms are either insufficient or impractical, the most viable solution proposed is a single-province constitutional amendment under section 43 to grant municipalities stronger, protected autonomy through negotiated "Charter City Agreements." This approach would help rebalance provincial–municipal relations by requiring mutual consent for changes and strengthening local democracy within the existing constitutional framework.

Creating a Toronto City Charter must be a deeply democratic process, with strong public participation at every stage as it derives legitimacy from the people. Key steps of an effective process are inclusive commission design, equity-focused, broad and accessible public engagement, transparent drafting and decision-making, and eventual voter ratification supported by clear public education. Ultimately, a well-designed charter must draw upon democracy innovations to strengthen public trust and civic engagement, while a poorly executed one risks deepening cynicism.

Recommendations

The following recommendations are supported by all members of the Advisory Body:

1. The most promising pathway to increasing municipal autonomy would involve the negotiation of a new City Charter that would become constitutionally protected from unilateral change by the provincial government. If City Council chooses to pursue a legal mechanism to increase municipal autonomy, the City should direct legal staff to focus on a single-province amendment to Canada's Constitution via s.43 of the *Constitution Act, 1982*, which could include a new provision giving constitutionally protected status to City Charters, like the proposed s.92B outlined in Part 3 of this report.
2. If Council wishes to pursue a City Charter, it should design a charter process grounded in robust public engagement following the principles outlined in Part 4 of this report. This includes ensuring broad awareness before deliberations begin, clear commitments to inclusion, transparent decision-making rules, and a visible connection between public participation and final outcomes.
3. City Council should direct the City Manager to appoint a similar public advisory body or establish a new Council advisory committee during the next term of Council to advance the ideas and recommendations in this report. The group would help the City gather public input, build support, and learn from experts and officials in other jurisdictions.
4. City Council should direct staff to use existing public engagement tools (e.g., *Listening to Toronto survey*) to raise awareness of this report and solicit residents' perspectives on municipal autonomy and local governance in Toronto. It should also direct staff to circulate this report to other relevant stakeholders, including the Association of Municipalities of Ontario and the Federation of Canadian Municipalities, along with provincial and federal ministers and ministries that regularly engage with the City of Toronto.

Part 1: Defining the Problem

Summary: Toronto's ability to function as an effective local government is limited by an imbalanced relationship with the Province of Ontario, where municipalities lack sufficient autonomy and authority to act on municipal issues, as well as the appropriate resources to do so. This imbalance undermines both efficient service delivery and local democracy by restricting decision-making authority, reducing representation, and weakening meaningful public engagement. Additionally, fragmented and uncoordinated governance hampers collaboration, which highlights the need for clearer roles, stronger municipal autonomy, and more balanced partnerships with all levels of government and other parties.

The current balance of power between provinces and municipalities dates back to the original Canadian Constitution in 1867, when 80 percent of Canadians lived on farms. Cities were understood as so-called "creatures of the province," because they were administrative centres through which the province governed. City administrations or councils, elected or not, were not seen as *governments*.

The Constitution, however, is considered "a living tree," which is an established judicial approach that allows for growth and change in keeping with the times and circumstances. Municipal law and the provincial-municipal relationship in Canada have been one area where there has been some change.³

Moving beyond a "creature of the province," particularly for a city of 3 million people in the 21st century, requires continuing to re-imagine the relationship between the city and the province. Cities need to be recognized as legitimate governments in their own right that work in partnership with others. They need to be empowered with clear authority to act on municipal issues, and they need appropriate resources to do it. There are several problems that restrict effective municipal autonomy under the current arrangements. These problems may be usefully grouped under two categories:

- Interference with deliberative democratic practices
- Fragmented and uncoordinated relationships and decision-making

Today, when over 80 percent of Canadians live in urban areas and Ontario's population is ten times what it was at the time of Confederation, we need a new balance of powers and authorities in the relationships between cities and other governing bodies, including their neighbouring municipalities, provincial governments, and the federal government.

³ See Zack Taylor and Alec Dobson, [*Power and Purpose: Canadian Municipal Law in Transition*](#) (Toronto: IMFG Papers on Municipal Finance and Governance, No. 47, 2020).

Interference in deliberative democratic practices

Bill 5

Toronto's City Council represents a residential population of approximately 3 million people. City councillors are elected following nomination processes and through voting booths, in ways that look just like provincial and federal elections. However, under the Canadian Constitution, those municipal elections and city councils do not have the same protection as the provincial legislatures or the federal Parliament. In fact, municipalities have no *inherent* power to make decisions in any area. Any authority they exercise is loaned – or “delegated” – to them by their provincial legislature.

In 2006, the Ontario legislature passed the *City of Toronto Act*⁴ (which came into effect on January 1, 2007). This was a type of city charter, which gave Toronto some additional independence and protection. In particular, it returned to City Council a previously held authority to determine how many city councillors it would have, and where to draw the boundaries between city wards. In 2016, the City concluded a ward boundary review to increase the number of wards from 44 to 47.⁵

In that same year, Toronto was also reminded of the legal realities of how little protection the *City of Toronto Act* had under the Constitution: the Ontario legislature passed Bill 5, the *Better Local Government Act, 2018*,⁶ which unilaterally overrode the powers accorded to the City by the 2006 Act to remap ward boundaries and reduce the number of seats on Toronto City Council. Moreover, the provincial government enacted the legislation right in the middle of the nomination process for the City's 2018 election. The timing of that interference seemed to fly in the face of Canada's commitment to fair, democratic election processes.

That was only half of the problem. Under Bill 5, the Province dictated the number of wards in Toronto, and reduced the planned 47 wards to just 25. Wards were now mapped directly onto federal and provincial ridings. Reducing representatives for local government to the same number as provincial or federal is something no other government has done to a city in a Western democracy. It increased the average number of residents per ward from 60,958 to 116,400, and Toronto arguably now has the weakest local government representation in the democratic world.

The reduction of wards had an immediate practical impact: with only 25 councillors, it was no longer logistically possible for Toronto's City Council to staff its committees and schedule their meetings, requiring a restructuring of Council committees.

Bill 5 was challenged, but unsuccessfully – because any province has the right to intervene in pretty much any of its municipal governments' decisions and processes. This power imbalance is a problem.

Bill 5 did not overturn the *City of Toronto Act*. Most other provisions of the Act have remained in place, including its stronger taxation powers. However, these powers are still limited and it is clear that some

⁴ [City of Toronto Act, 2006](#), SO 2006, c11, Sch A.

⁵ See the [City Council's adoption of the Report on the Toronto Ward Boundary Review](#), November 8-9, 2016.

⁶ Bill 5, [Better Local Government Act, 2018](#), SO 2018, c11.

kind of principles need to accompany such powers, as the downloading of authorities without appropriate financial structures or revenue streams only hampers municipal autonomy in practice.

As will be detailed in the next section of this report, the Province has repeatedly exercised its overriding authority and intervened in the City's business contrary to the decisions of City Council in several areas, including: planning new public transportation infrastructure, the redevelopment and privatization of Ontario Place, the closure of the Science Centre, the installation of bike lanes, and the use of speed cameras.

This is more than a time-consuming nuisance. There are two principled reasons why not having a better balance of municipal autonomy and other orders of government is a problem: the need for effective local government and for stronger local democracy.

Local Government

Local government is commonly understood as a specific type of political institution, not just a smaller version of state/province or central governments.⁷ A municipality is distinctly rooted in its specific place, both as the product of its history, and as the form of government most actively and directly involved in the everyday life of its residents. However, political structures that were put in place in the earliest days of a town often struggle to keep up with the needs of a larger city or its urban region, which itself is comprised of multiple municipalities, which may themselves have different landscapes, demographics and political structures.⁸

Local government is often described as the one closest to people's everyday lives. It needs to be nimble and accessible in an immediate way, to deal with everyday problems that need to be solved so people can get on with their lives, and care for their communities. It is the political framework for the basics of living together. The City of Toronto delivers approximately 150 local services—some as directed by province and some chosen by city to do so.

Municipal councils make some of the most important decisions a government can make. Decisions on land use and housing determine the built form of the city and its livability. Decisions about streets and transit determine how we interact with the city around us. Municipalities provide many key services: parks, recreation programs, child care, and even, in some cases, policing, plus a host of other services that directly touch the daily lives of city residents.

It is not considered to be “good local government” if Toronto or any other municipality has the authority to make decisions, but lacks the powers and the resources to implement the relevant actions and services successfully.

⁷ Warren Magnusson, “Political Science, Political Economy, and the Local State”, (1985) 14:1 Urban History Review / Revue d'histoire urbaine 47–53.

⁸ Brittany Andrew-Amofah, Alexandra Flynn and Patricia Wood, “[A New Agenda for Local Democracy: Building Just, Inclusive and Participatory Cities](#)” (Toronto: IMFG Papers on Municipal Finance and Governance, No. 60, 2022).

It is important to underscore that municipal councils are bodies that follow democratic practices of deliberation and whose members are democratically elected, like any legislature. They represent the residents of the wards they serve, and they are accountable to them.

Effective local government means that *all of*: decision-making processes, execution of decisions, and appropriate evaluation of those decisions, are done well.⁹ Expectations of service delivery at the local level have increased substantially; powers of revenue generation have not.

It is not considered to be “good local government” if Toronto or any other municipality has the authority to make decisions, but lacks the powers and the resources to implement the relevant actions and services successfully. In dozens of cases in 2025, Toronto passed a motion at City Council where it then had to ask the Province for permission to execute its decision. In practice, many decisions, even trivial ones, take much too long.

All of these provincial actions, and others, have left the City less able to provide effective local government. Unilateral provincial interference should not be possible. A better and clearer balance will help return Toronto and Ontario to a relationship of co-operation and partnership.

How should we bring things into better balance? This will differ from place to place. It is not one-size-fits-all. Different places have different histories and different circumstances, and each town or city plays a different role in the life of the province as a whole. Toronto, as a strong generator and beneficiary of economic wealth, has a responsibility to contribute its financial fair share to Ontario and Canada. This also needs to be balanced with sufficient revenue to properly fund programs and services within its jurisdiction, and its share of shared programs and services. The City’s relationship to the larger GTA also needs to be considered.

One thing is universal: good local government needs stronger, substantive, and meaningful local democracy, and vice versa.

Local Democracy

At the heart of good local government and its oversight of everyday lives and space is local democracy. Local democracy, as defined in Toronto’s 2014 ward boundary research report, is where “a diverse, active, engaged public identifies issues, gives input and feedback, partners with the City on local matters, and plays an important role in shaping the city. The public is encouraged to get involved, speak to or submit comments to a Committee of City Council, attend meetings, and vote in municipal elections.”¹⁰

Public engagement is the means through which residents act as *citizens* of the city and play their role in decision-making. This engagement is critical to a sense of belonging and to a sense of responsibility to take care of the city, its residents, and its environment. People want and deserve a say in what happens

⁹ Zack Taylor, [Good Governance at the Local Level: Meaning and Measurement](#) (Toronto: IMFG Papers on Municipal Finance and Governance, No. 26, 2016).

¹⁰ Canadian Urban Institute et al, [Toronto Ward Boundary Review: Background Research Report](#) (2014), p. 30.

in the spaces they live--in their neighbourhoods, near where they work, where their children go to school, and so on.

A lack of appropriate consultation by the Province with the City, or by the City with its residents, erodes local democracy. Public engagement includes the right of residents to participate in formal consultations and the right to bring their own issues to their representatives, not merely to 'approve' or witness Council approving decisions already made. Good and transparent institutional structures and practices are necessary because it matters "whether public input into decision-making is 'authentic' or symbolic."¹¹ Townhall-style meetings that are inaccessible by their location or time, or meetings to collect feedback that will not be incorporated into decision-making only serve to exclude and discourage resident participation.¹² "If not carefully designed or implemented, [citizen involvement] may delay decisions, increase conflict, disappoint participants, and lead to more distrust,"¹³ something we have seen repeatedly in Toronto.

In 2020, the City of Toronto formally acknowledged that "[t]he perspectives of equity-seeking, Indigenous, Black and vulnerable individuals and communities are typically under-represented in policy and decision-making processes compared to other populations, due in part to the need for customizable engagement approaches that account for differences in mobility, culture, language and other socioeconomic factors."¹⁴ Toronto's over-sized wards make it extremely challenging for councillors to meaningfully consult their residents and to work to improve the inclusion of under-represented voices. Over-sized wards only increase what has already been identified as a problem with ward-based decision-making, that it disproportionately responds to or acts in favour of some residents at the expense of others.¹⁵

Toronto needs strong local government that aligns with vibrant local democracy – that is, practices that align with specific goals of the City related to well-being, environmental health, prosperity, justice and reconciliation, equity, and so on. Instruments such as city charters can be used to exclude and to privilege, if their contents only reflect the perspective of property owners and other elites.¹⁶ As will be detailed in

¹¹ Richard C. Feiock, Christopher M. Weible, David P. Carter, Cali Curley, Aaron Deslatte and Tanya Heikkila, "Capturing Structural and Functional Diversity through Institutional Analysis: The Mayor Position in City Charters," (2016) 52(1) Urban Affairs Review 129-150, p. 144.

¹² Bee Lee Soh and John Stapleton, "[Voice of Experience: Engaging People with Lived Experience of Poverty in Consultations](#)" (Metcalf Foundation, October 2019); Brittany Andrew-Amofah, Alexandra Flynn and Patricia Wood, [A New Agenda for Local Democracy: Building Just, Inclusive and Participatory Cities](#) (Toronto: IMFG Papers on Municipal Finance and Governance, No. 60, 2022).

¹³ Kaifeng Yang and Sanjay K. Pandey, "Further Dissecting the Black Box of Citizen Participation: When Does Citizen Involvement Lead to Good Outcomes?", (2011) 71(6) Public Administration Review 880–89, p. 880.

¹⁴ City of Toronto, [Covid-19: Impacts and Opportunities](#) (2020), p.119.

¹⁵ Mariana Valverde, *Everyday Law on the Street: City Governance in an Age of Diversity* (Chicago: University of Chicago Press, 2012); Richard C. Schragger, "The Limits of Localism," (2001-2002) 100:2 Michigan Law Review 371-472.

¹⁶ Charles Breton, Jack Lucas and Zack Taylor, "Local Autonomy: Unconditional Elites and Conditional Publics", (2023) 49(6) Local Government Studies 1263-1284; Patricia Wood, "Constitutionalism and the Intentionality of Cities," in Richard Albert, Nathalie Des Rosiers, and Alexandra Flynn eds, *The Past, Present and Future of the Canadian City: Lessons from History, Practice, and the World* 285-302 (Montreal & Kingston: McGill-Queen's University Press, 2024).

the final section of our report, the process through which the details of increased municipal autonomy are negotiated is critical.

Uncoordinated relationships and fragmented decision-making

Even in areas where the City and the Province should be working together, we have fragmented and unclear arrangements, rather than coordinated, effective partnerships. This increases conflict, decreases effective delivery of services, and costs all parties enormous amounts of time and money.

We could take public transportation as an example. It is considered a fundamental principle that “transit coordination requires cooperative governance.”¹⁷ In Toronto, operations are fragmented, and decision-making concerning the planning and construction of transit infrastructure in the region is unclear and inconsistent. The different scales of public transportation in Toronto are each overseen independently by a different level of government: urban public transit is operated by municipal agencies, most commuter rail and bus service (the GO system) is operated by a provincial agency, and intercity rail is operated by a federal agency, Via Rail.

Toronto’s capacity to deliver many of the services for which it is fully or partly responsible is obstructed by a broad lack of clarity and good relationships.

While Metrolinx, a provincial agency, is charged with some project delivery, high-level planning, and development of a regional vision, no governing body represents and coordinates the municipalities and their agencies. Municipal councils have some right to approve projects (but not always); the planning of some capital projects is done by municipalities and some by the province; provincial funding for projects has been offered and withdrawn repeatedly. The Province has declared authority over projects it funds and passed legislation forbidding Toronto to plan or work on similar projects. It has also dictated what role the city plays in contributing to design and other elements. While no formal “upload” of the Toronto Transit

Commission has taken place, its role and that of the City’s Planning Department in planning capital projects has been, in practice, taken over by the province.

Even at the provincial level, there is a lack of coordination and clarity: some of the management of urban infrastructure development is conducted by Metrolinx, and some by Infrastructure Ontario (IO). Each is a Crown Agency with a board of governors appointed by cabinet without review by the legislature. Each agency reports to a different minister: Metrolinx to the Minister of Transportation, and IO to the Minister of Infrastructure. Metrolinx’s original governing body was a city-led model, with municipal representation, but today its board is appointed by the provincial cabinet without legislative review.

¹⁷ Matt Baker and Pat Weaver, *Governance Models for Regional Transit Coordination* (Lawrence, Kansas: University of Kansas Transportation Centre, 2010), p. 1.

Toronto has experienced the impact of this fragmentation in the recent LRT projects on Finch and Eglinton, where major construction problems, cost overruns, delays, and service issues have been blamed, in no small part, on the lack of clarity and coordination of information and decision-making.

Other Canadian cities have city-led transportation agencies that work in partnership with other levels of government. For example, in the Vancouver area, TransLink (officially, the South Coast British Columbia Transportation Authority) is a provincial body specific to the 21 municipalities of the metropolitan Vancouver area. In addition to a board of governors, it has a mayors' council with representation from all municipalities, including the head of the Tsawwassen First Nation, and a voting system that allows for votes weighted by population. The Council must approve all major decisions, including long-term planning. TransLink has authority over roads and all public transit, including independent operators. The province restructured TransLink in 2007, giving it the capacity to raise revenue through several forms of taxation.

In the Montreal region, the province of Québec created the Autorité Régionale de Transport Métropolitain (ARTM), which is responsible for planning and financing public transportation in Greater Montréal, including network coordination and the fare system. ARTM is co-governed by representatives appointed by the province and from the Montréal Metropolitan Community Council. The operations of commuter rail and bus systems are overseen by Exo (officially, the Réseau de Transport Métropolitain), which reports to the ARTM.

Public transportation is just one example. Toronto's capacity to deliver many of the services for which it is fully or partly responsible is obstructed by a broad lack of clarity and good relationships. Clearer roles would help not only the provincial-municipal relationship, but also relationships among all the Great Toronto Area municipalities, and relationships between municipalities and First Nations. The examples of Montreal and Vancouver's transportation agencies reflect not only a partnership with provincial governments, but also large cities working collectively with neighbouring municipalities for the benefit of the whole urban region.

Edmonton provides another example of the possibilities of working with regional municipalities. In 2017, the city councils of Edmonton and St. Albert (the second-largest municipality in the metropolitan area) started exploring the possibility of a regional transit commission. A year later, they received a grant from the province in support of their work, and 11 other neighbouring municipalities formally joined the discussion. What Edmonton started was what Baker and Weaver term "interlocal cooperation,"¹⁸ which is allowed under municipal law in Canada, including the *City of Toronto Act*.

A team of officials and residents worked with consultants to develop a proposal, and the Edmonton Metro Transit Services Commission (EMTSC), a partnership of eight of the municipalities, was officially launched in 2021. Unfortunately, in 2023, the City Council and one of the smaller municipalities voted not to fund the Commission's plan, and the EMTSC was wound down. In this case, the part that was possibly out of balance was the missing province, which did not have any representation on the Commission's board.

A balanced relationship is also an active one: between different levels of government and between governments and their citizens. Despite the short life of the EMTSC, what the Edmonton example teaches is municipalities in a shared region can strengthen their autonomy, exercise good local government, and

¹⁸ *Ibid*, p. 7.

create political leverage by working as partners. Others have noted how engaging public support and working with other partners can create leverage to maintain a good balance of powers, particularly between cities and the province.¹⁹

A Better Balance

As we consider the complexity of large cities and their urban regions today, “we desperately need new thinking about constitutionalism and urbanization.”²⁰ Effective local government is currently impeded by interference in and overriding municipal decision-making, dysfunctional and conflictual relationships, poor or absent cooperation, fragmented and unclear responsibilities, a lack of meaningful and transparent consultation, and a general deficiency of partnerships. All of these are also missed opportunities to strengthen local democracy. Greater municipal autonomy within a better, clearer balance of powers and authority, derived from meaningful engagement with residents, can bring us closer to realizing a more just and democratic city.

¹⁹ See examples in Luis Silva, “[Escaping from the Straightjacket That Baffled Houdini: An Analysis of the Myths and Realities of Empowering Toronto Through a City Charter](#)” (London, ON: University of Western Ontario, MPA Research Report, 2005).

²⁰ Ran Hirschl, *City, State: Constitutionalism and the Megacity* (New York: Oxford University Press, 2020), p. 1.

Part 2: Current State of Municipal Autonomy

Summary: Compared to other Canadian cities, Toronto enjoys relatively high political and fiscal autonomy, though less so by international standards. Despite broad formal authority, the City's autonomy is limited by close provincial oversight, frequent intervention, and a narrow set of revenue tools. These structural features force the City into ongoing, uneven negotiations with senior governments to meet growing service demands. As a result, the central challenge is not autonomy alone, but finding the right balance between local control and intergovernmental collaboration, ensuring that city responsibilities are matched with the resources needed to govern effectively.

The City of Toronto's capacity to make public policy, raise revenues, deliver services, and sustain local democratic processes is shaped by two interrelated dimensions of autonomy: political and fiscal. Political autonomy concerns the scope of authority the City possesses to govern its own affairs. This includes both legal rights, powers, and discretion to act, as well the degree to which it is protected from interference by other orders of government, whether through formal laws or informal conventions, norms, or traditions. Fiscal autonomy concerns the City's ability to generate and control the financial resources needed to exercise its political authority. Together, these dimensions determine how independently Toronto can act and explain how constrained it remains within Ontario's system of municipal governance.

The City of Toronto's political autonomy, like that of all municipalities in Ontario, is defined and limited by provincial legislation. The general Municipal Act applies to most municipalities in the province, while the City of Toronto Act (COTA) provides a distinct statutory framework tailored specifically to Toronto. COTA grants the City broad authority over matters of local governance, including land use planning, roads and transportation, and economic development. It also recognizes Toronto as a mature order of municipal government with certain enhanced powers, such as limited authority to create local taxes, enter into agreements, and structure its internal governance. However, these powers are not constitutionally entrenched. The province retains the authority to amend, override, or withdraw them at any time.

Provincial oversight of municipal affairs extends far beyond any single statute. The Association of Municipalities of Ontario estimates that municipalities, including Toronto, are governed by at least 280 separate pieces of provincial legislation.²¹ These laws regulate everything from planning and housing to policing, public health, and environmental management. As a result, decisions that appear local in nature are often shaped or constrained by provincial rules, regulations, and directives.

This dense legislative environment contributes to the perception that many ostensibly local decisions are ultimately influenced, if not determined, by provincial officials. Those officials are elected by voters across Ontario, many of whom do not live in Toronto and may have different priorities or perspectives. Critics

²¹ Association of Municipalities of Ontario, [AMO's 2019 Pre-Budget Submission: For the People, Every Dollar Counts](#) (Submission to the Standing Committee on Finance and Economic Affairs, January 15, 2019).

argue that this dynamic can produce decisions made without a full appreciation of local conditions, or that reflect provincial conceptions of how a city should be governed rather than the preferences of Toronto residents. In this sense, Toronto's political autonomy exists within a framework of continuing provincial control.

How much *political* autonomy does the City have?

The *City of Toronto Act, 2006*, grants the City broad legal authority “to govern its affairs as it considers appropriate,” and to provide any public services it considers to be in the public interest.²² For example, the City may adopt policies and by-laws concerning local roads and transportation (ss. 29-59), waste management (ss. 60-61), water and electric utilities (ss. 62-73), economic development and business licensing (ss. 82-97), health and safety (ss. 98-103), and land use planning and zoning (ss. 111-115), as well as establish local boards and agencies (ss. 141-148). The Act also provides Toronto with “natural person” powers (s. 7), allowing it to enter into contracts, acquire and dispose of property, adjust its internal department structures without requiring specific statutory authorization for each action, using “strong mayor” powers (s. 226.4). In principle, as noted in the Act's preamble, these provisions recognize Toronto as a mature level of government “capable of exercising its powers in a responsible and accountable fashion.”²³

Even so, the Act contains at least 14 sections that explicitly restrict the City's ability to pass certain by-laws or adopt certain policies (limits on city finances are discussed in the next section). For example, the Province explicitly limits the City's ability to decide ward boundaries and the composition of city council (s. 8(2), alter local boards such as the police and library boards (s. 8(6)), and operate toll highways (s. 41). The province may also override municipal by-laws where it determines that provincial interests are at stake (s. 25). In practice, this means that while the City of Toronto possesses broad legal authority, its autonomy is conditional and operates within narrow boundaries set and periodically redefined by the provincial government.

The City must regularly ask permission or seek clarification from the provincial government before adopting local policies and programs.²⁴ Key statutes such as the *Community Safety and Policing Act*,²⁵ *Highway Traffic Act*,²⁶ *Planning Act*,²⁷ *Housing Services Act*,²⁸ *Residential Tenancies Act*,²⁹ and *Public*

²² [City of Toronto Act, 2006](#), S.O. 2006, c. 11, Sched. A, s. 6(1).

²³ *City of Toronto Act*, Preamble.

²⁴ Information provided by the City Clerk's Office indicates that City Council has sought permission, clarification, or legislative changes from the Government of Ontario more than two dozen times during the 2022–2026 term.

²⁵ [Community Safety and Policing Act, 2019](#), SO 2019, c 1, Sch 1.

²⁶ [Highway Traffic Act](#), RSO 1990, c H.8.

²⁷ [Planning Act](#), RSO 1990, c P.13.

²⁸ [Housing Services Act, 2011](#), SO 2011, c 6, Sch 1.

²⁹ [Residential Tenancies Act, 2006](#), SO 2006, c 17.

*Utilities Act*³⁰ establish detailed rules that shape how Toronto delivers services, regulates land use, manages housing, oversees policing, and operates utilities. While these frameworks provide province-wide consistency, they also constrain local discretion, limiting the City's ability to act and delaying decision-making on urgent priorities.

The *City of Toronto Act* was originally intended to avoid this kind of jurisdictional friction. It explicitly "endorses the principle that it is in the best interests of the Province and the City to work together in a relationship based on mutual respect, consultation and co-operation."³¹ In 2008, the Province and the City signed a formal Agreement on Cooperation and Consultation confirming the provincial government's commitment to this principle. The agreement has been renewed several times, most recently in 2024.³² The Province has also signed multiple Memoranda of Understanding with the Association of Municipalities of Ontario recognizing municipalities "as responsible and accountable governments with respect to matters within their jurisdiction."³³

The reality, though, is that these agreements are routinely ignored. Provincial respect for municipal autonomy ebbs and flows. Successive provincial governments have felt empowered to intervene in the City's affairs, routinely and openly meddling in matters that many Torontonians would consider local matters. Here are 4 prominent examples:

- **Rejecting Road Tolls.** In 2017, the Liberal government rejected Toronto City Council's request for permission to toll the Gardner Expressway and the Don Valley Parkway. (To be fair, the Conservative and NDP parties also opposed the City's request.) The cost of maintaining those 2 highways had been downloaded to the City by Mike Harris's Conservative government in the 1980's and by 2017, the annual maintenance cost was close to \$100 million.
- **Interfering in Local Government.** In 2018, the Conservative government slashed the size of Toronto's City Council – and cancelled elections for regional chairs outside of Toronto - in the midst of the civic elections. In 2019, the Conservatives banned cities from using ranked ballots, even though London had already used them in their most recent civic election. In 2025, they took control of several local school boards away from elected trustees and threatened to amalgamate the towns and cities in the Niagara region. All these interferences in local government undermined democracy by reducing citizen representation.
- **Island Airport.** In order to extend runways and allow more frequent air traffic at the airport, the Conservative government proposed in 2026 to seize City property and remove City representatives from the body that governs the City's most valuable section of its waterfront.

³⁰ [Public Utilities Act](#), RSO 1990, c P.52.

³¹ [City of Toronto Act](#), s. 1(2).

³² Ontario, [Agreement on Cooperation and Consultation between the City of Toronto and the Province of Ontario](#) (2024).

³³ Association of Ontario Municipalities and Ontario, [Memorandum of Understanding between the Association of Municipalities of Ontario and the Province of Ontario](#) (2021).

- **Removal of Speed Cameras.** In late 2025, the Conservative government banned cities from using speed cameras, even though evidence indicated that they were very effective in reducing traffic speeds and polls showed they were supported by the public.

The above are but 4 examples of provincial overreach. Others include: seizing control of transit planning and construction without political representation at Metrolinx and clawing back TTC funding; imposing arbitrary Ministerial Zoning Orders (MZOs) on local municipalities; gutting city authority in land use planning and appeals; overriding cities' Official Plans; and cutting child care, public health funding and overdose prevention sites.

Given this long list of headline-grabbing interventions, it is no surprise that many Torontonians feel like bystanders in the democratic process, stripped of meaningful voice and agency. For the mayor and city councillors, the province's tendency toward unilateral and unexpected decisions undermines their credibility, at times forcing them to formally express opposition to provincial actions, such as changes to the *Residential Tenancies Act*, the amalgamation of conservation authorities, and the closure of Ontario Place.³⁴ Worse, from a resident's perspective, it gives the impression that the City is helpless, undermining confidence in local government.

This jurisdictional friction also creates confusion about which level of government is responsible for local services, blurring democratic accountability. Toronto delivers and administers many programs that are designed, regulated, or cost-shared by the province. This can make it difficult for residents to understand who to blame when services fall short or priorities conflict, and for public officials to respond effectively.

How much *fiscal* autonomy does the City have?

Even where the City's authority is clearly defined, its ability to act ultimately depends on its capacity to raise revenue to fund public services. Toronto lacks stable, predictable, and city-controlled multi-year revenues sufficient to support necessary programs, services, and infrastructure. This challenge is not unique to Toronto; municipalities across Canada consistently report structural financial shortfalls. However, the problem is particularly acute in Toronto, where the scale of fiscal pressures is amplified by the size of its population and the complexity of its needs.

Rather than enumerating taxes the City may levy, section 267 of the City of Toronto Act instead lists the revenue tools it is expressly prohibited from imposing, including income taxes, sales taxes, payroll taxes, poll taxes, fuel taxes, wealth taxes, and most recently, road tolls and vehicle registration taxes. What remains are a limited set of instruments: property taxes, the municipal land transfer tax, the vacant home tax, hotel and short-term accommodation taxes, billboard taxes, and a handful of other minor revenue sources that the City has the authority to use but has often chosen not to implement. In addition,

³⁴ City of Toronto, [2025.EX27.1 Impacts of Provincial Legislation that Weakens Rental Protections](#), November 12, 2025; City of Toronto, [2025.IE26.17 Opposition to the Amalgamation of Conservation Authorities](#), December 16, 2025; City of Toronto, [2024.EX16.5 Ontario Science Centre Update](#), July 24, 2024.

There are sound public policy reasons to question the City's heavy reliance on property taxes and user fees. These revenue sources, especially property taxes, do not automatically grow with the broader economy; between 2015 and 2023, income taxes collected by provincial and federal governments from Toronto households grew at roughly ten times the rate of municipal property tax revenues.

provincial legislation establishes detailed rules governing the application of these and other important revenue tools, including user fees (e.g. water and electricity rates), development charges, and community benefit charges, further limiting the City's fiscal autonomy.³⁵

The City relies heavily on this limited set of own-source revenues to fund both operating and capital expenditures. Property taxes, land transfer taxes, and user fees, such as transit fares, parking rates, and garbage collection fees, account for approximately 76 percent of City operating revenues. This reliance is even more pronounced in the capital budget: 87 percent of funding in the City's 10-year capital plan comes from local sources, including development charges, debentures, reserves, water rates, property taxes, and the dedicated City Building Fund.³⁶

There are sound public policy reasons to question the City's heavy reliance on property taxes and user fees. These revenue sources, especially property taxes, do not automatically grow with the broader economy; between 2015 and 2023, income taxes collected by provincial and federal governments from Toronto households grew at roughly ten times the rate of

municipal property tax revenues.³⁷ Second, property taxes and user fees are generally considered regressive, as they do not reflect a taxpayer's ability to pay. This makes them poorly suited to fund social services or other redistributive programs, such as income supports, childcare, or public health initiatives, even if targeted rebates can mitigate some inequities. Most of all, they are politically challenging to raise, making it difficult to generate sufficient revenues to pay for big-ticket, capital-intensive projects, such as new transit lines and affordable housing projects. The City's 10-year capital plan projects a \$25 billion backlog in state of good repair projects.³⁸

Nonetheless, the City's reliance on own-source revenues can also be interpreted as evidence of fiscal strength. Toronto's credit rating was recently upgraded to AA+, its first upgrade in more than two decades, reflecting prudent financial management, multi-year planning, and substantial reserve funds.³⁹ Indeed, in comparative perspective, Toronto relies less on intergovernmental transfers than many other global

³⁵ For example, [Ontario Regulation 121/07](#) defines technical parameters related to property taxes, while [O. Reg. 595/06](#) and [O. Reg. 403/02](#) set limits on the City's and its boards' ability to issue debt or charge fees.

³⁶ City of Toronto, [2025 City of Toronto Budget Summary](#) (2025), p. 43.

³⁷ City of Toronto, [BudgetTO 2026 Budget Launch](#). Presentation to Budget Committee, January 8, 2026, p.14.

³⁸ City of Toronto, [BudgetTO 2026 Budget Launch](#) (2026)

³⁹ City of Toronto, [S&P Global raises City of Toronto's credit rating to AA+ for the first time in more than two decades](#), News release, October 23, 2024.

cities, which can be viewed as a *positive* sign of fiscal autonomy and healthy fiscal capacity.⁴⁰ This autonomy provides flexibility in setting local priorities and reduces vulnerability to unpredictable grant funding. However, it also means that Toronto bears a greater share of financial risk, particularly when economic shocks or service demands outpace the growth of its limited tax base. The City's fiscal position is therefore both a strength and a structural constraint: stable and well-managed, yet fundamentally limited by the narrow range of revenue tools.

Toronto has access to far fewer revenue tools than many of its international comparators. As a result, it frequently ends up advocating for provincial subsidies and one-time contributions from senior orders of government that are neither predictable nor, in most cases, sufficient to meet growing demand for services. During the current council term alone, City Council has made at least 35 formal appeals to the provincial and federal governments for expanded revenue authority or increased funding across a range of policy areas, including housing, homelessness, immigrant settlement, climate programs, student nutrition, recreation, and wildlife management.⁴¹

Despite these appeals, provincial grants and subsidies account for only 17 percent of the City's operating budget and just 6 percent of its capital budget.⁴² Meanwhile, this year the City will spend nearly \$1.6 billion (approximately 27%) of its property tax revenues on responsibilities that, in most other provinces, would typically fall to provincial or federal governments, including public housing, social services, and health-related services such as paramedic services, long-term care, and public health.⁴³

This fiscal imbalance is rooted in the service “downloading” of the late 1990s, when the province transferred substantial responsibilities to municipalities without commensurate funding. Even where cost-sharing arrangements exist, they rarely follow a clear or consistent logic. Although the province has incrementally uploaded some responsibilities in recent years, the process has been uneven and incomplete. As a result, Toronto continues to shoulder financial obligations for services that are either funded differently elsewhere in Ontario, or in some cases, not funded altogether (Figure 1).⁴⁴

⁴⁰ Enid Slack, [*How Much Local Fiscal Autonomy Do Cities Have? A Comparison of Eight Cities around the World*](#). (Toronto: Institute on Municipal Finance and Governance, 2017); Enid Slack, “[Local fiscal autonomy in Toronto](#)”, (2022) 16 *Anuario de Derecho Municipal* 223-244.

⁴¹ Based on information provided by the City Clerk's Office, from November 2022 to March 2026.

