

TORONTO MUNICIPAL CODE, POLLING AND NOTIFICATION PROCEDURES

Chapter 90

POLLING AND NOTIFICATION PROCEDURES¹

§ 90-1. Definitions.

§ 90-2. Procedures to be followed in taking a poll.

§ 90-3. Voting eligibility.

§ 90-4. Confidentiality.

§ 90-5. Statutory and Municipal Code polling and notification requirements.

[HISTORY: Adopted by the Council of The Corporation of the City of Toronto 1994-05-31 as By-law No. 1994-0394. Amendments noted where applicable.]

GENERAL REFERENCES

Boulevard cafes and other street encroachments — See Ch. 313.

Street vending — See Ch. 315.

Traffic and parking — See Ch. 400.

§ 90-1. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

OWNER — A person enumerated on the current assessment roll, as revised, as the owner of assessed land within the polling area, including a non-resident who is the owner of land within the polling area.

RESIDENT — A person residing within the polling area at their true, fixed, permanent home or lodging place to which, whenever they are absent, they have the intention of returning, and includes a person who occupies a room or part of a room as a regular lodger or who occupies a room to which they habitually return, having no other permanent lodging place.

¹Editor's Note: The chapter title was changed from "Polling Procedures" to "Polling and Notification Procedures" 1995-05-16 by By-law No. 1995-0363.

TORONTO MUNICIPAL CODE, POLLING AND NOTIFICATION PROCEDURES

TENANT — A person enumerated on the current assessment roll, as revised, as a tenant of assessed land within the polling area.

§ 90-2. Procedures to be followed in taking a poll. [Amended 1995-01-16 by By-law No. 1995-0101; 1995-05-16 by By-law No. 1995-0363; 1996-07-05 by By-law No. 1996-0363]

Where there is a statutory or Municipal Code requirement that a poll be taken by the City and there is no polling process prescribed by statute or the Municipal Code section, the following procedures shall be followed when conducting the poll:

- A. The Clerk shall ensure that all polling lists are compiled from the current assessment roll and revised only by sworn affidavit delivered to the Clerk and shall include on the list all listed tenants, residents and owners within the polling area.
- B. Polling period.
 - (1) The polling period shall be thirty (30) days, commencing upon the day the ballots are mailed.
 - (2) Where the 30th day of a polling period falls upon a holiday, Saturday or Sunday, the polling period shall end on the next regular business day that is not a holiday.
- C. Determination of polling area.
 - (1) Where a radius is required for determining the polling area, it shall be one hundred twenty (120) metres, measured from the four (4) corners of the property to which the poll relates.
- C.1. **[Added 1996-09-16 by By-law No. 1996-0450; amended 1997-10-06 by By-law No. 1997-0633]** Despite Subsection C, polls conducted for boulevard cafes on residential flankages shall be taken of owners and tenants listed on the current assessment roll:
 - (1) For the property on which the proposed cafe is to be located;
 - (2) Within one hundred twenty (120) metres measured linearly or the first intersecting street, whichever is the lesser distance, along both sides of the street from the ends of the lot line for the side of the property to which the poll pertains;
 - (3) For any corner property, whatever its municipal address, that has flankage on any portion of a street within the polling area described in Subsection C.1(2); and
 - (4) For any corner property located on the opposite side of the intersecting street outside the polling area described in Subsection C.1(2), where the polling area described in Subsection C.1(2) ends at an intersecting street.

TORONTO MUNICIPAL CODE, POLLING AND NOTIFICATION PROCEDURES

- D. All polls shall be conducted in English and French and any additional language as requested by the Ward Councillor.
- E. The Clerk shall only accept ballots which are:
 - (1) Original ballots issued by the Clerk;
 - (2) Signed by only one (1) person whose name appears on the polling list; and
 - (3) Received by mail or hand-delivered by the person whose name appears on the polling list by 4:30 p.m. of the last day of the polling period.
- F. At the end of the polling period and after all ballots have been received, the Clerk shall tally all valid ballots received and shall certify, in writing, the results of the poll.
- G. For the purposes of determining the results of a poll, the "majority" shall be the majority of valid ballots received and counted by the Clerk.
- H. Where a poll has been conducted, repolling for the same purpose may not take place until two (2) years have passed from the closing date of the previous poll.
- I. Polls conducted under §§ 313-36, 313-40, 313-42 and 400-9D shall be conducted by the Commissioner of Public Works and the Environment, and all other provisions of § 90-2 apply with necessary modification. [**Amended 1996-09-16 by By-law No. 1996-0450**]

§ 90-3. Voting eligibility.

No person shall be eligible to vote in a poll unless he or she is eighteen (18) years of age or over as of the last date of the poll and owns land or resides in the polling area.

§ 90-4. Confidentiality.

The secrecy of the ballot shall be maintained and all polling lists and returned ballots shall be treated in confidence and are subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.²

§ 90-5. Statutory and Municipal Code polling and notification requirements. [Added 1995-05-16 by By-law No. 1995-0363; amended 1996-07-05 by By-law No. 1996-0363]

- A. Statutory polls include:

²Editor's Note: See R.S.O. 1990, c. M.56.

TORONTO MUNICIPAL CODE, POLLING AND NOTIFICATION PROCEDURES

(1) Permit parking under § 400-38.

B. Municipal Code polls include:

(1) Boulevard cafes under § 313-36.

(2) Residential boulevard parking under § 313-40.

(3) Commercial boulevard parking on residential flankages under § 313-42.

(4) Front yard parking under § 400-9.

C. Municipal Code notifications include: