



TORONTO WARD BOUNDARY REVIEW

Background Research Report

Updated December 2014

TORONTO WARD BOUNDARY REVIEW **DRAW THE LINES**
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EXECUTIVE SUMMARY

As a result of significant growth in the City over the past several years there are some wards that have considerably higher populations, and some lower, than the average ward population. This means that the equity of representative democracy across wards has been compromised. The Toronto Ward Boundary Review is looking at the size and shape of Toronto's wards in order to address this inequity and ensure that all Toronto residents are fairly represented at City Council.

The City of Toronto Act (2006) gives City Council the authority to make changes to its ward boundaries. It does not, however, provide specific instructions for how the ward boundary review should be undertaken or the parameters that should be followed. Municipalities in Ontario look to past Supreme Court cases and Ontario Municipal Board (OMB) decisions for guidance. The historic Carter Case, which was one of the first electoral boundary cases to be taken to the Supreme Court, set the precedent for ward boundary reviews in Canada by establishing the principle of "effective representation" as the basis for making ward boundary adjustments.

The Carter Case established that there are two interrelated principles that must be considered when carrying out ward boundary reviews: 'effective representation' and 'voter parity.' The primary test for effective representation is voter parity, but it must also take into account a variety of other factors such as geography, community history, community interests and representation of minorities.

While there are differences in how municipalities in Ontario conduct their ward boundary reviews, there are some common guiding principles, stemming from the Carter Case decision that are the foundation of successful ward boundary reviews. These include:

- **Representation by Population:** In a successful ward system, every Councillor will represent generally the same number of people. This is often referred to as 'voter parity'. Usually, population variations of up to 25% above or below the average size are considered acceptable.
- **Consideration of present and future population trends:** A ward boundary review must consider future increases or decreases in population in order to ensure that wards continue to meet the representation by population criterion as the City grows. The goal is to design a system that can be used for three elections.
- **Consideration of natural and physical boundaries:** Natural and physical boundaries shape patterns of life in cities, and so ward designs should respect these features.
- **Communities of Interest:** Ward boundaries should consider settlement patterns, traditional neighbourhoods and community groupings in specific geographic locations. Where possible, ward boundaries should not fragment a community.
- **Effective Representation:** Considered the ultimate goal of all ward boundary reviews, effective representation aims at achieving fair and equal representation for voters to the greatest extent possible. The primary consideration is voter parity, but effective representation also takes into account the all other criteria.

In addition, there are several other criteria that municipalities in Ontario have used to evaluate their ward boundaries, such as Composition of Council, Density, Simplicity, Compact and Contiguous, Ward History,

Gerrymandering and Public Consultation. What constitutes ‘effective representation,’ and how these principles are used when evaluating ward boundary options is discussed in Section 2.

Composition of Council has particular significance in Toronto, given the size, complexity and diversity of the city. Although the Toronto Ward Boundary Review is looking specifically at the configuration of Toronto’s ward boundaries, and not how municipal government is organized, given that the goal of the ward boundary review is to achieve effective representation to the greatest extent possible, the number of councillors and how they operate as a government system are nevertheless important considerations in designing the ward boundaries. It is quite common in cities, especially outside of Ontario and in the UK, to look at the number of councillors simultaneously and as part of the review of an area’s electoral boundaries.

It is not easy to make direct comparisons between Toronto and other Canadian or international municipalities, because every city and their council operate differently. It is nevertheless helpful to look at the ward boundary review regulatory framework, as well as the ward size of other municipalities. Toronto’s average ward population in 2014 is 60,958 people per ward, which is similar to the cities of Vancouver, Brampton and Mississauga. The range in ward size in Toronto (44,280 – 93,784) is similar to the City of Mississauga (42,700 - 79,890). These comparisons are discussed further in Section 3. Section 3 also examines municipalities where the ward boundary reviews resulted in appeals to the OMB. This provides several key insights useful for Toronto’s review.

For the 2000 elections, the size of Toronto’s Council was reduced to 44 representatives, which altered the configuration of the ward boundaries. Five elections later, these boundaries are still in effect and do not align with federal or provincial electoral district boundaries. The history of Toronto’s ward boundaries and the relationship to the federal and provincial boundaries, as well as several other official and unofficial boundaries, is discussed in Section 5.

The final section (Section 6) of this report includes a summary of the key lessons learned from the research and how these might affect the Toronto Ward Boundary Review.

1.0 INTRODUCTION

1.1 About the Toronto Ward Boundary Review

The Toronto Ward Boundary Review is looking at the size and shape of Toronto's wards. It is being conducted by a team of independent consultants, who have been asked to propose changes to the current ward boundaries in order to ensure each person in Toronto is fairly represented at City Council. The Review process, which consists of research, two rounds of public consultation and civic engagement, and a final report with recommendations to Council, must be complete by 2016. Toronto City Council will then make the final decision on whether or not to accept the recommendations made by the consultant team and must pass a by-law to implement the new ward structure. The changes that occur as a result of the Review will come into effect for the 2018 municipal election.

1.2 Purpose of the Review

Effective representation is the goal of all ward boundary reviews. The primary consideration when it comes to effective representation is 'voter parity' (often also referred to as representation-by-population). This is the principle that all votes should have equal weight and therefore the number of people living in each voting area (i.e. ward) should be similar. However there are other factors used by the courts and the Ontario Municipal Board to define effective representation, including protection of communities of interest and neighbourhoods, respect for natural and physical boundaries, ward history, and recent and projected population growth. These principles are discussed at length throughout this report.

The Toronto Ward Boundary Review does not cover items such as: how municipal government is organized (e.g. whether there should be political parties or whether there should be more community representation); how people vote; who votes (e.g. Canadian citizens only or all Toronto residents); the quality of a job a Councillor is doing; or how City departments operate.

1.3 Context

Based on the current distribution of ward populations, Toronto's ward structure does not meet the requirements of 'effective representation'. Over the past several years, as the City of Toronto has grown, the equity of representative democracy across wards has been affected. The best estimate of the City's population for the 2014 election year is 2.743 million with an average ward population of 60,958. Some wards have considerably higher populations (30% to 45%), and some lower (around 10% below the average).

Council has recognized that the growing imbalance is not conducive to effective representation for the residents of Toronto and has initiated this current review of its ward boundaries. Additionally, Council has responded to the fact that the populations of Toronto's current wards have already been challenged at the Ontario Municipal Board. This means that if Toronto does not review the current size and shape of its wards, a new ward structure could be imposed by the Ontario Municipal Board without the public's involvement and without City Council approval.

In 2013, the City Manager authorized City Council to hire an independent consultant to undertake a review of Toronto's current ward structure. The Terms of Reference for the Review states that the objective is to: undertake a review process for Toronto, including broad engagement and consultation with Toronto public, communities,

key stakeholders, the Mayor and City Councillors and develop ward boundary options and recommendations for City Council's consideration.

1.4 About this Report

This report was developed to provide the Toronto Ward Boundary Review consultant team, as well as the general public and city staff and council, with information that will help the team to make informed decisions and recommendations about changes to Toronto's ward boundaries. It is meant to strengthen the team's understanding of Toronto's ward boundaries by examining precedents, best practices, the regulatory context, as well as Toronto-specific issues that might influence the size and shape of the City's wards. The research is meant to supplement insights gained through consultation and engagement and will support the development ward boundary options which will be presented in the Options Report (forthcoming in April 2015).

The report includes a review of the underlying legislation and regulations that govern ward boundary reviews in Ontario, as well as a comparison of legislation from other municipalities in Canada and around the world (Section 2). Section 3 examines common guiding principles or criteria used for ward boundary reviews and Section 4 includes a comparison of other municipalities in Ontario and across Canada that have undergone a review process. Section 4 looks specifically at the City of Toronto in the context of a ward boundary review and includes an historical overview of Toronto's ward boundaries, a description of the current ward structure and review of local issues that might affect a possible new ward system. Section 6 includes an overview of the lessons learned and key findings from the research.

2.0 LEGISLATIVE FRAMEWORK

2.1 Historical Electoral Boundary Legislation

The Constitution Act (1867) was the first piece of legislation in Canada to address the issue of representation. The 'Fathers of Confederation' wanted to ensure that each region of the country had a fair say in the daily workings of the new country and adopted the basic working principle of "representation by population". The authors of the Act allocated a certain number of seats to each province and designed a formula for distributing seats among the provinces based on the proportional populations. This principle has been carried forward into many pieces of Canadian legislation and electoral districting processes.

The Canadian Charter of Rights and Freedoms (1982) was created to guarantee political and civic rights to people in Canada. The Charter provided the first constitutional mechanism for challenging electoral boundaries. Under Section 3 of the Act, every citizen of Canada is given the right to vote. Although not specifically stated, the Supreme Court has ruled that this section also guarantees a measure of equality in voting, which is the basis for arguments about voter parity and effective representation.

2.2 Federal and Provincial Electoral Boundary Review Legislation

There are three orders of government in Canada and three levels of electoral districts: federal, provincial and municipal. The process of redistribution and in some cases the boundaries themselves are different at each level of government.

Federal Redistribution

The process and responsibility for boundary redistribution at the federal level has been altered numerous times over recent decades. In the early 1900s special all-party committees of the House of Commons were charged with redrawing the maps. In the 1960s the responsibility was given to Electoral Boundary Commissions independent of Parliament and parliamentarians. There were ten commissions (one for each province) which are still in place today. Today, each Commission is composed of three members, is chaired by a judge appointed by the chief justice of the province and has two other members appointed by the Speaker of the House of Commons.

The *Electoral Boundaries Readjustment Act*¹ (1985) sets out several rules for the boundary commissions. It was passed in attempt to address some of the problems associated with electoral redistribution in Canada, such as the tendency for the exercise to be overly partisan and the frequent discrepancies in the geographic size and population of constituencies at the federal level.²

The Act's primary rule is that the population of each electoral district shall be as close as reasonably possible to the electoral quota for the province. Other rules relate to accounting for community of interest, community of identity, historical patterns, and a manageable geographic size for electoral districts in sparsely populated, rural or northern regions of a province. The Act states that a variance from the population equality rule is limited to 25% (plus or minus), except in extraordinary circumstances. Interestingly, the Act does not explicitly list population forecasts as a means for drawing electoral boundaries.³ The Act also requires that federal boundaries be revised every 10 years to reflect population shifts and growth following the completion of the census⁴. The federal government recently undertook a boundary review, and the new ridings will take effect at the time of the next federal election (2015).

Provincial Redistribution

The provincial government is responsible for passing legislation to define electoral boundaries at the provincial level. In 1996, the *Representation Act* divided Ontario into electoral districts with identical names and boundaries to the federal electoral districts. The Act required redistribution whenever a readjustment took place at the federal level.

The *Representation Act* (2005) took a different approach. It divided Ontario into 107 electoral districts, 22 of which are in Toronto.⁵ The Act does not require Provincial boundaries to be the same as federal boundaries, or require that they be reviewed when the federal boundaries are reviewed. It is unclear when the Provincial government will next review their ward boundaries, or whether the Provincial government will adopt the new federal riding boundaries as the provincial boundaries.

¹ Electoral Boundaries Readjustment Act, R.S.C., 1985, c.E-3 <<http://laws-lois.justice.gc.ca/eng/acts/E-3/FullText.html>>

² Courtney: page 60.

³(74)

⁴ Parliament of Canada, 2009 <<http://www.parl.gc.ca/procedure-book-livre/document.aspx?sbdid=2ae20cbe-e824-466b-b37c-8941bbc99c37&sbpid=3>>

⁵Election Statute Law Amendment Act, 2005, c. 35, Legislative Assembly of Ontario <http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=171&detailPage=bills_detail_about>

2.3 Regulatory Framework for Municipalities in Ontario

In Ontario, the Municipal Act (2001) provides the regulatory framework for conducting municipal ward boundary reviews. In Toronto, however, the City of Toronto Act⁶ (2006) takes the place of the Municipal Act and provides the authority for Toronto City Council to establish its ward boundaries. There are no substantive differences between the Acts in terms of the framework for ward boundary reviews.⁷

Section 222 of the Municipal Act (2001) and Section 128 of the City of Toronto Act (2006) give municipal councils the power to divide or re-divide the municipality into wards, following the passage of a by-law. Both Acts prescribe a process and a timeline that must be followed in order to pass the by-law:

- Within 15 days of the passage of a by-law, a municipality must give notice of the passing of the by-law and details for filing a notice of appeal.
- The notice must provide 45 days after by-law passing for notice of appeal to the OMB
- Appeals must be sent to the OMB within 15 days after the last day for notice of appeal.
- Once passed, a bylaw comes into force during the next election, or after the subsequent election in the case of the bylaw is passed after January 1st of the year of the election.

The Acts also prescribe a process where an elector can present a petition to a city council asking the council to pass a by-law dividing or re-dividing the city into wards or dissolving the existing wards. The petition requires the signatures of 500 electors in the city. If City Council does not pass the by-law within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario Municipal Board.

Neither the City of Toronto Act (2006) nor the Municipal Act (2001) includes specific guidelines or criteria for municipalities in regards to conducting ward boundary reviews. Therefore ward boundary review processes in Ontario must take into consideration the legislative framework explained above, as well as past OMB cases which are described in section 4.3.

The Municipal Act (2001) and the City of Toronto Act (2006) give the Ontario Municipal Board (OMB) the authority to hear appeals of ward boundary by-laws and to make an order affirming, amending or repealing the by-law. The Board's authority when it comes to ward boundary reviews is limited to the by-law itself. Generally, the Board does not interfere with decisions made by the elected municipal council unless there are clear and compelling reasons to do so. When evaluating appeals, the Board looks to the Constitution Act and the criteria developed in the Carter Case in making its decisions. The Board expects municipalities to develop and follow sound guiding principles that are aligned, or consistent with the Carter Case.

The City of Toronto Act and the Municipal Act also give city councils the authority to change the composition of council, which refers to the size of Council and the method of selecting members.⁸ Some basic requirements for the Composition of Council are described in the City of Toronto Act (Section 135):

⁶http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06c11_e.htm

⁷Ontario Municipal Act, SO 2001, c.25 s.222 <http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm>

⁸ The City of Barrie, May 2013. "Staff Report Re: Ward Boundary Review Recommendation"

<<http://www.barrie.ca/City%20Hall/MayorCouncil/Documents/CLK006-13%20Ward%20Boundary%20Review%20Recommendation.pdf>>

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the Municipal Elections Act, 1996.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards. 2006, c. 11, Sched. A, s. 135 (3).

A separate by-law must be created if a ward boundary review also results in the change in the number of wards; however, unlike the process for ward boundary reviews, a by-law outlining the composition of council cannot be appealed to the OMB.

2.4 Regulatory Framework for Municipalities Across Canada

The legislation for municipal ward boundary reviews is different in each province in Canada. Generally, it is the Municipal or Local Government Act that contains the guidelines for municipalities in undertaking their ward boundary reviews and it is up to the local Council to adopt the new ward boundaries. The following is an overview of the guiding legislation from each province.

*Saskatchewan*⁹

The Saskatchewan Municipalities Act (2005) differs from the Ontario Municipal Act significantly in that it lays out how a review should be carried out, what criteria should be considered, and puts more emphasis on public participation and awareness.

For example, Section 83 (3) states that the public must be given notice before considering re-dividing the wards. The Saskatchewan Municipalities Act also states that the population of any of the wards cannot exceed or fall short of an equal division of population between the wards by more than 25%.

A council-appointed municipal wards commission is in charge of establishing ward boundaries. At the request of the council or on its own initiative, this commission can review the wards of the municipality at any time and must review the wards of the municipality at least once every three election cycles.

This commission cannot be composed of council or employees of the city in question, except the administrator. The municipal wards commission must hold public hearings and consultations; and takes into consideration current and prospective geographic conditions, such as density and communities of interest. On completion of its duties the municipal wards commission must file a report with the municipality laying out the new boundaries before they are put in place.

Interestingly, the ward commission is also tasked with determining the number of councillors to be elected for each ward.

⁹The Municipalities Act, c. M-36.1 of the Statutes of Saskatchewan, 2005
<<http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/M36-1.pdf>>

Alberta¹⁰

The laws regarding ward boundary reviews in the Alberta Municipal Government Act (2000) are brief. The Act states that a city council has the power to divide the municipality into wards and establish their boundaries, change the number of wards and their boundaries, give a name or number to each ward established or changed, decide on the number of councillors to be elected for each ward (established or changed), or eliminate wards in the city. The Act is significantly less detailed than both the Saskatchewan and Ontario Acts, with no mention of how a ward boundary review is to be conducted or which criteria should guide the ward boundary review.

Manitoba¹¹

For the Province of Manitoba, the Municipal Act (1996) states that councils have the ability to divide, establish or change the number of wards or ward boundaries. In making these changes, a council “must try to achieve an approximately equal number of residents in each ward”. Councils are not obligated, but may take into consideration ‘community or diversity interests’, ‘topographical features’, ‘settlement patterns’, and ‘population trends’ in determining ward boundaries. Thus, representation by population is paramount to the preparation of a successful ward boundary by-law in Manitoba.

Similar to Ontario, Manitoba has a municipal board. Section 89 of the Act states that if a request or petition is made in writing by a minimum of 25 voters within the municipality in question, the Municipal Board may review the by-law that divides, eliminates, or otherwise alters the wards or the ward boundaries of a municipality in the province. If upon review of a by-law, the Municipal Board is not satisfied that the by-law is appropriate, the Board has the power to refer the by-law back to council for further consideration, or can require that council amend the by-law as directed by the Board.

British Columbia¹²

British Columbia differs significantly from the other provinces discussed in this section because municipal elections are typically at large and there is generally no ward system. The Local Government Act of British Columbia (1996) allows for a municipality to implement a by-law that permits councillors to elect on a neighbourhood constituency basis under subsection (2) of Section 36.1. This section also states that a by-law that establishes these neighbourhood constituencies must lay out the areas that they are to be composed of and provide for a relatively smooth transition into a municipal election under the ward system. If a by-law under this section is proposed it must be approved by the Lieutenant Governor in Council before it is adopted. While the Act does not state the criteria that the Lieutenant Governor is to use, ultimately any proposition for changes to a neighbourhood constituency system must be accepted by the Lieutenant Governor.

¹⁰Municipal Government Act, c. M-26, 2000 <<http://www.qp.alberta.ca/documents/acts/m26.pdf>>

¹¹Local Government Act, RSBC 1996, c. 323, s 36.1. <http://www.bclaws.ca/Recon/document/ID/freeside/96323_00>

¹² Municipal Government Act, SNS 2001, c. 26. ss 1-28. <<https://www.canlii.org/en/ns/laws/regu/ns-reg-24-99/latest/ns-reg-24-99.html>>

*Nova Scotia*¹³

Section 369 of the Municipal Government Act requires each council to conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors, every eight years. In the same year that the study is conducted, the municipal council must apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors. The Board may make an order granting the whole or part of an application, and has the power to make further alterations as considered appropriate. Interestingly, the Board expects variances for relative parity between polling districts to be within +/-10%, only allowing variances up to +/-25% in extraordinary circumstances. The council must assess the number and boundaries of polling districts in the municipality, their “fairness and reasonableness” as well as the number of councillors for the municipality in question. The Board recommends municipalities use a two-step process, starting with the determination the desired number of councillors (involves the consideration of the desired style of Council, the governance structure of Council, and a determination of an effective and efficient number of councillors) and then addressing the distribution of polling districts in the second stage.¹⁴

2.4 Regulatory Framework for Municipalities Outside North America

Manchester, United Kingdom

The City of Manchester has a population of 514,400 and is made up of 32 wards served by 96 representatives. As of 2006, each ward had three elected councillors who represent an estimated average of 3284 constituents.¹⁵

The Local Democracy Economic Development and Construction Act (2009) sets out the provisions of local government, including a review of the electoral districts “from time to time”. This review is referred to as a Periodic Electoral Review. A review can also be triggered if there is a notable electoral variance. This occurs either when over 30% of wards have an imbalance of more than 10% of the average representative ratio; one or more of the wards have an imbalance greater than 30% that is unlikely to be corrected in a foreseeable time period; or if the local governing body requests a review. The Local Electoral Commission is an independent body set up by the UK Parliament and is responsible for electoral reviews, including the number of councillors, the names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each.

Between 1996 and 2004 a country-wide review of all electoral districts took. Local authorities completed forms providing electoral information and polling areas as the basis of the review. Recommendations took into account public consultation which occurs both during a preliminary stage and after the development of ward options are prepared.

Ultimately decisions must be agreed upon by the local authority. Emphasis is put upon electoral equity; the effort to equalize the number of electors represented by a member of council, defined through a ratio of average level of

¹³Municipal Government Act, RSA 2001, c. M-26, s 148. <<https://www.canlii.org/en/ns/laws/regu/ns-reg-24-99/latest/ns-reg-24-99.html>>

¹⁴Municipal Government Act, RSA 2001, c. M-26, s 148. <<https://www.canlii.org/en/ns/laws/regu/ns-reg-24-99/latest/ns-reg-24-99.html>>

¹⁵City of Manchester. “Public Intelligence- Manchester’s Population, Ethnic Groups, and Ward Map” <http://www.manchester.gov.uk/info/200088/statistics_and_census/438/public_intelligence/3>

representation to ward level representation. But similar to Canada/Ontario, the process takes into consideration community identity, as well as convenient and effective local government and the electoral cycle of the authority under review.¹⁶

The City of London, United Kingdom

The City of London, which is the small city within the Greater London area, is made up of 25 wards. It serves around 9,000 residents and 340,000 workers.¹⁷ Each ward is comprised of one alderman and two or more councilmen (typically up to 8), depending on the population size. Ward Boundary Reviews look at the boundaries of each ward and the number of voters and Common Councilmen in each. The number of council members (councilmen) was agreed at the time of franchising the city and is not altered during a ward review.¹⁸

The Review is undertaken by a Boundary Review Panel comprising the Town Clerk and Chief Executive, the Recorder of London and the Common Serjeant (the two most senior judges at the Old Bailey). Their main objective is to try to ensure ‘electoral equality’, whilst also reflecting communities in the area and providing for effective and convenient local government. They also seek to fix boundaries which are and will remain clearly identifiable. The Panel’s review takes several factors into consideration 1) protection of residential ward boundaries, 2) increasing the size of smaller wards and 3) Creating clearly identifiable and common sense boundaries.

