

Municipal Autonomy & Effective Local Governance Program Advisory Body

Presentation of findings and recommendations to the Executive Committee
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Why This Report Matters

Key question:

- Can Toronto effectively govern itself in the interests of its residents while operating under current provincial-municipal arrangements?

Key conclusions:

- There is an imbalance in the relationship between Toronto and the province.
- The imbalance is related to municipalities' constitutional subordination to provincial governments, and affects service delivery, accountability, representation, and public trust in government.
- The report argues for a rebalancing of the relationship to enhance local decision-making and intergovernmental cooperation.

Current state:

Toronto's autonomy & local governance

There are two core political challenges:

1. Provincial interference with local democratic processes, and
2. Fragmented and uncoordinated decision-making among governments and agencies.

These challenges reduce the City's ability to act decisively on matters that residents reasonably expect local government to manage.

Not acceptable that a local democratic government responsible for serving three million residents can have its governance arrangements fundamentally altered by the province without consent.

The Constitutional Challenge

The report identifies a fundamental legal problem:

- Canada's Constitution does not recognize municipalities as a protected order of government.

Municipal authority exists because provinces choose to grant it.

Provincial governments can alter or withdraw municipal powers without municipal consent (*Toronto v. Ontario*, 2021 SCC 34).

As long as this constitutional arrangement remains unchanged, municipalities will remain vulnerable to unilateral intervention.

Charter City Proposal

We propose pursuing a single province constitutional amendment, using s.43 of the *Constitution Act, 1982*, to add a new s.92B to the *Constitution Act, 1867*.

The goal would be to create a pathway for protecting the contents of new Charter City Agreements reached between the province and municipalities.

Under this model:

- Municipalities and the province could negotiate Charter Agreements.
- Changes would require mutual consent.
- Charter Agreements would receive constitutional protection.

The report does not attempt to prescribe the content of a future Toronto City Charter.

Instead, it proposes a framework through which a City Charter could be democratically developed and protected.

Recommendation #1:

The best path for more autonomy is s.43 of the *Constitution Act, 1982*

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 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 the report.

Recommendation #2

A City Charter needs democratic support

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 the 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.

Recommendation #3

Create a new advisory group to continue the work

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.

Recommendation #4

Start gathering feedback and share the report

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.