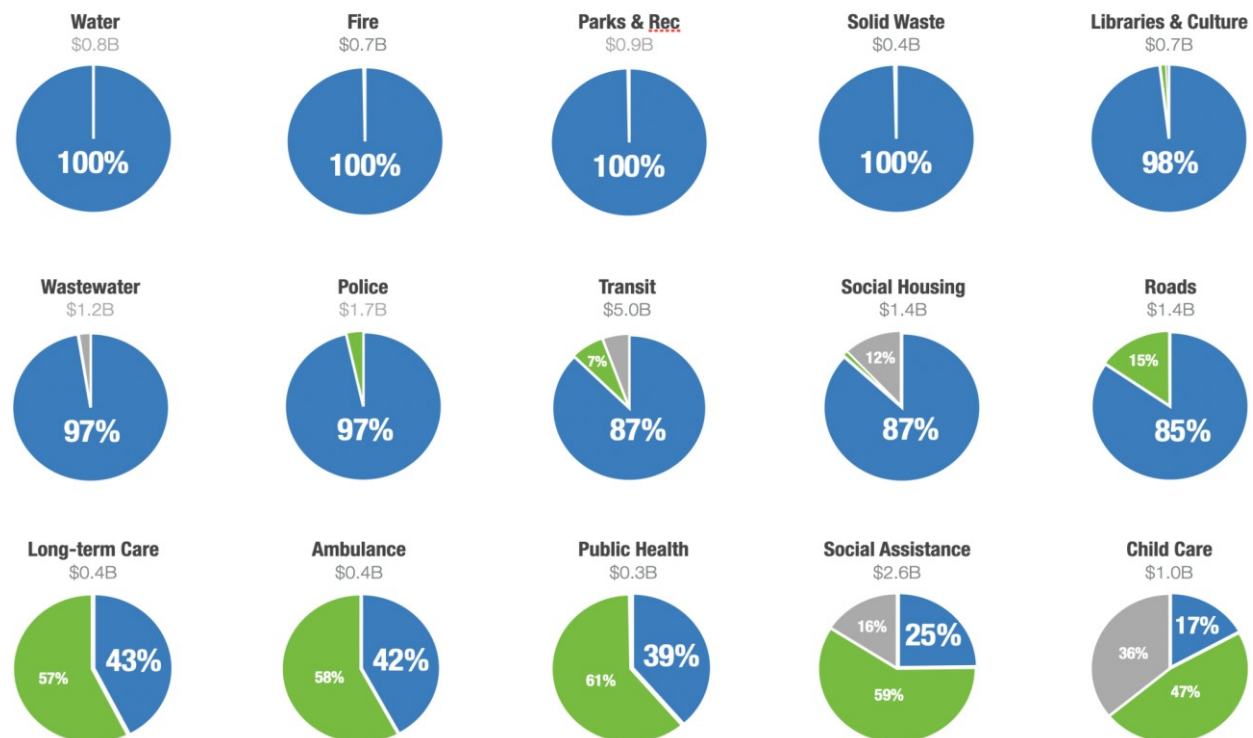
⁴² City of Toronto, [BudgetTO 2026 Budget Launch](#) (2026).

⁴³ City of Toronto, [2026 Operating Budget Briefing Note: Extensions of Provincial and Federal Responsibilities](#). January 6, 2026.

⁴⁴ Gabriel Eidelman, Tomas Hachard, and Enid Slack, [In It Together: Clarifying Provincial-Municipal Responsibilities in Ontario](#) (Toronto: Ontario 360 and Institute on Municipal Finance and Governance, 2020).

Figure 1: City Spending on Public Services by Revenue Source

Share funded by **Municipal Revenues**, **Provincial Transfers**, or **Federal Transfers**



Source: 2024 operating and capital expenditures compiled by City of Toronto staff based on internal estimates and Ontario Financial Information Return data.

Some hail the so-called “New Deal” negotiated under the current mayor, in which the City transferred control of the Gardiner Expressway and Don Valley Parkway, as well as a portion of land at Ontario Place, to the province in exchange for financial relief as a significant achievement, easing immediate fiscal pressures and providing financial stability.⁴⁵ Yet it also underscores how the fiscal relationship between the City and the Province continues to be shaped by political relationships and ad hoc negotiation. Rather than representing a systematic rebalancing of responsibilities and revenues, the New Deal reflects another episode of personalized bargaining.

Financial negotiations between the City and senior orders of government do not occur on equal footing. The City has limited staff resources dedicated to intergovernmental relations, with approximately five full-time equivalent staff in the City Manager’s Office whose primary responsibilities include maintaining relationships with provincial and federal governments, as well as advocacy organizations such as the Association of Municipalities of Ontario and the Federation of Canadian Municipalities. By comparison, the provincial government commands a far larger policy apparatus, with multiple teams across

⁴⁵City of Toronto, “[Toronto City Council adopts historic New Deal with Province of Ontario to help achieve long-term financial sustainability](#)”, news release, December 13, 2023; Government of Ontario, [Terms of the New Deal Between Ontario and Toronto](#) (November 26, 2023).

departments focused on municipal and intergovernmental affairs. This institutional asymmetry reinforces the City's structural disadvantage in negotiations that are both technically complex and politically sensitive. As former Mayor John Tory once put it, Toronto is regularly treated like a "little boy going up to Queen's Park in short pants," expected to seek assistance rather than negotiate as a government in its own right.

How does Toronto's autonomy compare to other cities?

Toronto's political and fiscal challenges are not unique. Municipalities across Canada, particularly in Ontario, operate within similar constraints: broad service responsibilities paired with limited revenue tools and significant provincial oversight.⁴⁶ Local governments routinely call for a greater role in shaping policies that affect them, pressing for a meaningful "seat at the table" in provincial and federal decision-making processes.⁴⁷ The persistence of these appeals reflects a shared sense among Canadian cities that responsibility and authority are often misaligned.

At the same time, the scope of municipal authority today is far greater than it was a few decades ago, not only in Toronto but in every province and territory.⁴⁸ In the past, Canadian municipalities could act only where provincial legislation explicitly authorized them to do so; today their powers are framed much more broadly, and they have greater capacity to exercise them than ever before. Yet unilateral provincial intervention remains commonplace. This is not a contradiction, but a defining feature of Canada's system of multilevel governance. Municipal autonomy is not binary: it operates on a spectrum, with authority shifting over time, expanding and contracting as political and fiscal conditions change.

Municipal autonomy is not binary: it operates on a spectrum, with authority shifting over time, expanding and contracting as political and fiscal conditions change.

Many critics would be surprised to learn that Toronto's level of local autonomy under the *City of Toronto Act* is relatively high compared to other Canadian cities. For example, unlike other Ontario municipalities, Toronto levies its own municipal land transfer tax, expected to generate approximately \$850 million in 2026, and can set its own borrowing rules. A handful of major Canadian cities, including Vancouver, Montreal, Winnipeg, Calgary, and Halifax, operate under special charters or city-specific legislation that grant them broader powers than other municipalities in their provinces. In the only quantitative assessment of local autonomy among the largest cities in each province, Toronto ranks second in legal

⁴⁶ See 'Who Does What' report series published by the Institute on Municipal Finance and Governance, <https://imfg.org/who-does-what-series>; also, Association of Municipalities of Ontario, [2026 Pre-Budget Submission to Government of Ontario](#) (2026).

⁴⁷ Tomas Hachard, [A Seat at the Table: Municipalities and Intergovernmental Relations in Canada](#) (Toronto: IMFG Papers on Municipal Finance and Governance, No. 59, 2022).

⁴⁸ Zack Taylor, Craig Mutter, Joseph Lyons, and Alec Dobson, [Power and Purpose: The Quiet Evolution of Canadian Municipal Law, Second Edition](#) (Toronto: Institute on Municipal Finance and Governance, 2026).

autonomy, third in political autonomy, and tied for fourth in fiscal autonomy, placing it second overall behind only Vancouver.⁴⁹

By international standards, Toronto and other Canadian cities occupy a middle ground in terms of legal and functional authority. They lack the formal constitutional status enjoyed by cities in Germany, South Africa, and elsewhere,⁵⁰ or the “home rule” protections available to cities in many U.S. states.⁵¹ Toronto also falls well short of the political autonomy exercised by municipalities in Nordic countries such as Finland, Norway, Sweden, and Denmark, where local governments manage hospitals, pensions, and other major social services and employ a majority of public sector workers.⁵²

When is it prudent for the City to act independently, and when is it desirable to collaborate with Queen’s Park and Ottawa?

Still, Canadian cities including Toronto possess meaningful regulatory authority and a relatively high degree of fiscal discretion. For all their political autonomy, Nordic cities rely heavily on central government transfers and often have less flexibility over revenue tools than Toronto. Nor is Toronto subject to the tight central control found in the United Kingdom, where national governments impose strict fiscal constraints, including caps on local property tax rates.⁵³ Moreover, Toronto does not face the direct central supervision common in parts of Southern Europe, where national governments appoint prefects or similar officials to oversee local affairs, as in some French, Greek, and Italian cities. Toronto’s autonomy may be limited, uneven, and subject to change, but by comparative standards it is neither uniquely constrained nor exceptionally weak.

This raises a fundamental question: how much autonomy should Toronto seek, and how much fiscal responsibility should it bear for delivering costly public services? Due to provincial funding cuts, the City recently warned that it expects to assist two-thirds fewer homeless households with rent subsidies this year.⁵⁴ Pursuing greater fiscal autonomy would mean assuming greater financial responsibility for such

⁴⁹ Alison Smith and Zachary Spicer, “The Local Autonomy of Canada’s Largest Cities”, (2018) 54(5) Urban Affairs Review 931-961.

⁵⁰ See Ran Hirschl, *City, State: Constitutionalism and the Megacity* (New York: Oxford University Press, 2020); Ran Hirschl, [Cities in National Constitutions: Northern Stagnation, Southern Innovation](#) (Toronto: Institute on Municipal Finance and Governance, 2020).

⁵¹ Harold Wolman, Robert McManmon, Michael E. Bell, and David Brunori, “Comparing Local Government Autonomy Across States”, in Michael E. Bell, David Brunori and Joan M. Youngman eds, [The Property Tax and Local Autonomy](#) 69–114 (Cambridge, MA: The Lincoln Institute of Land Policy, 2020); Dale Krane, Platon N. Rigos, and Melvin B. Hill, *Home Rule in America: A Fifty-state Handbook* (Washington, DC: CQ Press, 2001).

⁵² Jefferey M. Sellers, Anders Lidström, and Yooil Bae, *Multilevel Democracy: How Local Institutions and Civil Society Shape the Modern State* (Cambridge: Cambridge University Press, 2020); Andreas Ladner, Nicolas Keuffer and Alexander Bastianen, [“Local autonomy around the world: the updated and extended Local Autonomy Index \(LAI 2.0\)”](#), (2025) 35(2) Regional and Federal Studies 163-185.

⁵³ Zack Taylor, “From City Autonomy to the Metagovernance of Place”, in Richard Albert, Nathalie Des Rosiers and Alexandra Flynn eds, *Cities and the Constitution: Giving Local Governments in Canada the Power They Need* 19-42 (Montréal and Kingston: McGill-Queen’s University Press, 2024).

⁵⁴ Victoria Gibson, [“City expects to help two-thirds fewer homeless households with private-market rent subsidies this year.”](#) Toronto Star, March 10, 2026.

programs. Is that what Toronto City Council wants? Is that what Torontonians want? And would it meaningfully improve outcomes for those in need? Similar questions could be asked in any number of policy areas, such as transit and transportation, climate policy, that require coordination across governments. When is it prudent for the City to act independently, and when is it desirable to collaborate with Queen's Park and Ottawa?

Ultimately, the City's relationship with provincial and federal governments is shaped as much by political negotiation as by constitutional law. It depends on intergovernmental institutions, norms, and practices that facilitate collaboration and resolve disputes.⁵⁵ In Ontario, the absence of consistent, productive intergovernmental forums — not only between the City and provincial or federal governments, but also among neighbouring municipalities — exacerbates and limits coordinated action.⁵⁶ The debate over Toronto's autonomy is therefore less about formal powers alone and more about balance: balancing fiscal responsibility with revenue authority, independence with collaboration, and ambition with institutional capacity. Sustained, respectful intergovernmental relationships remain essential to achieving that balance.

⁵⁵ Gabriel Eidelman, [*Reimagining the Canadian Federation through an Urban Lens*](#) (Montreal: Institute for Research on Public Policy, Centre of Excellence on the Canadian Federation, 2020).

⁵⁶ Don Iveson and Gabriel Eidelman, [*Toward the Metropolitan Mindset: A Playbook for Stronger Cities in Canada*](#) (Toronto: School of Cities, University of Toronto, 2023).

Part 3: Legal Issues

Summary: Canada’s Constitution does not recognize or protect municipalities, leaving cities like Toronto fully subject to provincial control. Provinces are free to alter or override local governments without consultation or agreement. Legislative reform on its own will not alter the precarious position of municipal government. A national constitutional amendment, while desirable, is not a realistic option. The most promising and viable solution is a single-province constitutional amendment under section 43 of the *Constitution Act, 1982* that would grant municipalities stronger, protected autonomy through negotiated “Charter City Agreements.” This approach would enable a long overdue recognition and strengthening of local democracy within the existing constitutional framework. It would help rebalance provincial–municipal relations by requiring mutual consent to any changes to Charter City Agreements.

Even though municipal governments long-predated the creation of Canadian provinces, the Canadian constitution does not protect (or even mention) the status and autonomy of cities. Given the importance of local governments, the failure to accord them protected status in the *Constitution Act, 1867* was unfortunate even in the 19th century when most of the population lived in rural areas. In the 21st century, in a highly urbanized society (more than 80% of Canadians now live in cities), the constitutional non-recognition of municipal government is an unacceptable anachronism.⁵⁷

The source of the problem is that the only mention of municipalities in the Canadian constitution is found in s.92(8) of the *Constitution Act, 1867*, which grants provincial legislatures the power to enact legislation in relation to “municipal institutions”. Section 92(8) empowers provinces to pass laws creating, altering or eliminating municipal governments as they see fit, with or without the approval of a city’s residents. Hence, the common (albeit historically inaccurate) description of Canadian cities as “creatures of the province”.

In its recent decision in *Toronto v Ontario*, a majority of the Supreme Court of Canada summarized the constitutional precarity of municipal governance as follows:

Section 92(8) of the *Constitution Act, 1867* assigns to provinces exclusive legislative authority regarding “Municipal Institutions in the Province”. Municipalities incorporated under this authority therefore hold delegated provincial powers; like school boards or other creatures of provincial statute, they do not have independent constitutional status ... The province has “absolute and unfettered legal power to do with them as it wills” ... No constitutional norms or conventions prevent a province from making changes to municipal institutions without municipal consent...⁵⁸

⁵⁷ For an excellent volume examining the legal subordination of municipalities to provincial authority, see Alexandra Flynn, Richard Albert, and Nathalie Des Rosiers, *The Past, Present and Future of Canadian Cities: Where the Law Went Wrong and How We Can Fix It* (Montreal & Kingston: McGill-Queen’s University Press, 2024).

⁵⁸ [*Toronto \(City\) v. Ontario \(Attorney General\)*](#), 2021 SCC 34, para 2 (citations omitted).

If Ontario municipalities obtained constitutionally-protected status, it would not be a panacea. But it would open up a new and promising pathway for the achievement of more secure, effective, and accountable local democracy.

The majority emphasized that provincial legislatures “have plenary jurisdiction” under s.92(8) to alter municipal governments as they “consider fit”. Provincial governments have no obligation to consult with municipalities or obtain the consent of municipal governments prior to altering their legal status or powers.⁵⁹

To better protect municipal autonomy and effective local government going forward, the constitutional vulnerability of cities needs to be addressed. The provincial government’s power to unilaterally intervene in issues of local governance, without regard to the wishes of municipal governments or

city residents, inherently contradicts and diminishes the quality of Canadian democracy.⁶⁰

Rectifying this constitutional flaw will not in itself solve the challenges facing city governments. If Ontario municipalities obtained constitutionally-protected status, it would not be a panacea. But it would open up a new and promising pathway for the achievement of more secure, effective, and accountable local democracy.

We find inspiration in the description of the relationship between Ontario and Toronto expressed in the *City of Toronto Act, 2006*: “it is in the best interests of the Province and the City to work together in a relationship based on mutual respect, consultation and co-operation”.⁶¹ The province, while committed to that principle in theory, has often disregarded it in practice. The principle of mutual respect has proved too often to be more aspirational than reality. The subordinate constitutional status of municipal governments has left them at the mercy of provincial governments determined to make decisions on local matters over the wishes of city residents. The question is: how can we make the worthy principles expressed in the *City of Toronto Act* a consistently respected reality? How can relationships between cities and the province built on respect, consultation and co-operation be better assured in practice going forward?

⁵⁹ *Ibid*, paras 80, 82 and 83.

⁶⁰ The dangers posed by provincial unilateralism for effective local governance are exacerbated by features of the provincial electoral process. As Hoi L. Kong has observed, “city residents are typically underrepresented in provincial legislatures, relative to their rural counterparts. For example, the City of Toronto and its electoral districts are significantly underrepresented in the Ontario provincial legislature. As a consequence, a political party can command a legislative majority by promising to govern in a way that gives disproportionate weight to the interests of voters outside the City of Toronto. And once this kind of party forms government, it can legislate without a degree of regard for the city’s interests that is proportionate to the size of its population.” Hoi L. Kong, “Constitutional Amendment and the Canadian City” in Alexandra Flynn, Richard Albert and Nathalie Des Rosiers eds, *Cities and the Constitution: Giving Local Governments in Canada the Power They Need* 201-224 (Kingston & Montreal: McGill-Queen’s University Press, 2024), p.210. The underrepresentation of urban voters in provincial legislatures entails an underrepresentation of the racial and ethnic diversity concentrated in cities: Michael Pal and Sujit Choudhry, “Still Not Equal? Visible Minority Vote Dilution in Canada”, (2014) 8:1 Canadian Political Science Review 85, pp.91-2.

⁶¹ *City of Toronto Act, 2006*, SO 2006, c.11, Sch. A, s.1(2).

We also draw inspiration from Canadian constitutional arrangements designed to foster the autonomy of provincial governments and Indigenous governments. Relationships between the federal government and provincial governments are based on the federal principle, the idea that the two levels of government are equal in status and autonomous within their respective spheres. Contemporary treaties between federal and provincial governments and Indigenous nations set out the powers of Indigenous governments and are protected by the constitution from unilateral change.⁶² These features of the constitution promote inter-governmental relations based on equal status and mutual respect. Similarly, our goal is to identify promising legal pathways that would promote relations based on these same values for Ontario cities and the province.

Legal Pathways to Greater Municipal Autonomy and More Effective Local Governance

In the discussion below, we consider the most promising legal pathways for promoting greater municipal autonomy and more effective local governance.

Provincial Legislation Strengthening Municipal Autonomy

New provincial legislation could strengthen the powers of municipalities and simultaneously seek to limit the power of future provincial governments to unilaterally interfere in municipal governance. This approach has the advantage of being relatively easy to accomplish: the provincial legislature could enact statutory changes through the ordinary legislative process at Queen's Park. We have suggested elsewhere in this report that the renewal of the *City of Toronto Act*, through the achievement of a new Charter for the city, is a worthy goal in itself. Could such a renewed Charter City Agreement be protected from the kinds of unilateral provincial interference that have wreaked such havoc with local democracy in recent years?

In our view, a constitutional amendment is required to alter the current subordinate status of municipal government

One way of potentially providing more secure protection to municipal governments would be for the provincial legislature to add “manner and form” provisions to legislation concerning municipalities. “Manner and form” provisions could impose procedural requirements designed to make it more difficult for future provincial governments to interfere in municipal governance. For example, a “manner and form” provision could require either city consent or a super-majority in the legislature before amendments or changes could be made to the *City of Toronto Act, 2006*. Some scholars, most notably Kristin R. Good, have promoted this as a potential way of addressing the current vulnerability of local

⁶² The constitutional status of Indigenous treaties is recognized and affirmed by s.35(1) of the *Constitution Act, 1982*.

democracy to unilateral provincial interference.⁶³ Others have questioned whether a current legislature has the power to pass a law seeking to impose procedural requirements on a future legislature, or whether any such attempt would be found by the courts to be invalid.⁶⁴

Even if it is possible, a fundamental problem with a purely legislative solution is it would not alter the unequal relationship between municipalities and the province. If a provincial legislature enacts a manner and form clause seeking to impose procedural safeguards against unilateral interference with municipal governments, it is likely that a future legislature would have the power to repeal it. For this reason, a manner and form provision is not likely to inhibit a provincial government determined to unilaterally interfere with local governance.

In our view, a constitutional amendment is required to alter the current subordinate status of municipal government flowing from s.92(8) of the *Constitution Act, 1867*.

Constitutional Amendment

○ Amending the Provincial Constitution

An amendment to the constitution of the province is possible pursuant to s.45 of the *Constitution Act, 1982*. This option has the advantage of being possible through the enactment of provincial legislation through the ordinary legislative process. The approval of the federal government or other provincial governments is not required.

Since municipalities currently have no constitutional status, changes to the status and powers of municipalities are likely not changes to the “constitution of the province”, and therefore cannot be addressed pursuant to the s.45 amending procedure.

The s.45 amending procedure is not a viable pathway for limiting plenary provincial power over municipalities pursuant to s.92(8) of the *Constitution Act, 1867*. Section 92(8) is part of the federal constitution that applies to the nation as a whole; it is not part of the “constitution of the province” as that expression is understood in Canadian constitutional law.

Even if these obstacles could be overcome, a s.45 amendment seeking to secure municipal autonomy could be altered or repealed by a future provincial government determined to unilaterally interfere in municipal governance. For this reason, the possibility of pursuing a s.45 amendment has the same

⁶³ Kristin R. Good, “Moving Beyond the ‘Creatures of the Provinces’ Doctrine: Exploring Pathways to Municipal Empowerment in Provincial Constitutions”, in Alexandra Flynn, Richard Albert and Nathalie Des Rosiers eds, *Cities and the Constitution: Giving Local Governments in Canada the Power They Need* 243–71 (Montreal: McGill-Queen’s University Press, 2024); Kristin R. Good, [*The Fallacy of the ‘Creatures of the Provinces’ Doctrine: Recognizing and Protecting Municipalities’ Constitutional Status*](#) (Toronto: IMFG Papers on Municipal Finance and Governance, No. 46, 2019).

⁶⁴ Emmett Macfarlane, “A Constitutional Safeguard for Municipalities: Entrenching Protections for Local Democracy”, in *Cities and the Constitution, supra*, pp.190-193.

problem as ordinary provincial legislation: it would not ensure a secure, lasting solution to the current constitutionally precarious status of municipal governance.

○ A National Amendment

An amendment to change the current precarity of municipal governments for all provinces would be desirable, and, in theory, could be achieved pursuant to the general amending procedure in s.38 of the *Constitution Act, 1982*. A national amendment could directly address the provincial legislatures' plenary power pursuant to s.92(8) to do as they see fit with local government.

A national amendment to limit provincial power over municipalities enacted pursuant to s.38 would require the agreement of the federal Parliament and at least seven provinces.⁶⁵ Invoking the s.38 procedure would have the benefit of advancing a national conversation about the importance of according local governments protected constitutional status.

The problem is that while a s.38 amendment would be desirable in theory, it is not practically possible in the foreseeable future. Because s.38 requires negotiations involving the federal government and all provincial governments, attempts to invoke it can quickly devolve into a constitutional quagmire. Canadian politicians for several generations have concluded that invoking the s.38 amendment process is simply too onerous and risky to be a viable pathway to constitutional change. For this reason, no s.38 amendments have been attempted since the demise of the Meech Lake Accord (1987-1990) and the Charlottetown Accord (1992).

We conclude that securing municipal autonomy by pursuing a national amendment through the s.38 amending procedure is a desirable option, but not a feasible one at this time.

○ Single Province Amendment to the Constitution: Section 43 of the *Constitution Act, 1982*

The Canadian constitution has been famously described in judicial opinions as a “living tree capable of growth and expansion within its natural limits.”⁶⁶ The idea is that “the constitution must be responsive to new social, political, and historical realities as they emerge”⁶⁷ so that it “accommodates and addresses the realities of modern life.”⁶⁸ Canadian courts, however, have found that the constitutional text leaves

⁶⁵ Further restrictions on the invocation of s.38 are imposed by federal legislation, the [Constitutional Amendments Act](#), SC 1996, c.1. Pursuant to this Act, a s.38 amendment would need the support of Ontario, Quebec, British Columbia, Alberta, at least two Atlantic provinces, and at least one other Prairie province.