Interestingly, there are 4 residential wards and 21 non-residential wards in the City of London. It is the only area in the UK in which the number of workers significantly outnumbers the residents and therefore, in effort to be truly representative of its population, the City offers a vote to City organizations so they can have their say on the way the City is run. This has led to several rules in the allocation of council members. For example, 20 out of every 100 council members must represent residential interests. With a minimum of 2 members per ward (times 4 wards) the additional 12 seats are allocated based on the size of the ward.

The ward system in London has been controversial due to the nature of the representation of businesses. The numbers of votes for business are based on the number of bodies employed. This led to significant impacts on the election system as the numbers of representatives (based approximately on the number of registered voters) is impacted by economic decisions made. The 2010 review for the 2013 election made minor revisions to internal format of members.

Sydney, Australia

With over 183,000 residents, Sydney (and here we refer to only the local government area covering the Sydney central business district and surrounding inner city suburbs of the greater metropolitan area of Sydney) is represented by a Lord Mayor and 9 Councillors, elected on a 4 year term. The Councillors elect a Deputy Mayor annually. The Council represents the entire city, as there are no ward divisions. Currently, 33 suburbs and 23

¹⁶The Local Government Boundary Commission for England. 2012. “Electoral Reviews- Technical Guidance” <http://www.lgbce.org.uk/_data/assets/pdf_file/0014/10391/electoral-review-guidance-august-2012.pdf>

¹⁷City of London. 2014. “Ward Elections” <<http://www.cityoflondon.gov.uk/about-the-city/how-we-work/elections-and-wards/wards/Pages/ward-elections.aspx>>

¹⁸City of London.”City of London Ward Boundary Review Final Recommendations” <<https://www.cityoflondon.gov.uk/about-the-city/how-we-work/elections-and-wards/Documents/ward-boundary-review-final-recommendations.pdf>>

localities are under Council authority. The Local Government Act (1993) outlines how elections are run, and how and when councils meet.¹⁹

Since 1900, governing parties have regularly changed Sydney's city boundaries in effort to slant the vote in their favour. This had a dramatic effect on the number and characteristics of people entitled to vote. In 1900, The Greater Sydney movement emerged with a focus on expanding Sydney's boundaries. Due to population growth and sprawl, Sydney was surrounded by small municipalities. In 1909, these municipalities were amalgamated and de-amalgamated several times²⁰. As of 2004, the area that became known as South Sydney is once again under control of Sydney Council. Local politics also impeded boundary changes. When Council was dissolved in 1932, city boundaries that were slated for review after a unanimous City Council vote remained unchanged due to the opposing political affiliation of areas immediately surrounding Sydney. Most recently, in 2004 Sydney and South Sydney were amalgamated without a ward system.²¹

The Sydney Act 1988 provided the most recent significant changes to Sydney's local government structure. Boundaries were redrawn to reflect the division between the Central Business District of Sydney and the inner suburbs. There was the creation of a nine-member body known as the Central Sydney Planning Committee, to dictate and streamline future development²².

Adelaide, Australia

Adelaide has a 12 member City Council, comprised of a Lord Mayor and 11 Councillors representing a population of 1.2 million. There are two types of councillors; area and ward councillors. The 5 area councillors represent the City of Adelaide. There are three wards within the city boundaries with 2 Councillors per ward.²³

The boundary review process is mandated by the Government of South Australia. Every council in the state is required to review its representation structure after every two election cycles. During the review, the number of wards and number of elected councillors are considered.²⁴

Reviews can also be undertaken through other mechanisms. The council can decide to review its representational structure at any time; the Electoral Commissioner may require a review if the representation for a ward varies from the ward quota by over 20%, or if a group of at least 20 electors make a submission to the council. If the council does not support the proposal and the electors are dissatisfied with the decision, the group can then make a submission to the Boundary Adjustment Facilitation Panel who can decide whether or not it appears appropriate to conduct its own review based on the electors' submission.

¹⁹ City of Sydney. "Civic History" <<http://www.cityofsydney.nsw.gov.au/learn/sydneys-history/civic-history>>

²⁰ Golder, Dr. Hilary. 1995. "A Short Electoral History of the Sydney City Council- 1842-1992"
<http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0011/65549/hs_chos_electoral_history.pdf>

²¹ City of Sydney. <http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0010/138259/Documentation-6067_Update-to-Governance-at-the-City-Report-Document-website-copy.PDF>

²² Golder, Dr. Hilary. 1995. "A Short Electoral History of the Sydney City Council- 1842-1992"
<http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0011/65549/hs_chos_electoral_history.pdf>

²³ City of Sydney. "Representation Structure Proposal" Retrieved from <www.cityofsydney.nsw.gov.au/>

²⁴ Government of South Australia. "How Councils Work- Council Boundary Changes and Representation Reviews"
<http://www.localgovt.sa.gov.au/how_councils_work/council_boundary_changes_and_representation_reviews#6>

Glasgow, United Kingdom

With a population of 598,830, the Glasgow City Council has 79 elected members representing 21 multi-member wards. Scotland is currently divided into 32 local authority areas that contain electoral wards.²⁵ Each ward has 3 or 4 Councillors. The Local Government Boundary Commission for Scotland (LGBC) is the public body responsible for reviewing electoral arrangement: the number of councillors on each council, the number of wards, and the boundaries of those wards²⁶. They make recommendations to Scottish Ministers.

The LGBC derives its power from the Local Government (Scotland) Act 1973. By law, the Commission is required to review electoral arrangements every 8-12 years. The LGBC objective, as mandated, is to ensure each ward has “as nearly as may be”, referred to as electoral parity. The number of electors in each ward is carefully considered during review, as well as special geographic considerations, community ties, changes to electorates over the following five years. Preference is also given for easily identifiable boundaries. The optimum number of electors each Councillor should represent is determined by dividing the total number of electors by the Councillor numbers. The LGBC seeks to create a ratio of councillors to electors in each ward that is as close to the average as is practical.²⁷ Reviews outside of the required interval may be undertaken if variations in levels of representation become “notable”.

Lessons from Cities in the UK and Australia

The decision to review cities in the Commonwealth was based on the potential compatibility of municipal systems in the UK and Australia. The single most useful insight from reviewing cities in the UK and Australia is that because the processes and principles guiding boundary reviews are strictly prescribed by national or state electoral commissions, there is a willingness to consider varying the number of councillors per ward where voter parity cannot reasonably be achieved. What in Canada is termed ‘effective representation’ is achieved through regular mandatory reviews to ensure that changes in population – up or down – are reflected in the level of political representation. It is also common practice to have party politics at the local level. In the City of London (a tiny microcosm of the larger geography of Greater London), there are specific wards for businesses, where companies are able to vote based on the number of employees.

2.5 Supreme Court of Canada Rulings

The Dixon Case (1989)

The first case in Canada addressing fairness of an electoral boundaries map is the Dixon v. Attorney General of British Columbia, decided in 1989. The British Columbia Supreme Court found that the province's electoral districts, varying in population from 5,511 to 68,347, violated the right to vote guaranteed by Section 3 of the Charter of Rights and Freedoms. The Court ruled that a new set of districts with more equitable populations must be created. The Province had used a ‘complex quota system’ rather using the typical 25 percent variance rule.

²⁵ City of Glasgow. “Council and Committees” <<https://www.glasgow.gov.uk/index.aspx?articleid=2952>>

²⁶ Local Government Boundary Commission for Scotland. “LGBC Publications” <<http://www.lgbc-scotland.gov.uk/publications/>>

²⁷ Local Government Boundary Commission for Scotland. June 2014.

“Information Paper- The Commission: A General Guide” Retrieved from <www.lgbc-scotland.gov.uk/>

The case established that equality of voting power was the single most important factor to be considered in determining electoral boundaries.²⁸

The Carter Case (1991)

The ‘Carter Case’ is the widely referred to ruling of the Supreme Court of Canada on electoral boundaries and the right to vote.²⁹ The case was first raised in front of the Saskatchewan Court of Appeal and was eventually taken to the Supreme Court of Canada.

The objection heard by the Saskatchewan Court of Appeal referred to having electoral areas that ranged from 6,309 to 12,567 electors. The Court concluded that deviations from voter parity were acceptable in two northern ridings where population was extremely sparse; however, in the southern ridings the Court of Appeal found that voter population disparities between ridings violated S.3 of the Chart and could not be justified under S.1.

The decision was subsequently appealed to the Supreme Court of Canada, which went on to reverse the lower court’s decision. The Supreme Court found that a violation of S.3 of the Charter was not established³⁰. It stated that the actual allocation of seats between urban and rural areas closely followed the population distribution between those areas and effectively increased the number of urban seats to reflect population growth in urban areas.³¹

The Court found that variations between boundaries in the southern part of the province appeared to be justifiable on the basis of factors such as geography, community interests and population growth patterns and that the variance fell within plus or minus 25 percent of the provincial quotient. The northern boundaries were appropriate, given the sparse population and the difficulty of communication in the area. The Court noted that it is more difficult to represent rural ridings than urban because of challenges related to transportation and communications. The Court also held that because rural voters make greater demands on their elected representatives, the goal of ‘effective representation’ may justify somewhat lower voter populations in rural areas.³²

In the decision case, Madame Justice Beverly McLachlin stated that the “purpose of the right to vote enshrined in S.3 of the Charter [that is, the Canadian Charter of Rights and Freedoms] is not equality of voting power per se but the right to ‘effective representation.’ ”

The Carter Case established the following conditions to define effective representation:

- **The relative parity of voting power:** a person’s voting power is diluted if a person’s access to a representative or ability to receive assistance from the representative is reduced. When this is the case, the result is deemed to be uneven and unfair representation.

²⁸ ACE Electoral Knowledge Network, “The Role of the Courts in Electoral District Delimitation”:

<http://aceproject.org/main/english/bd/bdb06.htm>

²⁹The Attorney General for Saskatchewan v. Roger Carter, Q.C., 1991, S.C.R. 158. “ Reference re Prov. Electoral Boundaries (Sask.)” <<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/766/index.do>>

³⁰Ibid

³¹Ibid

³²Ibid

- **Taking into account countervailing factors:** geography, community history, community interests and minority representation may need to be taken into account to ensure that legislative assemblies effectively represent the diversity of Canada’s social mosaic.

Impact on Electoral Boundary Reviews

The Carter Case rejected the principle of "one person, one vote," established by the United States Supreme Court, and substituted it with the principle of "effective representation." In the case ruling, it was argued that the Canadian background is different from the American one in which Canadians “have never insisted upon precise equality of voting power, but instead have traditionally placed greater emphasis on the representation of community interests and given wider recognition to geographic considerations”.³³ This ruling altered the criteria for drawing electoral boundaries in Canada.

Such terms like community history, geography and community of interest were not completely new and had served as guidelines by electoral boundary commissions as early as the 1950s but the Carter Case cleared the way for commissions to accept deviations from relative parity of voting power when the move could be justified on grounds of minority representation and cultural and group identity.

According to John Courtney, senior policy fellow at the University of Saskatchewan and author of the book *Commissioned Ridings*, the Supreme Court of Canada Carter Case ruling was especially significant because it shifted the argument in the direction of representing minorities. In Courtney’s opinion, the Carter decision reflected changes occurring to the representational agenda in Canada during the two years that separate the Dixon and Carter cases, including hearing of the Lortie Committee, and the attention it gave to Aboriginal representation. When the Supreme Court chose in the Carter Case to favour minority representation, it was possibly anticipating future legal challenges that might be launched on either side of the issue of accommodating minority groups through guaranteed electoral districts. According to Courtney, although the Carter Case was the best known, it was only one of several influences on legislators, parliamentarians, and electoral boundary commissions in the 1990s.³⁴

3.0 GUIDING PRINCIPLES: THE FOUNDATION OF WARD BOUNDARY REVIEWS

3.1 Overview

Although legislation in Ontario does not specify the criteria for conducting ward boundary reviews, there are some generally accepted principles that are considered when defining or refining ward boundaries. The principles can vary from municipality to municipality, but all take into consideration the Carter Case decision, previous Ontario Municipal Board decisions, and ultimately, Section 3 of the Canadian Charter of Rights and Freedoms.

³³Ibid

³⁴ Courtney, John C. 2001. "Commissioned Ridings: Designing Canada’s Electoral Districts," Montreal & Kingston: McGill – Queen’s University Press. [p 167-169]

No ward system design can uniformly meet all of the guiding principles set out by a municipality. The ward design ultimately adopted will be the one that best fulfills the guiding principles used for that particular review.³⁵

Table 1 below shows a comparison of the principles used by 12 different municipalities in Canada that have undergone Ward Boundary Reviews. There are strong similarities among Ontario municipalities showing the common regard for the Carter Case and past OMB decisions.

Table 1: Guiding Principles from other Municipal Ward Boundary Reviews in Ontario

Municipality	Year Completed	Pop.	Guiding Principles					Other Principles Used
			Effective representation	Communities of interest	Representation by population	Population trends	Natural & physical features	
Barrie	2013	187,013	✓	✓	✓	✓	✓	• Communication and Accessibility
Brantford	2013	135,501	✓	✓		✓	✓	• Communication and Accessibility • Density
Brampton	2013	523,911	✓	✓	✓	✓	✓	
Georgian Bay	2013	17,204	✓	✓	✓	✓	✓	• Simplicity • Accountability and Accessibility • Composition of Council
Cambridge	2009	126,748	✓	✓	✓	✓	✓	• One person, one-vote • Compactness • Protect against Gerrymandering
Kitchener	2008	219,153	✓	✓	✓	✓	✓	• Compactness • Variation is acceptable
Kingston	2013	159,561	✓	✓	✓	✓	✓	• Variation is acceptable • Learn from others
Markham	2013	301,709	✓	✓	✓	✓	✓	• ER is considered overriding principle
Oakville	2012	182,520	✓	✓	✓	✓	✓	• ER is considered overriding principle
Ottawa	2005	883,391	✓	✓	✓	✓	✓	
Vaughan	2010	288,301	✓	✓		✓	✓	• ER is a primary goal for the WBR • Variation is acceptable • Public Consultation

³⁵ Williams, Dr. Robert J. February 2013. “Final Report on Markham Ward Boundary Review”
http://www.markham.ca/wps/wcm/connect/markhampublic/5361f59f-4936-40fa-b8b4-fa0c4f545420/ward_boundary_final_report.pdf?MOD=AJPERES&CACHEID=5361f59f-4936-40fa-b8b4-fa0c4f545420

Municipality	Year Completed	Pop.	Guiding Principles					Other Principles Used
			Effective representation	Communities of interest	Representation by population	Population trends	Natural & physical features	
Windsor	2009	210,891	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> • ER is considered a riding principle • Relationships between neighbourhoods should be respected as much as possible

3.2 Common Guiding Principles

This section describes the five most commonly used guiding principles among municipalities in Ontario, which are based on the Carter Case ruling.

Representation by Population

‘Representation by Population’ is related to the basic democratic idea that each person should get one vote and that all votes should count equally. Based on these principles, every elected official should represent generally the same number of constituents.

Representation by population is of prime importance in achieving effective representation. Deviations are allowed in some cases – where parity of voting power would detract from effective representation. The Supreme Court suggests that only those deviations from absolute voter parity that lead to more effective representation (i.e. geography, community history, community interests and minority representation) should be allowed.³⁶ Usually, population variations of up to 25% above or below the optimal size are considered acceptable. This range is consistent with the legislated federal redistribution provisions, the Carter Case and past OMB decisions³⁷.

It is important to note that this principle is concerned with representation not just by electors but also non-electors. This is because the process of representation implicates all residents of the municipality not just the persons who vote. The reasons for this are explained in the ward boundary review recommendation report for the City of Barrie Ward Boundary Review Final Report:

1. Issues and problems dealt with on a routine basis by municipal governments and elected officials do not only arise from electors but from citizens, including children and youth or newcomers to the municipality, none of whom would have had a vote in the previous election.

³⁶ Elections Canada, 2013. “Enhancing the Values of Redistribution, Chapter 2- Making Representation More Effective” <http://www.elections.ca/content.aspx?section=res&dir=rep/off/recom_redis&document=ch2&lang=e>

³⁷In Canada, ward boundary commissions are allowed to may depart from the quotient by more than 25%.

2. It corresponds to the guiding principle that ward boundaries should consider future population growth, which would include non-electors.³⁸

Protection of Communities of Interest

The protection of communities of interest refers to recognizing settlement patterns, traditional neighbourhoods and community groupings (social, historical, economic, religious, and political diversities).³⁹

Applying this principle to a ward boundary configuration means that communities of interest should not be divided by a ward. As a rule, lines are drawn around communities, not through them. Secondly, wards should group together communities with common interests, where there is some identifiable similarity such as age, assessed value and configuration of housing, the life-stage and demographics of the residents, and municipal service provisions and amenities. It is often considered specifically to include linguistic, ethnic, or racial minorities⁴⁰.

In John Courtney's book on designing electoral districts, he provides three reasons that account for the importance attached to communities of interest;

1. If a community of interest was not taken into account, and if electoral districts were constructed solely on the basis of largely equal populations, the results could be both absurd and unfair to individuals, groups, and communities.
2. A great number of individuals identify with geographically defined communities of some sort. It is natural to want to extend that sense of being part of a community to ensuring that that community becomes a part of a larger electoral district with which there is also some affinity.
3. A community of interest can enhance citizen involvement in politics. It has been demonstrated that voter turnout is positively affected when boundaries are redrawn in such a way as to place voters in a riding with they share a strong community of interest.⁴¹

The concept does however lend itself to multiple interpretations and is perhaps the least clearly defined of the principles. Since people don't live in easily identifiable communities, recognizing 'communities of interest' has proven to be challenging. Elections Canada states:

Examples of communities of interest:

- Neighbourhoods
- Heritage Conservation Districts
- Business Improvement Areas
- Ethno-cultural groups that live in the same area

³⁸The City of Barrie Ward Boundary Review. May 2013. <http://www.barrie.ca/City%20Hall/MayorCouncil/Documents/CLK006-13%20Ward%20Boundary%20Review%20Recommendation.pdf> Prepared by: Watson and Associated Economists Ltd. In association with Robert Williams.

³⁹ The City of Barrie, May 2013. "Staff Report Re: Ward Boundary Review Recommendation" <<http://www.barrie.ca/City%20Hall/MayorCouncil/Documents/CLK006-13%20Ward%20Boundary%20Review%20Recommendation.pdf>>

⁴⁰ Courtney, John C. 2001. "Commissioned Ridings: Designing Canada's Electoral Districts," Montreal & Kingston: McGill – Queen's University Press. [page 225]

⁴¹ Ibid [page 209,211]

The difficult task of an electoral boundaries commission is to determine which of the many overlapping communities that exist in our society (if any) is most salient to people's effective representation and to balance that determination with the predominant goal of population equality⁴².

Mindful of the difficulties surrounding the concept, the Lortie Commission [The Royal Commission on Electoral Reform and Party Financing] as quoted in Courtney (2001) concluded that “community of interest cannot be interpreted other than on a case-by-case basis.”⁴³

‘Communities of interest’ is linked to the idea of “neighbourhoods”, especially in the municipal context since the neighbourhood is the most identifiable geographic point in most people’s lives and it is for the most part, how people experience their city. Also, the responsibilities of a municipality are closely linked to neighbourhoods: how people get around; the social, cultural, and recreational services that are available; the provision of utilities and public spaces. In Kitchener, for example, the 34 neighbourhood associations that operate across the city were the communities of interest used to inform its ward boundaries⁴⁴.

The City of Barrie’s ward boundary review used the following factors to evaluate the location of communities of interest;

- Demographic and sociological characteristics;
- Boundaries of local government and administrative units;
- Housing stock of similar age and style;
- Economic ties; and
- Any other factor that can be looked at as demonstrative of the existence of a community.⁴⁵

Communities of interest was a widely debated issue in Ottawa’s 2005 ward boundary review, particularly the idea that rural, urban and suburban communities represented distinctly different communities of interest. Opinions were somewhat divided as to whether a mix of suburban and rural communities in the same ward is desirable. In the end, the rural, suburban and urban areas were grouped into separate wards, rather than mixed together in order to account for the differences between these communities.

Consideration of Present and Future Population Trends

This principle refers to accommodating for and balancing future increases or decreases in population to maintain a general equilibrium in representation by population. Of course it is not practical to change electoral boundaries

⁴² Elections Canada Official Website: http://www.elections.ca/content.aspx?section=res&dir=rep/off/recom_redis&document=ch2&lang=e

⁴³ Courtney, John C. 2001. "Commissioned Ridings: Designing Canada's Electoral Districts," Montreal & Kingston: McGill – Queen’s University Press. [page 214]

⁴⁴ Williams, Dr. Robert J. June 2008. “City of Kitchener Ward Boundary Review Final Report”
<<http://imis.amcto.com/imis15/CMDownload.aspx?ContentKey=dc05f78a-6402-427c-ae31-47207091054c&ContentItemKey=97e9cfd4-472e-4ca5-8bec-a178f1727485>>

⁴⁵The City of Barrie, May 2013. “Staff Report Re: Ward Boundary Review Recommendation”
<<http://www.barrie.ca/City%20Hall/MayorCouncil/Documents/CLK006-13%20Ward%20Boundary%20Review%20Recommendation.pdf>>

for every election, so ward structure design needs to accommodate anticipated changes in the size and distribution of the population. The goal is to design a system that will withstand a minimum of two elections.⁴⁶

Typically population projections are used to assess how the community will change and evaluate how the various ward configuration options would affect population distribution among wards over the next several election cycles. Population projections typically take into account growth from expected new development projects, intensification and other factors, or in some cases reductions in population.

Population projections are usually provided by the municipality or other regional bodies as part of growth management studies. For example, in Kingston, staff utilized the most recent Residential Development Potential Report prepared by the City’s Planning Department for determining the areas of current and future growth potential, together with a map generated from CityView data showing the number of building permits issued for new residential units. In the case of Barrie, the consultant utilized the City’s Growth Management Strategy to determine a population and household forecast.

Consideration of Natural and Physical Boundaries

Geographical, topographical and man-made features are also considered when designing ward systems. The principle recognizes that natural and physical boundaries shape patterns of life in cities, so ward designs should work within these features to keep wards contiguous and group communities of interest.⁴⁷

Robert Williams, a consultant retained by a number of municipalities who have undertaken a ward boundary review in Ontario, states that: “these are considered suitable boundaries because they already separate residents from one another who happen to live on opposite sides of the boundaries”.⁴⁸ The goal is not to create areas that look logical on a map, but rather to create wards that group communities together and to facilitate effective representation by a councillor.

Examples of natural and physical boundaries:

- Hills, valleys, rivers
- Man-made boundaries such as highways, railways
- Green spaces such as parks, trails

Some municipalities call this principle ‘accessibility and communication’, referring to arranging ward boundaries by road patterns, railway and public transit accesses and servicing capabilities to help foster communication and ensure a councillor is accessible to his or her constituents .

Effective Representation

Effective representation is the overriding principle and ultimate goal of all electoral boundary reviews. It encompasses all the other principles. Effective representation aims at achieving equal representation for voters to the greatest extent possible.⁴⁹ The primary consideration is voter parity, but it also takes into account the other criteria, such as geography, community history, community interests and minority representation. In the Carter

⁴⁶ Ibid.

⁴⁷ Ibid

⁴⁸ Ibid.

⁴⁹ The Attorney General for Saskatchewan v. Roger Carter, Q.C., 1991, S.C.R. 158. “ Reference re Prov. Electoral Boundaries (Sask.)” < <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/766/index.do>>

Case and many subsequent OMB cases, the Court has cautioned that only those deviations from absolute voter parity that lead to more effective representation should be allowed.⁵⁰

The concept of effective representation is somewhat ambiguous because it incorporates the other criteria, but to what extent each criteria is weighted is unclear.”⁵¹ It leaves open several questions about how a ward system can ensure that all citizens are effectively represented. For example, if representation is deemed to be effective for one group then why not another? If the interests of one minority group are acknowledged and accepted as critical to the construction of a ward system, what is the impact on some other group? If gender, race, and language can be factored into the equation, could religion not be too?⁵²

In evaluation of the ward system options for the City of Markham, Dr. Williams sets three tests to define the “facets of effective representation”.

- Do the wards constitute politically meaningful units of representation? This requires looking at ward design to evaluate the groups of communities and neighbourhoods that are likely to hold reasonable, coherent perspectives on municipal issues.
- The capacity of elected councillors to represent a ward that is home to a large population, with the associated calls, consultants and communications that go with political life.
- The density of population in wards. The relationship between area and population is inherent in the interpretation of the principle of ‘effective representation’ and is stated in the Supreme Court’s Carter Case.⁵³

3.3 Additional Principles and Considerations

In addition to the most common guiding principles, there are several other criteria that municipalities in Ontario have used to evaluate their ward boundaries.

Composition of Council

A municipality’s ward boundaries and the composition of its council (i.e. the number of councillors and structure of council) are closely related issues. Obviously, the configuration of a municipality’s wards can affect the number of councillors. And perhaps more importantly for this discussion, the composition of council will affect the ability of a councillor to effectively represent his or her constituents.

Referring to the issue of “effective representation”, in the 1992 Carter decision, Madam Justice McLachlin stated;
*Ours is a representative democracy. Each citizen is entitled to be represented in government.
Representation comprehends the idea of having a voice in the deliberations of government as well as
the idea of the right to bring one’s grievances and concerns to the attention of one’s government*

⁵⁰ Ibid.

⁵¹ Courtney, John C. 2001. "Commissioned Ridings: Designing Canada’s Electoral Districts," Montreal & Kingston: McGill – Queen’s University Press. [page 204]

⁵² Ibid. [page 233]

⁵³ Williams, Dr. Robert J. February 2013. "Final Report on Markham Ward Boundary Review" at: http://www.markham.ca/wps/wcm/connect/markhampublic/5361f59f-4936-40fa-b8b4-fa0c4f545420/ward_boundary_final_report.pdf?MOD=AJPERES&CACHEID=5361f59f-4936-40fa-b8b4-fa0c4f545420

representative; as noted in Dixon v. B.C. (A.G), [1989] 4 W.W.R. 393, at p. 413, elected representatives function in two roles- legislative and what has been termed the “ombudsman role.”⁵⁴

This statement refers to the fact that councillors play both a legislative role (i.e. considering and establishing policies) and a constituency role (i.e. consulting with and answering to their constituents).

The ratio of ‘councillor to residents’ is one indication of how well a councillor can perform the constituency role. A councillor has only a certain amount of time in each day to deal directly with the residents and electors and thus, the larger the population a councillor represents, the less time is available for direct contact with each constituent.

The size of council can also affect local representation and governmental capacity. Courtney states: “A legislature’s size bears directly on its capacity to function effectively and to represent the public interest. In Madison’s words, a legislature must be large enough “to possess a due knowledge of interests of its constituents”, yet small enough “to avoid the confusion and intemperance of a multitude”.⁵⁵

There is no clear, universally accepted answer to the question of how large or small a council or assembly should be. At the municipal level, the number of councillors and their level of effort range significantly across Canada. The daily schedule of a councillor consists of dealing directly with residents and electors of their ward, responding to emails, phone calls, and visits to the representative’s office, attending community meetings and events, reading staff reports, and preparing for council meetings. The question is: how do councillors remain accountable to the public?

Besides the number of constituents, there are several other factors that can influence the ability of a councillor to effectively represent constituents. A councillor’s workload, the geographic size of the ward and the number of staff support people a councillor has access to, can also affect the ability of a councillor to maintain contact with issues and people in the ward.

In a city like Toronto, there can be considerable variation among different wards in terms of the number of development applications, the number of demands to meet the councillor, and the rate of growth in the designated area – all of which may affect an ability to address ward issues⁵⁶. It is generally understood that it is easier to represent mature, stable urban wards than fast-growing suburban wards or inner city wards which deal with higher concentrations of city-wide problems such as homelessness, transportation issues, high concentration of social services and the like.

In *Commissioned Ridings*, John Courtney discusses this topic. He argues that the community of interest criteria for constructing seats for a provincial assembly are different from local government districts as well as those of

⁵⁴ The Attorney General for Saskatchewan v. Roger Carter, Q.C., 1991, S.C.R. 158. “Reference re Prov. Electoral Boundaries (Sask.)” <<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/766/index.do>>

⁵⁵ Courtney, John C. 2001. "Commissioned Ridings: Designing Canada’s Electoral Districts," Montreal & Kingston: McGill – Queen’s University Press. [page 19),

⁵⁶ Williams, Dr. Robert J. February 2013.”Final Report on Markham Ward Boundary Review” at:http://www.markham.ca/wps/wcm/connect/markhampublic/5361f59f-4936-40fa-b8b4-fa0c4f545420/ward_boundary_final_report.pdf?MOD=AJPERES&CACHEID=5361f59f-4936-40fa-b8b4-fa0c4f545420

the Federal Parliament, because the division of powers presents different issues for consideration and legislative action at the federal and at the provincial levels. This therefore affects the representational demands placed on elected members by constituents and the various local districts contained in a riding. What is a community of interest for an MPP is different from that for an MP or a City Councillor.

Subject matter expert Robert Williams has stated, in his final report for the City of Markham Ward Boundary Review, that the decision to change the composition of Council is better done through a separate review before initiating a ward boundary review.⁵⁷ Many municipal ward boundary review processes in Ontario and others across Canada have opted to examine the composition of council prior to or as a component of their ward boundary reviews, including: Brantford, and Cambridge. These municipalities evaluated factors such as cost, efficiency, workload, constituency, accountability, communication with constituency, and committee structure in order to determine the best composition of council. The City of Calgary has also initiated a ward boundary review that will look at the size of council before considering the boundaries of the wards, compare with other North American cities and comment on what reform would mean for the city's future budget.

Other municipalities consider councillor workload or composition as part of the evaluation of various ward boundary options. For example, in Georgian Bay 'Composition of Council' was used as a criteria or guiding principle for evaluating various options. The Terms of Reference states: "Composition of Council: Consideration will be given to the appropriate size of council to ensure that both the municipal corporation can be governed effectively and also that the community can be well represented in the decision making process".

Wards Should Recognize Density

Adjusting for differences in ward density is one of the reasons the courts have allowed deviation from voter parity, based on the notion that a ward with fewer people spread over a large geographic area is not equivalent to a ward with same number of people in a small geographic area. This is evident in several electoral boundary reviews of the past including the Carter Case and more recently Ottawa, where rural wards are drawn larger with lower populations to account for their geographic size. As noted in the Carter Case decision, rural ridings can also be harder to serve because of difficulty in transport and communications.

Simplicity

The principle of simplicity suggests that the boundaries should be straightforward and easily distinguishable, so that the community can easily understand and participate in the electoral process. This was a guiding principle used by the Town of Georgian Bay and is reflected in several other reviews.⁵⁸

Compact and Contiguous Wards

Two other factors occasionally considered in the redistricting process are the degree of 'compactness' and whether areas are 'contiguous' with each other. Advocates of these criteria suggest that districts should not be

⁵⁷ Ibid.

⁵⁸Williams, Dr. Robert J. August 2013. "Supplementary Report External Review Ward Boundary Options- Township of Georgian Bay" <<https://georgianbay.civicweb.net/document/85363/SupplementaryRepor%20Williams%20t.pdf?handle=580990432D0B4646BB7EDD007538F329>>

oddly shaped and that individual pieces of a district should be inter-connected.⁵⁹ A district is considered contiguous if a resident can travel from any point in the district to any other point in the district without crossing the district's boundary. Put differently, all portions of the district are physically adjacent.

Protect Against Gerrymandering

Gerrymandering is the practice of deliberate manipulation of district boundaries to enhance the probability of electing one's own party or class.⁶⁰ Compared to the United States, gerrymandering is much less common in Canada and the Supreme Court has a much lower tolerance for it. However, detecting gerrymanders can still be somewhat complicated and difficult to detect since political bias in an electoral boundary review may not become evident until after an election.⁶¹

There is also an issue that has been termed, 'unintended gerrymandering,' which describes the partisan bias of electoral districts that occurs organically as a by-product of the boundary readjustment process. For example, when wards or electoral districts group together people with common social, linguistic or cultural characteristics (i.e. unintended gerrymandering); this can represent a genuine community of interest, which is welcomed by the courts. A question that is often discussed in the literature is "should we favour the cultural community or linguistic group, and guarantee it an electoral district where it would be in the majority, even if it means introducing a form of "gerrymandering" aimed at social advancement or affirmative action?"

In an article published in *The Canadian Geographer* in 2012 Benjamin Forest suggests ways to accentuate minority representation is by drawing districts with super-majorities (65% or more of any minority group), majorities (50-64.9%), pluralities, or influence (39-49.9%). Doing so can give minority groups more power in terms of electing representatives.

Another example of where intentional gerrymandering can have a positive effect on representation, is in Montreal. In this case, one of the poorest areas of the city, St. Henri, is combined with the largely Anglophone and wealthy Westmount in a single federal electoral district (St-Henri--Westmount). This was conscious attempt to combine communities in order to reduce social cleavage and support councillors in effectively representing their constituents, which largely contrasts with the approach typically taken in the U.S., where districts are organized to reflect racial or ethnic concentrations.⁶²

Public Consultation

Public consultation is an important part of all ward boundary reviews. It is both civically responsible and reasonable to involve citizens in the decisions that affect their electoral system. There are no specific

⁵⁹The Electoral Knowledge Network. 2012. "Geographic Criteria for Delimiting Electoral Districts- Boundary Delimitation" <<http://aceproject.org/ace-en/topics/bd/bdb/bdb05/bdb05b>>

⁶⁰ Courtney, John C. 2001. "Commissioned Ridings: Designing Canada's Electoral Districts," Montreal & Kingston: McGill – Queen's University Press. [page 11]

⁶¹Horn, M. "GIS and the Geography of Politics" <http://www.geos.ed.ac.uk/~gisteac/gis_book_abridged/files/ch67.pdf>

⁶²Hicks, B. November 2006. "Are Marginalized Communities Disenfranchised? Voter Turnout and Representation in Post-merger Toronto" IRPP Working Paper Series. <<http://irpp.org/wp-content/uploads/assets/research/strengthening-canadian-democracy/are-marginalized-communities-disenfranchised/wp2006-03.pdf>>

requirements for public consultation in Ontario’s legislation; the process and approach varies depending on the municipality and the terms of reference for the ward boundary review.

Markham’s ward boundary review terms of reference included a requirement for consultation “with the public, including current Members of Council, throughout the review process”. It also required to “extensive advertising of the ward boundary review to ensure that a wide cross section of Markham is engaged in the process.” In Ottawa, the goal of the public consultation process was to ‘build consensus’ and achieve solutions for new ward boundaries that satisfy the various stakeholders and avoid lengthy and costly adversarial appeals.⁶³ It included several public meetings, feedback forms, and a website with information made available to the public.

Despite not being a legal requirement, the OMB has made it clear that it expects municipalities to include public consultation as part of the review process. In the 2009 OMB Case in the Town of Innisfil vs. Hambly, the OMB stated:

While the Municipal Act no longer requires a public meeting to inform and hear from the public prior to the Council decision, the common practice of holding public meetings on a variety of matters that come before a municipal council creates an environment and reasonable expectation that the municipality will hold a public meeting to hear from residents on a ward boundary proposal.⁶⁴

Interestingly, under the former Municipal Act (1990) there was a requirement that before a municipality passed a ward boundary by-law it had to give notice of its intention to pass the by-law and hold at least one public meeting to consider the matter (section 13(4)). However, this public consultation requirement was later removed.

3.4 Use of Guiding Principles in Ward Boundary Reviews

Some municipalities clearly prioritize certain guiding principles or explicitly acknowledge that one or more principles may need to be compromised for the purpose of the boundary review. These decisions depend on the particular city and the structure of its wards.

As noted earlier, ‘effective representation’ is seen as a fundamental or guiding principle. For example, in Barrie, ‘effective representation’ was considered the “final test of any proposed ward system”⁶⁵. In Oakville, Council directed that three of the guiding principles of the review be prioritized in the following order: Effective representation; the protection of communities of interest and neighbourhoods; and consideration of physical features as natural boundaries.⁶⁶

In another example, the Task Force created by the City of Cambridge to review its ward boundaries decided that ‘protecting communities of interest’ and ‘consideration of physical features as natural boundaries’ are two principles that must be compromised since blending areas across boundaries was necessary to address a sense of

⁶³ City of Ottawa. “Public Involvement Process” <<http://ottawa.ca/en/city-hall/official-and-master-plans/ward-boundary-review/40-public-involvement-process>>

⁶⁴ *Hambly, Re*, 64 OMBR 36, 2009 CarswellOnt 7748, at para 8.

⁶⁵ City Staff Report on Ward Boundary Review Recommendations for the City of Barrie.

⁶⁶ Town of Oakville. April 2012. “Ward Boundary Review- Final Report” <http://www.oakville.ca/assets/general%20-%20town%20hall/2012WBR_FinalReport.pdf>

parochialism that had developed since amalgamation and to enhance the perception of Cambridge being “one City.”⁶⁷

4.0 LEARNING FROM OTHER MUNICIPALITIES

There are many important lessons to be learned from the experience of other municipalities in Ontario, across Canada and cities in other parts of the world that have undergone ward boundary reviews.

4.1 Overview of Ward Boundary Reviews in Ontario

Table 2 below provides an overview of 12 municipalities in Ontario that have undergone ward boundary reviews and the outcome of those reviews. It shows that almost all ward boundary reviews result in a reconfiguration of a municipalities ward boundaries. One exception is in Oakville, where Council voted to keep the status quo until such time as Halton Region awards the City an additional seat on Regional Council. It is also worth noting, that none of the ward boundary reviews examined led to a reduction in the number of wards.

Only three of 12 ward boundary reviews resulted in both a change to the composition of Council and the number of ward. Five out of the 13 ward boundary reviews examined resulted in an appeal to the Ontario Municipal Board, suggesting that the majority of ward boundary reviews in Ontario are completed successfully without the involvement of the Ontario Municipal Board. Each of these OMB cases is examined and summarized in Section 4.3.

Table 2: Outcomes of Ontario Municipal Ward Boundary Reviews

Municipality	Year Completed	Population as of 2011	Outcomes
1. Barrie	2013	187,013	<ul style="list-style-type: none"> • Council approved the re-division of the existing 10 ward boundaries into 10 new wards. • No appeals.
2. Brantford	2013	135,501	<ul style="list-style-type: none"> • Council approved a redistributed 5-ward option and to maintain the 2 councillors per ward. • No appeals.
3. Brampton	2013	523,911	<ul style="list-style-type: none"> • Council approved redistribution of the existing 10 wards, and to maintain a representative structure of 1 City Councillor and 1 Regional Councillor per 2 wards. • No appeals.
4. Georgian Bay	2013	17,204	<ul style="list-style-type: none"> • Council approved the adoption of a 4 ward structure (previously 3 wards) and a subsequent change of council composition, with the addition of 1 ward Councillor. • Appealed to the OMB by resident; dismissed.
5. Cambridge	2009	126,748	<ul style="list-style-type: none"> • Council passed two by-laws, to establish a new 8 ward structure, and to alter Council composition with the addition of 1 Councillor. • No appeals.
6. Kitchener	2008	219,153	<ul style="list-style-type: none"> • Council structure was reviewed as part of the process, with an additional 4 councillors added. • Concern that the ward structure did not meet all the guiding principles. • No appeals

⁶⁷ City of Cambridge “Ward Boundary Changes for 2010”

<http://www.cambridge.ca/mayor_city_council/cambridge_city_council/ward_boundary_changes_for_2010>

Municipality	Year Completed	Population as of 2011	Outcomes
7. Kingston	2013	159,561	<ul style="list-style-type: none"> • Council approved by-law in conformity with OMB amendments, to redistribute 9 of the 12 wards. • Appeal made to the OMB regarding the exclusion of post-secondary student estimates in the population numbers used; appeal upheld.
8. Markham	2013	301,709	<ul style="list-style-type: none"> • Council approved the re-division of the 8 wards; no changes to Council composition (deemed a separate matter). • Appeal made to the OMB on the basis that all options to increase the number of wards were not considered; dismissed on failure of Appellant to provide grounds and evidence worthy of the adjudicative process.
9. Oakville	2012	182,520	<ul style="list-style-type: none"> • Council voted to maintain the status quo (6 ward system) until Halton Region awards Oakville an additional seat on Regional Council. • An addition of 1 ward is recommended by Council once the regional seat is secured.
10. Ottawa	2005	883,391	<ul style="list-style-type: none"> • Initial boundary review process in 2002 was appealed to the OMB on the grounds that effective representation was not adhered to; no changes to boundaries were made. • 2005, Council approved the adoption of a 23 ward system- with an additional 2 councillors and 2 wards. • Appeal filed on the basis of rural representation concerns; appeal dismissed.
11. Vaughan	2010	288,301	<ul style="list-style-type: none"> • Council approved the redistribution of the existing 5 ward system. • Appeal made to the OMB on the basis of the review process and outcome; appeal allowed in part, with two boundary divisions amended by the OMB to accommodate natural boundaries.
12. Windsor	2009	210,891	<ul style="list-style-type: none"> • The ward structure was reviewed as part of the process. Council approved a by-law to redivide 5 wards into 10 single-member wards. • No appeals.
13. Innisfil			<ul style="list-style-type: none"> • Appealed to the OMB

4.3 OMB appeals

The proceedings of the five ward boundaries reviews that were appealed to the OMB were examined in detail to identify key lessons, and to help avoid making procedural errors or offering options that could be appealed. This is summarized below.

City Of Kingston (2013)

The by-law passed by City Council to change its ward boundaries in 2012 was appealed to the OMB on the basis that it did not provide effective representation. The appellant's main concern was that the review used the projected number of electors rather than total population, and excluded post-secondary students from the review process. In addition, they appealed on the basis that the by-law failed to recognize communities of interest, by splitting a neighbourhood association area.

Prior to the appeal, Council had directed staff to seek advice from experts on how to complete population numbers including post-secondary students and children and how these might best be reflected in the district boundaries. A Technical Advisory Team was established and provided several options using estimates of the post-secondary students. Surprisingly, on a 7-6 vote, Council passed a motion to re-divide the electoral boundaries in accordance with Option 1, which did not include post-secondary student estimates in the total population counts.

The OMB sided with the appellant, agreeing that total population and not electors should be the basis for determining ward boundary reviews. They found that Council acted unreasonably in adopting an option that did not include post-secondary students when determining electoral districts. It should be noted that these students represent more than 20% of the City's population. The Board stated in its decision report that "Whether that population votes or does not vote is not the issue". The role of the councillor is to represent his or her constituency or the residents in the ward, not just those who are able to vote. In addition the by-law was amended to account for the Sydenham Neighbourhood Association.⁶⁸

Georgian Bay (2013)

The Town of Georgian Bay undertook a review of its ward boundaries in 2013. Prior to the review, Council consisted of three area councillors (one from each ward), two district councillors (one from Ward 3, which is the former Baxter Township, and one from Wards 1 and 2 combined), and the Mayor, who is elected at-large.

After a lengthy review process and several public meetings, general consensus was not reached on any of the options presented. Concerned that this matter would not be finalized in time for a new by-law to take effect for the 2014 municipal election, a local citizen filed an appeal with the OMB.

Council adopted a four ward system which results in a seven member Council. The appellant was seeking Board approval for a two ward system, with a six member Council. The appellant's case was premised on the proposition that fair representation is achieved through voter parity. In support of this, the appellant contended that "the critical question which must be determined by this Board is whether "parity of voting" is to be determined in this Municipality by reference to the number of electors in the wards or by reference to total population."

"While it may be difficult to make an accurate determination of the student population ... this should not be the basis for leaving this sector of the community out of the determination of the electoral system. Furthermore, the notion that they can be basically ignored in this exercise because they are not voters is unsound...."

-OMB Member, Sylvia Sutherland

"Firstly, it is to be understood that the Board is reluctant to interfere with decisions made by the duly elected municipal Council unless there are clear and compelling reasons to do so. The fact that one takes issue with the review process and/or prefers a different ward system is not justification for overturning the decision of Council."

-OMB Member, M. A. Sills

⁶⁸ City Solicitor Information Report to City Council of Kingston, November 2013, Copy found at: https://www.cityofkingston.ca/documents/10180/3050121/COU_A2413-13388.pdf/c25ca606-d7ca-47e3-a7c2-e3f3f67398c1

The OMB found that although it had not been specified in provincial legislation, OMB case law has upheld the use of population figures.

As the Board explained in the course of the hearing, other than compliance with the statutory requirements, the process, and conduct of members of Council are not factors which have a bearing on the Board's decision. The number of elected officials and/or composition of Council are not matters for which the Board has jurisdiction. The Board set the appeal aside, and the four ward system was adopted.

City Of Markham (2013)

The City of Markham conducted a ward boundary review in 2012-2013. Dr. Robert Williams was again the main consultant on the project. Based on his recommendations in the final report, Council's decision was to maintain the current number of wards and among other changes, merge Wards 1 & 2 in Thornhill, which would reduce Thornhill to a single representative on Council as of the following municipal election.⁶⁹

Councillor Howard Shore, a regional councillor for the area, appealed the by-law to the OMB. His argument was that City of Markham and the consultants did not follow the original mandate of the review which was to include options showing the possibility of additional councillor representatives. Both Councillor Shore and Ward One (South) Thornhill Residents Inc. (WOSTRI) stated that they felt Thornhill was losing its voice on Council.

The OMB dismissed Councillor Shore's appeal. The key to the Board's decision was that Councillor Shore was not arguing against the by-law itself, but rather that the consultants had only partially followed the terms of reference, and by not providing an option which added additional wards, the public did not have the proper opportunities to provide input⁷⁰.

In his Final Report, Robert Williams stated that option for adding additional councillors was not considered in detail as part of the review because persuasive evidence or a reasoned argument based on the guiding principles was not offered. Robert Williams also stated that although the decision to change the composition of Markham Council (either an increase or a reduction) can be made, the Review was not designed to make such a recommendation. He further advised the City to undertake a separate review that establishes the number of positions to fill before next initiating a ward boundary review.

"The Interim Report does not, then, include nine- or ten-ward alternatives; the 2012 Ward Boundary Review will not do so unless council specifically directs that it wishes to add the composition of council question to this Review. For one thing, the analysis presented so far suggests that a viable eight-ward design is available. For another, there is no guarantee that additional nine- or ten-ward options will be any better at "ticking all of the boxes" associated with the guiding principles than the eight-ward options."

-OMB Member, R. Rossi

⁶⁹ Final Report on Markham Ward Boundary Review, Dr. Robert J. Williams, Feb. 2013, P.11. Full report found at:

http://www.markham.ca/wps/wcm/connect/markhampublic/5361f59f-4936-40fa-b8b4-fa0c4f545420/ward_boundary_final_report.pdf?MOD=AJPERES&CACHEID=5361f59f-4936-40fa-b8b4-fa0c4f545420

⁷⁰ Full copy of the OMB Report is available on the City of Markham website at:

<http://www.markham.ca/wps/wcm/connect/markhampublic/1bd27fca-4daf-4f89-8e8c-ff1b63324cd2/MM130043.Decision+%28October+24%2C+2013%29.pdf?MOD=AJPERES&CACHEID=1bd27fca-4daf-4f89-8e8c-ff1b63324cd2>

City Of Vaughan (2009)

In May 2009, City Council in Vaughan adopted By-law 89-209, redrawing the boundaries for its five wards. It was the fourth ward redraft in 15 years, intended to set ground rules for the 2010, 2014 and 2018 municipal elections. The by-law was appealed to the OMB and a hearing was held in October, 2009. The Appellant, a local resident, disagreed with both the process and outcome⁷¹. Other participants also came forward.

“Among a range of problematic alternatives which are a challenge to effective representation, this outcomes appears to be the one which best respects Carter, at least at his time.”

-OMB Member, M.C. Denhez

The appeal was based on the argument that although the new ward boundaries produced favourable figures for voter parity (variances all under 25%), the failures of process invalidated the review. Several complaints were brought forward, such as:

- Population projections omitted several approved projects, which would add more than 37,000 people;
- Mapping assumed intensification in the Oak Ridges Moraine;
- There was no record of any response to the public board;
- Too many options were presented at the Open House;
- The public was asked to rank the guiding principles/criteria rather than provide input on the ward boundaries themselves;
- The public wasn't given access to the maps until months into the project;
- Lack of consistency of information communicated by the clerk (i.e. the criteria was changed and certain comments were recorded while other were not);
- Council did not re-circulate its final preferred option;
- Council did not rely on staff's recommendation;
- And, the evaluation criteria were submitted for official approval after the team had already prepared its projections, scenarios, and maps.

Two issues with the by-law itself were also presented: one ward boundary disregarded the natural boundary of Highway 407 and another divided a rural area.

Although the Board found many of the procedural issues concerning, it stated that its main issue was that the City failed to conduct a proper analysis using the factors described in Carter.

The Board ordered that the by-law be allowed with two small amendments to incorporate changes to the maps, based on the issues with the law itself. Its decision was based on the fact that despite the legitimate concerns over process, the new ward boundaries were an improvement over the status quo and therefore would not compromise voters' constitutional rights.

In response to the OMB ruling, with continuing concerns about the previous process, and with the rapidly expanding population in Vaughan, in the fall of 2011 electors undertook a petition for Vaughan City Council to proceed with a new Ward Boundary Review Process. In early-2012, the petition was presented to the Vaughan

⁷¹ Details of case and decisions available on OMB website: <https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=MM090024>

City Council. However, City Council declined to proceed with a new review process.⁷²The City has committed to conducting a thorough review in advance of the 2018 municipal election.⁷³

Town Of Innisfil (2009)

The 2009 case of *Hambly vs. Town of Innisfil*⁷⁴ is worth noting because it reiterated the tendency of the OMB to only amend or repeal a decision on ward boundary matters if there is a compelling reason to do so. It also offers confirmation for the Board's expectation that the public be involved in the ward boundary review process.

In the decision report, the OMB states that in determining whether such a compelling reason is present the Board would consider the process, criteria, and result of the proposed ward boundary changes and whether effective representation would be achieved. The Board described the test as follows⁷⁵:

- The criteria used by the municipality, the studies undertaken to inform the application of those criteria, and the appropriateness of the proposed implementation of those criteria;
- The process followed by the municipality, particularly in terms of the extent to which steps were taken to inform the public and provide an opportunity for public comment; and
- The grounds of the appeal against the municipality's decision and any additional grounds advanced at the hearing of the merits.

City Of Ottawa (2005)

The City of Ottawa attempted to redefine its ward boundaries twice; both attempts resulted in appeals to the OMB. The first attempt failed and the second was successful.

Regarding the first attempt: a volunteer Citizens' Task Force conducted the ward boundary review, with City staff contributing substantial components and with Council-imposed constraints, which included a requirement that there be no new wards; there should be adjustments to the existing system, rather than fundamental restructuring; and achievement of a plus or minus 33% variation in population among the 21 restructured wards.

The Board repealed the municipality's ward boundary by-law because it held that the review did not properly take into consideration importance of communities of interest within rural wards and put too much emphasis on representation by population, rather than effective representation.⁷⁶ The Board also held that the Terms of Reference were flawed because they precluded the opportunity to increase the number of wards, even though this was a legally viable option. It also noted that the public process had been too limited and that, in particular, there had been no opportunity for the public to discuss options for specific ward boundary proposals.

In the second attempt, the City hired outside consultants to undertake a comprehensive, objective and transparent ward boundary review. This time there were no Council-imposed constraints, except that the principle of effective

⁷² Campaign Website: <http://www.vaughanwardboundaryreview.ca/index.php/review-process/public-ward-boundary-review>

⁷³ Details on the case and court decision available on OMB website at: <http://www.omb.gov.on.ca/e-decisions/mm130047-Nov-01-2013.pdf>

⁷⁴ Primer on Municipal Ward Boundary Reviews, Q.M. Annibale, Loopstra Nixon Legal Solutions, <http://www.loopstranixon.com/files/L0245561.PDF>

⁷⁵ Ibid.

⁷⁶ A Message from the Osgoode Rural Communities Association, Ottawa Rural Communities: <http://www.ruralcouncil.ca/ORC/ORCA.htm>

representation had to be respected and that any new ward structure should be viable for at least 10 years. Staff support, while dedicated and essential, was limited to the provision of data and logistics. In spite of considerable consensus achieved throughout the extensive process, two individuals and one citizen association launched appeals at the OMB. After a one week hearing, the Board upheld Ottawa’s by-law with no changes, allowing it to be implemented in time for the 2006 municipal election.

4.4 Population and Council Composition Comparisons

Table 3 below compares the size, ward structure, and population ranges of the 10 most populous cities in Canada. The analysis provides some insight into the average size and typical composition of councils as well as the average number of people per ward or electoral district.

It is important to understand that every municipality is different: the way councillors operate, their level of compensation and their workload. For example, in Mississauga, councillors sit on both the City Council and the Peel Regional Council. In Vancouver, there are 10 councillors at-large who represent the entire City. It is also somewhat problematic to compare Toronto to other Canadian cities because of its size; the next largest city is Montreal which is smaller by a million people.

It is nevertheless worthwhile to look at how other municipalities compare. The lowest average population per ward is 34,663 people in Hamilton and the highest in Calgary at 78,345 people per ward. Toronto’s average ward population is in the middle of that range at 60,958 people per ward. This is similar to the cities of Vancouver, Brampton and Mississauga. The range in ward size in Toronto (44,280 – 93,784) is also similar to the City of Mississauga (42,700 - 79,890). Although the two cities are adjacent, their densities and nature of the urban fabric are very different.

Although Montreal has a very different council structure than Toronto, making it difficult to make direct comparisons, it is worth noting that Montreal has significantly more elected officials and much lower population per electoral district compared to Toronto. Calgary is the second closest to the City of Toronto in terms of population, as well as size. It has larger average ward sizes and a much smaller variance in the size of its wards.