⁶⁶ [Edwards v Attorney General for Canada](#), [1930] AC 124 (PC), p.136.

⁶⁷ [Quebec \(Attorney General\) v Kanyinda](#), 2026 SCC 7, para 33.

⁶⁸ [Reference re Same-Sex Marriage](#), 2004 SCC 79, para 22.

In our view, supported by the views of a number of constitutional scholars, a s.43 amendment is the most promising path for securing better protection of municipal autonomy going forward.

no room for the recognition of municipal law-making powers, and no basis for placing limits on the plenary power of provincial legislatures to do with municipalities as they see fit.⁶⁹

When it comes to fostering healthy relationships between the provinces and municipalities, Canada's constitutional living tree is stunted. Moreover, as the discussion above reveals, the possibility of spurring growth and adaptation through a s.38 or s.45 amendment is not promising for municipalities.

Fortunately, we need not resign ourselves to living within a constitutionally anachronistic situation for cities. A promising pathway for constitutional reform exists that would create new space for the growth of municipal autonomy and local democracy. Section 43 of the *Constitution Act, 1982* makes it possible for a single province to amend the constitution with the agreement of the federal Parliament. Section

43 enables amendments that apply to just one province. It thus allows for constitutional flexibility to address the distinct needs of individual provinces without having to seek the approval of other provinces.

The requirements for the adoption of a s.43 amendment are relatively straightforward from a formal point of view: a resolution in favour of an amendment would need to be made by a majority of members of the Ontario legislature, the House of Commons and the Senate. In our view, supported by the views of a number of constitutional scholars, a s.43 amendment is the most promising path for securing better protection of municipal autonomy going forward.⁷⁰

Constitutional changes made through s.43

The s.43 procedure has been used eight times since it became part of the constitution in 1982. Newfoundland and Labrador used it three times to modify and ultimately eliminate denominational school rights in the province (1987, 1997 and 1998), and once to change its name to Newfoundland and Labrador (2001). Quebec also used it to put an end to denominational school rights in the province by adding a new s.93A to the *Constitution Act, 1867* (1997). PEI used s.43 to permit a bridge rather than a ferry as its link to the mainland that had been guaranteed when it joined the union in 1873 (1994). New Brunswick used s.43 to add section 16.1 to the *Charter of Rights and Freedoms*, guaranteeing equality of status to the English and French linguistic communities in the province (1993). In the most recent

⁶⁹ *Toronto (City) v. Ontario (Attorney General)*, 2021 SCC 34.

⁷⁰ Emmett Macfarlane, "A Constitutional Safeguard for Municipalities: Entrenching Protections for Local Democracy" in Alexandra Flynn, Richard Albert, and Nathalie Des Rosiers eds, *Cities and the Constitution: Giving Local Governments in Canada the Power They Need* 184-200 (Montreal & Kingston: Queen's University Press, 2024); Hoi Kong, "Constitutional Amendment and the Canadian City", *ibid* at 201-224.

invocation of the s.43 procedure (2022), Saskatchewan used it to repeal a tax exemption that had been granted to the Canadian Pacific Railway in 1880.⁷¹

These examples show that the s.43 procedure enables a single province to achieve changes that apply only in that province and that reform outdated constitutional provisions that are no longer meeting the needs of residents of the province.

The use of the s.43 procedure to eliminate denominational school rights in Quebec and in Newfoundland and Labrador led to court challenges. The Courts of Appeal in both provinces upheld the validity of using s.43 to accomplish that objective.⁷²

To achieve a s.43 amendment, a majority of members in a future provincial legislature will need to be persuaded to limit the legislature's power to unilaterally interfere with municipal governance. While this poses significant political challenges, the need for legal protection of municipal autonomy has become clear and urgent under the current provincial government. The mayor, city councillors and City Council should make efforts to persuade all parties at Queen's Park to support this path to municipal empowerment as part of their election platforms and election campaigns. If a majority of members of a future provincial legislature can be persuaded to support a s.43 amendment, then the assent of the House of Commons and the Senate would need to be obtained.

Experience suggests that Parliament would not stand in the way of a clearly expressed provincial desire for change that is consistent with foundational constitutional principles such as federalism, democracy and the protection of minority rights. Parliament approved all eight of the s.43 amendments mentioned above.

Debates in Parliament on the s.43 amendments show that Members of Parliament and Senators are likely to be concerned that:

- 1) a proposed amendment relates to matters within provincial jurisdiction;
- 2) it followed broad consultation (for example, public hearings or referenda in the case of Newfoundland and Labrador's changes to denominational school rights);
- 3) broad public support exists for the proposed constitutional amendments;
- 4) any impacts on minority rights or Indigenous peoples have been carefully considered; and
- 5) the proposed amendment is consistent with the values expressed in the *Canadian Charter of Rights and Freedoms*, and with other fundamental constitutional principles.

A s.43 amendment to better secure municipal autonomy would have a number of desirable effects from the point of view of fundamental constitutional principles. It would enhance the democratic and federal foundations of the constitution, as well as advance the representation and voices of diverse urban communities. For these reasons, the federal Parliament is unlikely to stand in the way of a provincial desire

⁷¹ For a useful discussion of many of these s.43 amendments, see Dwight Newman, "Understanding the Section 43 Bilateral Amending Formula" in Emmett Macfarlane ed, *Constitutional Amendment in Canada* 147-163 (Toronto: University of Toronto Press, 2016).

⁷² [*Potter v. Québec*](#), 2001 CanLII 20663 (QCCA); [*Hogan v Newfoundland*](#), 2000 NFCA 12.

to amend the constitution to secure important new protection for the status and powers of municipal governments in the province.

What would a s.43 amendment look like? The language of constitutional provisions should be concisely focused on achieving their objectives, in this case limiting the existing provincial legislative power in s.92(8) to unilaterally interfere in the autonomy of municipal governments. Following the examples of the Quebec amendment regarding denominational schools (adding a new s.93A to the *Constitution Act, 1867*) and the New Brunswick amendment to protect the equal status of the official language communities in the province (adding a new s.16.1 to the *Charter of Rights and Freedoms*), we would suggest that the s.43 amendment add a new Ontario-specific provision immediately following s.92 and s.92A of the *Constitution Act, 1867*.⁷³

Proposed addition of s.92B to the *Constitution Act, 1867*

While there are many ways that the text of a s.43 amendment could be framed, we would propose the following for consideration:

- 92B. (1) To better secure municipal autonomy and local democracy, the Ontario government may enter into Charter City Agreements with municipalities in the province and the Ontario legislature may enact laws giving effect to Charter City Agreements.
- (2) Amendments to Charter City legislation require the approval of both the Ontario legislature and the municipal council concerned.
- (3) Any Ontario law that is inconsistent with Charter City legislation is, to the extent of the inconsistency, of no force and effect.

The first subsection of the proposed s.92B does not change existing provincial powers; the province already has the power, pursuant to s.92(8) to enter into Charter City Agreements and enact them into law. The purpose of the proposed s.92B(1) is to highlight the objective of the amendment, to name the Charter City Agreement pathway, and to make clear that the pathway to greater municipal autonomy should be open to all municipalities in Ontario.

It would be a mistake, in our view, to try to set out the contents of any particular Charter City Agreement in the constitutional amendment. The situations and needs of Ontario municipalities are very different; a one-size fits all model would not be appropriate. In our view, the contents of Charter City Agreements are best left to negotiations between individual municipalities and the province.

The first subsection would also make clear that the provincial legislature would need to give legal effect to a Charter City Agreement through the enactment of legislation. The power to enact that legislation flows from the province's plenary power in s.92(8). As noted above, s.92B(1) does not alter the province's

⁷³ Section 92A is a provision that was added to the constitution in 1982 that strengthens provincial legislative powers in relation to natural resources.

It would be a mistake, in our view, to try to set out the contents of any particular Charter City Agreement in the constitutional amendment. The situations and needs of Ontario municipalities are very different; a one-size fits all model would not be appropriate. In our view, the contents of Charter City Agreements are best left to negotiations between individual municipalities and the province.

plenary legislative power in relation to municipal institutions. It simply outlines a new pathway that may be followed and the rationale for it.

The second subsection puts forward the important principle that once enacted into law, amendments to a Charter City Agreement can be made only with the approval of the municipal council concerned. Recall that the constitutional *status quo* was described by a majority of the Supreme Court of Canada as follows: “No constitutional norms or conventions prevent a province from making changes to municipal institutions without municipal consent.”⁷⁴ The proposed s.92B(2) would reverse that unacceptable situation in Ontario. The consent of municipalities protected by Charter City Agreements would be required before the province could make changes to those agreements.

The third subsection, s.92B(3), flows from and affirms the principle of mutual consent set out in s.92B(2). Borrowing similar language used in s.52(1) of the *Constitution Act, 1982*, s.92B(3) would make clear that Charter City Agreements, once implemented by provincial legislation, have protected constitutional status. In the case of conflict between Charter City legislation and another provincial law, the provisions of the Charter City legislation would prevail.

The s.43 amendment we have proposed, adding a new s.92B to the constitution that would be applicable in Ontario only, would provide a new pathway for achieving constitutionally protected status for municipalities in the province.⁷⁵ The new s.92B pathway could be followed to give constitutional expression to the ideals the Ontario legislature has already committed to in the *City of Toronto Act, 2006*: “it is in the best interests of the Province and the City to work together in a relationship based on mutual respect, consultation and co-operation.”

The s.43 pathway we have proposed would provide a mechanism for providing constitutional protection to Charter City Agreements. In the next section of this report, we will describe the elements of a democratic process for the development of a Charter City Agreement for Toronto. While we do not wish to constrain or attempt to foreordain the outcome of that process, we will say a few words here about how we envision what a Charter City Agreement is and what it might contain.

⁷⁴ [*Toronto \(City\) v. Ontario \(Attorney General\)*](#), 2021 SCC 34, para 2.

⁷⁵ We note that the City Solicitor has pointed to s.43 amendment as a possible way of enhancing the autonomy of the City of Toronto: see the [report of the City Solicitor made public on May 1, 2024](#). The City Solicitor cautioned that a constitutional amendment that offered the possibility of protecting City Charters negotiated by any Ontario municipality would be beyond the scope of the s.43 amending procedure. We disagree. The key issue is not whether an amendment would open a pathway for one, some or all municipalities in a province; it is whether a proposed amendment would apply to just one province. If so, it can be adopted as a single province amendment pursuant to s.43.

A Charter City Agreement would be a blueprint for the governance of a city. Like the existing *City of Toronto Act, 2006*, it would take the form of provincial legislation. It would outline the powers of a city, its organization and governmental structure, its financial powers and arrangements, and set out the basic rules under which a city will operate. A Charter City Agreement would seek to overcome the inadequacies of existing municipal legislation by conferring powers necessary to govern local matters; it would update fiscal powers to enable cities to have adequate resources to address the needs of the city; and it would not put municipalities in the position of supplicants to the province when seeking to address local matters.

A City Charter could affirm the governing principle, currently set out in s.1(2) of the *City of Toronto Act, 2006*, of fostering a relationship between the province and a city “based on mutual respect, consultation and co-operation”. It could give this principle real meaning by providing that changes to the City Charter can be made only with the consent of both the city and the province (a commitment that would also be secured by the constitutional amendment we have proposed).

Next Steps

If City Council agrees that developing a constitutionally-protected Charter City Agreement is a worthwhile pursuit, a first step to move this goal forward might be to pass a motion authorizing the city administration to initiate a study and consultation phase that would solicit additional expert opinion and the thoughts of the Toronto public on the matter.

One way of assessing public support for the achievement of greater municipal autonomy would be through a referendum, or the putting of a question directly to the city electorate. The *Municipal Elections Act* permits City Council to pass a by-law authorizing municipalities to submit a question to voters as part of a regular municipal election or at some other time.⁷⁶ A question must be “clear, concise and neutral”, capable of a “yes” or “no” answer, and must not be on “a matter of provincial interest” as defined by regulation.⁷⁷

A future City Council could consider posing a simple question that complies with these rules, perhaps as part of the 2030 municipal elections, along these lines: “Do you support efforts by City Council to explore means of better securing municipal autonomy?”⁷⁸ If voters demonstrated strong affirmative support, it would add political legitimacy to pursuing the goals of this report. As mentioned above, other single

⁷⁶ [Municipal Elections Act, 1996](#), SO 1996, c.32, Sch, s.4(2) and s.8(1).

⁷⁷ *Ibid*, s.8.1(2). [O Reg 425/00](#) sets out the matters of provincial interest that cannot be put to municipal voters pursuant to the *Municipal Elections Act*. These include “any matter for which the municipality does not have the authority to implement all aspects of the results of the question”; “any matter for which the municipality requires an action by the Province of Ontario in order to implement the results of the question”; and “municipal restructuring” (defined as altering the structure of a municipality through annexation, amalgamation, separation or other similar changes)

⁷⁸ A question along these lines would be “clear, concise and neutral” and would be amenable to a “yes” or “no” answer. It would not run afoul of the prohibition on asking questions on “matters of provincial interest” as defined in O Reg 425/00, since it relates only to efforts by City Council, does not require action by the province, and has nothing to do with municipal restructuring.

provincial constitutional amendments that have been adopted by provincial legislatures and the federal Parliament have been preceded by referenda or other indications of strong public support.

It would also be desirable for councillors to engage in conversations with representatives of the provincial opposition parties at Queen's Park to encourage and assess their interest in pursuing the path we are proposing for better securing municipal autonomy and effective local governance in Ontario. Other organizations that should be consulted include the Ontario Big City Mayors, the Association of Municipalities of Ontario, and the Federation of Canadian Municipalities.

Building support from city residents and municipal organizations now will speed up the process when the Ontario government or leadership changes. Achieving progress on this file will take years; the process should be started as early as possible to engage the public and, ultimately, obtain the support of a new Ontario government.

If City Council agrees that developing a constitutionally-protected Charter City Agreement is a worthwhile pursuit, a first step to move this goal forward might be to pass a motion authorizing the city administration to initiate a study and consultation phase that would solicit additional expert opinion and the thoughts of the Toronto public on the matter.

Part 4: A Democratic Path Forward: Public Participation and Charter Stewardship

Summary: Creating a Toronto City Charter must be a deeply democratic process, with strong public participation at every stage as it derives legitimacy from the people. Key steps of an effective process are inclusive commission design, equity-focused, broad and accessible public engagement, transparent drafting and decision-making, and eventual voter ratification supported by clear public education. Ultimately, a well-designed charter must draw upon democracy innovations to strengthen public trust and civic engagement, while a poorly executed one risks deepening cynicism.

Why Public Participation Matters in Charter Reform

A city charter is not merely a technical document of governance. It is, in effect, the closest thing a municipality has to a constitution. It defines how authority is structured, how accountability operates, and how residents relate to the institutions that govern them. For that reason, the process by which a charter is created or revised carries as much democratic weight as the document itself.

Toronto's situation is particularly distinctive, as it remains one of the few major cities in North America without a city charter. Chicago is often cited as the only comparable city of similar scale in the same position. That absence, however, presents an opportunity. Toronto has the chance to design a charter process that models democratic ambition, legitimacy, and inclusivity at a scale rarely seen in Canadian municipal governance.

For Toronto, a first-ever charter process should therefore be designed as both a governance reform exercise and a civic invitation.

Recent charter reform efforts elsewhere illustrate what is possible. In New York City, charter revisions were submitted to voters, and reforms included the creation of a Civic Engagement Commission to oversee citywide participatory budgeting.⁷⁹ In Los Angeles, a citizens' assembly has supported charter deliberations on politically sensitive issues such as council size.

Most American cities, which serve as significant points of reference, require voter ratification of charter changes. This reflects an underlying principle: because a charter structures democratic life, its legitimacy must be rooted in public participation. A charter is not an instrument for advancing the ambitions of elected officials. It is a social contract that establishes governance processes, ethical responsibilities, and institutional relationships with the public.

⁷⁹ New York City, [New York City Charter, Chapter 76: Civic Engagement Commission](#) (2018).

For Toronto, a first-ever charter process should therefore be designed as both a governance reform exercise and a civic invitation. At a time when public trust in institutions is fragile and polarization threatens social cohesion,⁸⁰ a charter process can either deepen cynicism or build civic efficacy. Planning for a charter is ultimately about creating enabling conditions: broad awareness before deliberation begins, clear commitments to inclusion, transparent decision rules, and a visible connection between public participation and final outcomes. The process must feel intentional, fair, and accountable from start to finish in designing such a process.

Considerations for Designing an Inclusive, Efficient, and Accountable City Charter Process

1. Authorization and Mandate

In some cities, charter reform is triggered by statute, requiring review at regular intervals. In others, reform emerges from a civic turning point or political initiative. Where no charter exists, as in Toronto's case, the trigger itself becomes part of the legitimacy story, which means that the initiating mechanism matters. A charter process may begin via federal/provincial law, with a city council resolution, a mayor-initiated proposal, a citizen-led ballot question, or a hybrid approach in which the council authorizes a commission and voters ratify its work. Each pathway signals different chains of accountability and levels of political commitment. The public will rightly ask: who created this process, and how constrained or empowered is it?

From the outset, the public should be able to see not only who has established the charter process, but also the scope of the body's authority, the limits of its mandate, and the mechanisms through which its recommendations may be considered or implemented. This is particularly important in a hybrid approach, where a council-authorized commission may develop recommendations that are subsequently subject to public ratification, requiring early clarity on both institutional roles and the pathway to final approval. Therefore, the public should clearly understand the commission's authority, how its recommendations could take effect, and whether any final changes would require voter approval in a referendum. It may also be prudent to conduct preliminary engagement, such as citywide surveys or discussion papers, before formally convening a commission, both to gauge appetite and to frame expectations. Once authorized, the mandate must be carefully defined. A commission requires sufficient time, resources, and institutional support to succeed. In most cases, this means a process lasting at least 12 to 18 months, supported by dedicated staff, legal counsel, and professional facilitation. Under-resourced charter reviews often struggle to maintain credibility.

Other charters focus on targeted modernization, addressing outdated provisions or clarifying institutional roles.⁸¹ The mandate should specify whether the commission is reviewing the entire governance structure,

⁸⁰ This is a theme of the Chief Public Health Officer of Canada's 2025 report on the state of public health in Canada: Public Health Agency of Canada, [Working Together to Thrive: Well-Being and Public Health](#) (October 2025).

⁸¹ SPUR, [City Charters 101: Understanding the Blueprint of Local Government](#) (video, 2025).

including executive authority, representation, ethics, fiscal oversight, and engagement mechanisms, or only selected components. It should also clearly identify non-negotiable constraints imposed by provincial and federal law.

The design of the commission itself is part of this mandate discussion. A traditional advisory commission appointed by elected officials represents one model. A citizens' assembly, composed of randomly selected residents who deliberate over an extended period, represents another.⁸² Hybrid models, including civic lotteries combined with appointed members, have increasingly been used to strengthen perceived fairness. In Decatur, GA, for example, a partially lottery-selected commission was supported by the National Civic League, blending democratic inclusion with institutional experience.⁸³ Fundamentally, the design of the commission will play a decisive role in shaping the perceived fairness, representativeness, and overall credibility of the charter process.

2. Commission Composition and Selection

Historically, charter commissioners have often been appointed by elected officials. While this ensures institutional knowledge and political experience, it can also raise concerns about partisanship or insider influence. In an era of declining public trust, selection methods that broaden participation may enhance credibility.⁸⁴ Ultimately, selection design tells residents whether the charter process is about shared stewardship or political management.

Commission size typically ranges between nine and twenty-one members, balancing deliberative depth with manageability. Beyond size, however, the selection method shapes public perception. A civic lottery, in which households receive invitations and a stratified random selection ensures representation across geography, race, age, housing status, and other demographic factors, can create a body that more closely reflects the city itself.⁸⁵ This method reduces the appearance of political patronage and can strengthen legitimacy. Appointments by the council, mayor, or community organizations ensure institutional buy-in and technical expertise but must be carefully designed to avoid perceptions of political stacking. Some cities require commissioners to be elected, which increases democratic accountability but can introduce campaign dynamics that distort deliberation. Hybrid models combine the strengths of multiple approaches, pairing lottery-selected residents with appointed members who bring professional or institutional experience. In this context, selecting a commission model requires carefully balancing inclusiveness, expertise, and independence to ensure both public confidence and effective deliberation.

⁸² Participedia, [Citizens' Assembly](#).

⁸³ National Civic League, [Decatur's charter review brings civic innovation to the forefront](#) (accessed March 30, 2026).

⁸⁴ Nick Vlahos, David Schecter and Linn Davis, "[Chartering Change: Transforming City Charter Processes Through Democratic Innovation](#)", (2025) 113(4) National Civic Review 44-55.

⁸⁵ Participedia, [Civic Lottery](#).

3. Orientation and Learning

Before deliberation begins, commissioners require a shared foundation of knowledge. Many cities draw article language from the 9th Edition of the National Civic League’s Model City Charter.⁸⁶ This includes understanding how the city currently operates, the constraints imposed by provincial and federal law, and what distinguishes a charter from municipal code or administrative policy. Orientation should include structured expert sessions, balanced presentations, and opportunities for commissioners to ask questions across perspectives. Topics typically include forms of municipal government, electoral systems, executive authority, ethics frameworks, fiscal oversight, equity considerations, and comparative examples from peer cities.

The design of the curriculum shapes how commissioners conceptualize governance. Presentations must therefore reflect both technical expertise and lived experience. Historical context, including past governance inequities or structural exclusions, should inform discussion of future design. This phase serves two purposes. It builds competence, ensuring commissioners understand the implications of institutional design. It also builds cohesion, creating a shared vocabulary and baseline from which deliberation can proceed constructively. Together, a well-designed curriculum is essential to fostering informed, inclusive, and constructive deliberation grounded in both knowledge and shared understanding.

4. Public Engagement and Listening

Public engagement should run in parallel with commission discussions, not follow them as an afterthought. Engagement mechanisms must be layered, inclusive, and accessible.

○ Targeted Neighbourhood Forums

Targeted neighbourhood forums can be held in specific neighbourhood improvement areas, across geographic regions, or citywide. In Toronto, engagement could be organized through ward-level meetings, Business Improvement Areas (BIAs), and Neighbourhood Improvement Areas (NIAs) to ensure local perspectives are incorporated into the charter development process. Consultations could also be organized across existing political boundaries, such as provincial electoral districts represented by Members of Provincial Parliament (MPPs) or federal ridings represented by Members of Parliament (MPs), to broaden participation and align discussions with established community networks. Alternatively, forums could be held across all neighbourhoods in the city to ensure comprehensive representation. This approach allows residents to discuss issues specific to their communities while contributing to the broader citywide vision for municipal governance.

Neighbourhood-level forums and pop-ups in communities have been widely used during charter revision processes in major U.S. cities.⁸⁷ For example, the New York City Charter Revision Commission conducted

⁸⁶ National Civic League, [Model City Charter](#) (9th ed. 2021). See also Charter City Toronto, [Charter City Toronto Proposal: Starting the Conversation Around Empowering Toronto and Other Canadian Cities](#) (2019).

⁸⁷ A More Just Chicago, [Forum](#) (accessed March 30, 2026).

public hearings across all five boroughs, receiving input from more than 150 residents before proposing amendments to the city charter.⁸⁸ These consultations allowed experts, community organizations, and residents from different neighbourhoods to present ideas for improving the city charter. These efforts help ensure the charter process reflects input from across the city, making it more grounded in residents' experiences and needs.

○ Digital Engagement

Digital engagement tools can complement in-person consultations by allowing broader participation and more flexible opportunities for residents to share feedback. The City of Toronto hosts virtual engagement sessions using Webex to support public meetings, consultations, and other engagement activities. Participants can join online or by phone, ask questions using features such as the raise hand function or the Q&A tool, and view materials shared by staff during the session.⁸⁹

Toronto residents can find more information about upcoming sessions through the Have Your Say Toronto platform. This online portal lists engagement opportunities across the city and allows residents to register for virtual meetings, review consultation materials, and participate in feedback activities such as online surveys and comment submissions.⁹⁰

To support transparency and access to information, meeting recordings can be made available online. Toronto City Council and other committee meetings are livestreamed on the City's YouTube channel, allowing residents to follow discussions and decisions in real time or watch recordings afterward if they are unable to attend. In addition, meeting minutes and related documents can be posted online for residents to review summaries of discussions and decisions made during the meeting.⁹¹

Social media can be used to promote engagement opportunities and raise awareness of consultations. The City of Toronto uses its official social media channels to share updates, information about City initiatives, and participation opportunities. Sharing these opportunities on social media can help reach a wider audience and encourage more residents to participate in civic engagement processes.⁹² Digital engagement can also include written submissions and direct communication with elected officials. Residents may provide input through call or email submissions to their City Councillor to share perspectives on the municipal issues.⁹³

In addition to the City of Toronto's existing tools, more deliberative online platforms can support public engagement. These include tools such as Pol.is, Decidim, and Ethelo, which are designed to facilitate structured discussions, idea generation, and collective input on governance topics. Surveys with open-ended questions, structured idea submissions, and asynchronous platforms allow residents to contribute feedback at their convenience and engage with municipal issues outside scheduled meetings.

⁸⁸ New York City Charter Revision Commission, [Final Report of the 2019 Charter Revision Commission](#) (2019).

⁸⁹ City of Toronto. (n.d.). [Participate in City Virtual Engagement Events](#).

⁹⁰ City of Toronto. (n.d.). [Have Your Say Toronto: Events & Surveys](#).

⁹¹ City of Toronto. (n.d.). [Watch Toronto City Council live](#).

⁹² City of Toronto. (n.d.). [Social media](#).

⁹³ City of Toronto. (n.d.). [Have your say in City decision-making](#).

Overall, digital engagement tools expand opportunities for residents to participate in municipal decision-making. Through virtual meetings, online consultation platforms, recorded council sessions, written submissions, and social media outreach, residents have a range of ways to stay informed and share feedback.

○ Commission Meeting Testimony/Delegation

The commission meeting involves allowing residents and stakeholders to provide delegations or testimony before a commission or public body. This allows individuals, community organizations, and experts to present their perspectives directly during public meetings. For example, the Portland Charter Review Commission held public hearings where residents could testify on proposed amendments to the city charter. At the beginning of each hearing, the Commission provided an educational presentation outlining the proposed amendments and the next steps in the charter review process. These hearings allowed residents to learn about the proposed reforms and share feedback before recommendations were finalized.⁹⁴

Public testimony can help commissions better understand community concerns and perspectives, which may inform revisions to proposed reforms. However, this format should be paired with other engagement methods, such as neighbourhood forums and surveys, to ensure broader participation. There are notable challenges with public testimony formats: they're a one-way form of communication that often lacks two-way dialogue, and they privilege confident voices and those with the time and resources to show up.⁹⁵

It is also necessary to intentionally engage with renters, youth, Indigenous Peoples, immigrants, labour organizations, disability advocates, business owners, and communities that have historically been excluded from municipal decision-making.

More deliberative formats should also be incorporated. One-day mini-assemblies on thematic issues can generate focused recommendations. In Los Angeles, “Rewrite LA” supported charter discussions through mini-assemblies.⁹⁶ In Lexington, KY, a full citizens’ assembly deliberated on charter-related questions prior to formal revision⁹⁷. These approaches aim to ensure that engagement is clearly linked to outcomes. Residents should see how their input shapes draft language. Clear reporting on what was heard and how it influenced recommendations is essential to sustaining trust.

5. Deliberation and Drafting

A new charter process should not begin with drafting language. It should begin with shared values. Commissioners must first define the kind of city Toronto seeks to be and what democratic principles should guide its governance. These principles should be discussed before structural decisions are made.

⁹⁴ City of Portland (n.d.), [Charter Review Commission - Phase II: Public Hearings](#).

⁹⁵ Nick Vlahos, [How to De-escalate Public Meetings: A Practical Step-by-Step Guide for Cities](#) (National Civic League, November 26, 2025).

⁹⁶ Rewrite LA, [Rewrite LA](#) (accessed March 30, 2026).

⁹⁷ CivicLex, [Civic assembly](#) (accessed March 30, 2026).

From there, values must be translated into governance principles. For example, if equity and participation are identified as foundational, how should that be reflected institutionally? Through ward boundaries? Through oversight mechanisms? Through transparency requirements? Through public participation mandates embedded in the charter itself? Similarly, if accountability is central, what balance should exist between executive authority and council oversight?

Deliberation at this stage requires structure and facilitation. A charter review will inevitably touch on politically sensitive questions such as mayoral power, council size, ethics enforcement, and budget authority. Without clear norms, conversations can become positional rather than principled. The commission should adopt process agreements early, including conflict-of-interest standards, decision rules, and consensus thresholds.

Drafting typically proceeds through stages of refinement. Subcommittees may focus on specific areas, such as governance structure, elections, ethics, or fiscal authority. Charter articles must cohere as a system; changes in one section often affect others. Before a final draft is completed, a preliminary version should be released publicly. This draft should be accompanied by plain-language summaries and explanatory materials. It is not sufficient to publish legal text. Residents must understand the proposed changes and their rationale.

A structured public review period should follow. This may include town halls, digital comment portals, written submissions, and thematic forums focused on controversial provisions. Importantly, feedback must be visibly tracked. The commission should document changes in response to public input and explain why suggestions were not adopted. Transparency in this feedback loop strengthens legitimacy even when disagreements remain. Deliberation and drafting also require sufficient time to fully consider trade-offs, as a charter developed too hastily risks embedding structural flaws that may prove difficult to amend over time. Collectively, these practices contribute to a rigorous, transparent, and publicly accountable charter process.

6. Recommendation and Adoption

The final recommendation should be adopted through a clearly defined voting procedure. Modified consensus models, where commissioners strive for broad agreement but record dissenting views, when necessary, might be appropriate. Supermajority thresholds can also signal seriousness and internal legitimacy. Including minority reports where consensus is incomplete can also enhance transparency.

A neutral, explanatory campaign must accompany any referendum. This should not advocate for or against the charter, but should clearly explain what it does, how it differs from current governance, and the practical implications.

The pathway to adoption must be defined well in advance. In most jurisdictions with charters, the final document proceeds to a referendum. In some cases, council review precedes a public vote. In others, higher legislative approval is required before voters can weigh in. In New York City, proposed city charter

revisions are typically submitted to voters for approval on a ballot.⁹⁸ In Los Angeles, council review precedes a referendum.⁹⁹ In Portland, a citizens' initiative review model has been used to ensure that voters received a mailed explanation outlining the arguments for and against proposed reforms before casting ballots.¹⁰⁰

Toronto would need to clarify its own adoption pathway, particularly given provincial oversight of municipal powers. If provincial authorization is required before the referendum, that sequence should be publicly communicated from the outset to avoid perceptions of political interference late in the process.

Equally important is public education. A neutral, explanatory campaign must accompany any referendum. This should not advocate for or against the charter, but should clearly explain what it does, how it differs from current governance, and the practical implications. Plain-language materials, translated resources, and accessible formats are essential to informed participation. If public engagement has been authentic and sustained, referendum participation becomes a continuation of democratic dialogue rather than a divided contest.

7. Post-Process Review and Institutional Learning

The final stage of a charter reform process should involve reviewing how it was carried out and identifying lessons to improve future reforms. This evaluation can assess whether the commission reflected the community's diversity, whether engagement efforts reached marginalized groups, whether timelines were realistic, and whether the commission had sufficient support from staff and officials. It can also identify challenges that occurred during the process and assess how public input influenced the commission's recommendations.

For example, the Portland Charter Review Commission documented its engagement activities through reports and materials produced during the charter review. One report summarizing survey results noted that the demographic sample lacked diversity and did not adequately represent racial minorities, low-income residents, immigrants, and refugee communities.¹⁰¹ The acknowledgement of these limitations helped highlight gaps in participation and the need for stronger outreach in future engagement efforts.

The City of Portland also maintains a dedicated website for the Charter Review Commission that provides information about the commission, its work, and the overall charter review process. The website includes reports, meeting materials, and other documents related to the review.¹⁰² The publicly available website creates a record of the commission's activities and allows residents and future policymakers to review how the charter review process was conducted and identify areas for improvement in future reforms.

A post-process review is essential to ensuring transparency, accountability, and continuous improvement in charter reform processes. Documenting engagement efforts, evaluating outcomes, and preserving key

⁹⁸ New York City Racial Justice Commission, [How Do We Change It?](#) (accessed March 30, 2026).

⁹⁹ City of Los Angeles, [Los Angeles City Charter, s.451](#) (accessed March 30, 2026).

¹⁰⁰ Participedia, [Citizens' Initiative Review](#).

¹⁰¹ City of Portland Charter Commission, [Final Progress Report](#) (January 2023).

¹⁰² City of Portland. (n.d.). [Charter Review Commission](#).

materials, commissions can create a clear record of how decisions were made and how public input was incorporated. Publicly accessible reports, websites, and archived documents allow residents and future policymakers to assess the process and identify areas for improvement. Embedding “lessons learned” reports and periodic review clauses further support ongoing reflection and adaptation. Together, these practices help ensure that future reform processes are inclusive, effective, and responsive to the communities they serve.

Considerations for Toronto

Toronto's scale and diversity introduce particular considerations. First, stakeholder mapping should occur early. The city contains multiple overlapping governance ecosystems: neighbourhood associations, business improvement areas, advocacy organizations, labour groups, youth networks, faith communities, and professional bodies. Understanding formal and informal power structures helps avoid over-reliance on established voices. Second, compensation for participation may be necessary. Ensuring that residents can afford to participate strengthens equity and broadens inclusion. Third, partnerships with trusted community organizations can expand engagement into communities historically excluded from municipal consultation processes. Equity-centred engagement norms are not optional; they are foundational in a city marked by inequality and diverse lived experience.¹⁰³

Moreover, clear communication about timelines, milestones, and decision points must be sustained throughout. The contents of a charter, developed through a robust public engagement process, can and should have clear direction, but it should not foreclose consideration of various possibilities for the structure of governance in Toronto, which includes, but also goes beyond, traditional interpretations of political and financial responsibilities. This might include embedding civic engagement and democratic innovation,¹⁰⁴ as well as different levels of governance beyond a strictly municipal level, to consider layers of decision-making below and above current geographic imaginations, boundaries, and practices. Lastly, strongly consider empowering the public through deliberation and ratification, be that through some type of assembly in combination with a ballot measure.

Conclusion: Charter Reform as Democratic Stewardship

Embarking on a charter process in Toronto would signal a willingness to examine not only how the city functions, but how it belongs to its residents. Done poorly, such a process risks reinforcing cynicism.¹⁰⁵ Done well, it can build civic capacity and public trust, as well as establish governance structures that are both efficient, accountable and transparent.¹⁰⁶ The phases outlined in this chapter are not inflexible directives, but rather a framework for thinking about how to establish a robust process rooted in learning, shared understanding, layered engagement and deliberation, and democratic implementation. The strength of a city charter in Toronto lies not only in the articles that authorize more power and augment local governance but also in the integrity of the process that produced it. If Toronto chooses to pursue a charter, the process itself should model the democratic culture it aims to establish.

¹⁰³ Toronto Foundation, [Toronto's Vital Signs 2023 Special Report: The Power of Us](#) (2023).

¹⁰⁴ Nick Vlahos, [Beyond Council-Managers and Mayor-Councils: Designing a Resident-Model of Government for the Twenty-First-Century City](#) (National Civic League, 2026).

¹⁰⁵ Organisation for Economic Co-operation and Development (OECD), [OECD survey on drivers of trust in public institutions – 2024 results: Building trust in a complex policy environment](#) (July 10, 2024).

¹⁰⁶ Marie-Isabel Theuwis, Carolien Van Ham and Kristof Jacobs, "[A meta-analysis of the effects of democratic innovations on participants' attitudes, behaviour and capabilities](#)", (2025) 64(2) European Journal of Political Research 960–984.