Table 3: Population and Ward Size of Canada’s Largest Municipalities

Municipality	Population	Number of Councillors	Average Population Per Ward	Average Population Per Councillor	Range in Ward Population	Difference btw. Largest & Smallest Ward
1. Toronto, ON	2,615,060	44	60,958	59,433	44,280 – 93,784	43,440
2. Montreal, QUE	1,649,519	65 Elected Officials; 19 borough mayors, 46 city councillors	Borough: 86,816 Electoral District: 28,439	65 Elected Officials; 25,377 46 City Councillors: 35,859	3,640-47,985 (Electoral Districts)	44,345
3. Calgary, AB	1,096,833	14	78,345	78,345	71,251-89,862	18,611

4. Ottawa, ON	883,391	23	38,408	38,408	23,055-50,795	27,740
5. Edmonton, AB	812,201	12	67,683	67,683	60,475 - 80,664	20,189
6. Mississauga, ON	713,443	11	64,858	64,858	42,700 - 79,890	37,190
7. Winnipeg, MAN	663,617	15	44,241	44,241	31,915- 54,194	22,279
8. Vancouver, BC	603,502	10 councillors at-large	60,350	60,350	n/a	n/a
9. Brampton, ON	523,911	10	52,391	52,391	38,210 - 93,770	55,560
10. Hamilton, ON	519,949	15	34,663	34,663	17,634 - 62,179	43,384

5.0 TORONTO'S WARD BOUNDARIES

Toronto City Council is the main governing and legislative body of the City of Toronto. The City of Toronto's governance model relies on a balance between local democracy, public service and the Mayor and Council.

- **Local Democracy** - 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.
- **Public Service** - City staff provides objective, professional advice to Council, and implements Council's decisions according to City policy and standards and principles of effective public service.
- **Mayor and Council** – as the legislative body for the City, Council has a duty to find consensus while balancing city-wide and local considerations. The Mayor fulfills a city-wide mandate, leading Council in strategic and fiscal planning and representing the City to other governments.⁷⁷

5.1 History of Toronto's Wards

In 1953, the upper-tier Municipality of Metropolitan Toronto (Metro Toronto) was created, with 13 area municipalities. In 1966 these 13 municipalities were reconfigured into six larger units (the City of Toronto, and the boroughs of Etobicoke, York, North York, East York and Scarborough), all of which functioned as independent municipalities. Metro collectively provided specific “regional scale” services such as transportation, public works, police, and welfare, while governance responsibilities were divided between Metro and the area municipalities. Metro’s budget, which included the management and operations of trunk infrastructure, accounted for approximately 75% of total expenditures.

⁷⁷City of Toronto. “Learning Guides: Decision-Making”

<<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=e26d0f1025c21410VgnVCM10000071d60f89RCRD&vgnextchannel=9632acb640c21410VgnVCM10000071d60f89RCRD>>

In 1994, there were 93 representatives in the City of Toronto, including 25 Metro Councillors, 68 Local Councillors and 1 Mayor in each of the 6 municipalities.

Table 4: Number of Representatives in Metro Toronto, 1994

	Metro	Local	Mayor	Total by Municipality
East York	1	4	1	6
Etobicoke	2	12	1	15
North York	7	14	1	16
Scarborough	6	14	1	21
Toronto	7	16	1	24
York	2	8	1	11
TOTAL	25	68	6	93

Amalgamation and the City of Toronto Act (1997)

In December 1996, Queens Park announced that it planned to disband the Metro Toronto government and the six municipalities, and create one municipal government by way of the City of Toronto Act (1997). The Act underscored the concept that municipalities are “creatures of the province.” The move was controversial and its impact is still being felt.

The Act established 28 wards and a council composition of one mayor and 56 Councillors, two for each of the 28 wards. The ratio of elected representatives to population in the pre-amalgamated City of Toronto was 1:25,416. After amalgamation for the entire City it was 1:39,926, an increase of 57 per cent, as shown on the chart below.

Table 5: Number of Representatives Pre and Post Amalgamation

Jurisdiction	Elected Regional Representatives	Elected Municipal Representatives	Total # Elected Representatives	Population	Ratio All Representatives to Population
Metro Toronto (<i>prior to January 1, 1999</i>)					
(Chair)	1	-	1	-	-
East York	1	9	10	102,696	1:10,270
Etobicoke	4	13	17	309,993	1:18,235
North York	7	15	22	562,564	1:25,571
Scarborough	6	15	21	524,598	1:24,981
Toronto	8	17	25	635,395	1:25,416
York	2	9	11	140,525	1:12,775
TOTALS	29	78	107	2,275,771	-

Amalgamated Toronto (since January 1, 1999)	-	57	57	2,275,771	1:39,926
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Several arguments were made about the effects of amalgamation on local democracy and representation, including:

- A council of 57 would make the Canadian local government tradition of face-to-face debate in council chambers unworkable, a system where “honourable compromises” were meant to be made in the full light of public scrutiny.
- An executive committee system would therefore be needed to move along the business of the city, a form of government that diminishes the influence of councillors who are not on the executive;
- A single large bureaucracy would potentially be less responsive to the needs of individual citizens and require extra layers of management to run it. Both complexity and cost would thereby be increased (CLC 1997a: para 18-23).
- Because of the size of the council and the bureaucracy, standardized solutions that are insensitive to diversity, community specificity and that are resistant to innovation are more likely to result.⁷⁸

(Almost) Redrawing the Boundaries from 2 to 1 Councillor per Ward (1999)

In the years following amalgamation, there was a desire on behalf of the City to move to single member wards, an authority it obtained through the City of Toronto Act (1997). According to a March 1998 staff report, the purpose of moving to a single member ward structure was to increase the accountability of Members of Council and reduce confusion on the part of residents. Five possible approaches to refining ward boundaries within the City of Toronto were considered at that time:

- Dissolving the existing boundaries and creating new ones;
- Adopting the 22 Federal Electoral Districts as ward boundaries;
- Dividing each Federal Electoral District in two, thus creating 44 wards;
- Accepting current City boundaries and reducing elected representation to 1 councillor per ward; or
- Accepting existing boundaries and identifying options for dividing each ward in two to create single member representation.

It was subsequently recommended that the existing 28 wards should be divided into two to create 57 new wards. According to the staff report from this review:

“Splitting each of the existing City wards in two resolves these issues and is the most viable of the five options presented for splitting ward boundaries. The average ward population per elected official would

⁷⁸Milroy, B.M. March 1999. “Toronto’s Legal Challenge to Amalgamation” http://www.vrm.ca/documents/seminaire_Milroy.pdf Urban Affairs: Is It Back on the Policy Agenda? McGill-Queen’s University Press.

remain at its current level of around 39,000. A minimal number of wards would slightly exceed the 25% guideline, with the largest being Scarborough Malvern with approximately 54,500 residents per councillor. (The ward with the smallest population per representative is York Eglinton with a ratio of roughly 32,500 residents per councillor. This is well within the 25% norm.)”

On May 12, 1999 Council enacted By-law No. 275 which dissolved the existing wards to divide the City of Toronto into 57 new single-member Wards; however, the by-law was never put into effect, and so there were never 57 councillors.

Fewer Municipal Politicians Act (1999) and Toronto’s Current 44 Wards

In December 1999, the Province of Ontario introduced the “Fewer Municipal Politicians Act, 1999 or Bill 25, to amend the City of Toronto Act (1997), the Municipal Act and various other Acts in connection with municipal restructuring.⁷⁹ The Act prescribed a new ward structure for the City of Toronto, which had to include no more than 44 single-member wards. The Bill also took away Council’s authority to enact a by-law to change the ward structure or Council composition.

The City Clerk led the ward boundary review process. Public open houses were held to gather public input concerning ward boundaries and to discuss the Province’s Bill 25 in January 2000. After the ward boundary review process conducted by the City, 44 single member wards were drawn to create the existing City’s current boundaries.

Many people acknowledged that the change process provided insufficient time for effective public input, and expressed concerns over reduced access to municipality councillors. Council had requested that the City Solicitor report on the legality of certain elements of Bill 25, primarily the use of regulatory power to overrule provincial legislation. The City Solicitor explained that the province was acting within its legal jurisdiction to pass legislation reducing the number of wards in the City of Toronto and conferring on the Minister of Municipal Affairs and Housing an authority to determine municipal election boundaries in the City of Toronto. Moreover, the Solicitor made clear that the Act gives the Minister of Municipal Affairs and Housing the authority to prescribe the number and boundaries of wards, for municipal election purposes, in the City of Toronto by regulation.

⁷⁹Full text available on Legislative Assembly of Ontario Website:
http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=732&isCurrent=false&ParlSessionID=37:1

Guiding Principles Used for the Dividing of Toronto's 44 Wards (1999)

The following principles were considered in dividing the City's 22 federal ridings to create Toronto's 44 wards in 2000, which remain as the current ward boundaries. 1

- Representation by population;
- Representation of communities;
- Recognition of distinct geographic and infrastructure elements; and
- Future population growth.

Options also had to consider that population should be within +/- 25 percent variance from the average ward population) and in compliance with the provincial government decision to establish wards based on the 22 federal ridings. 'Representation by population' was considered the overriding principle for determining ward options. The administrative committee considered the principle of future growth as the fourth priority which was considered qualitatively since definitive small area projection data was not available across the entire city.

Based on the notion of representative population, two overriding decision-making principles were chosen to assist Council in resolving any disagreement between ward boundary options;

- The ward populations (1996 Census estimate) within each riding should be as close to the 1996 Census ward average population (54,200 based on 44 wards) as possible; and
- The 1996 Census population estimates for the ward divisions within each riding should be as close to parity as possible.

5.2 Current Ward and Governance Structure

In June 12, 2006 the City of Toronto Act (2006) received Royal Assent. It was the result of the Ontario Liberal government's promise of "more power for cities."⁸⁰ Under the new Act, City Councils were given back the power to establish their ward boundaries and their composition. The City of Toronto Act (discussed in section 2.3) is the current governing legislation in Toronto.⁸¹

Today, Toronto City Council is composed of the Mayor and 44 councillors. The Mayor and councillors each have one vote at Council – no one can overrule the other members. The mayor runs on a citywide basis while each councillor is elected in a local ward. The mayor and local councillors are elected for a four year term of office.

Councillors play both a legislative role and a constituency role. In their legislative role they are responsible for considering and establishing policies and by-laws to implement Council's decisions. In their constituency role they are responsible for consulting with the constituents of their ward and for ensuring that all sides of an issue are considered in the decision making process. The City of Toronto does not elect at-large councillors.

⁸⁰ Legislative Assembly of Ontario:

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=342&isCurrent=false&ParlSessionID=38%3A2

⁸¹City Staff Report on Ward Boundary Review Process dated March 12, 1998

A typical councillor's workload in Toronto includes acting as chair or member in a standing committee, a community council, or sub-committees, advisory committees, task forces, boards of management, and program operating boards⁸². The City of Toronto Act (2006) defines the role of Council as⁸³;

- to represent the public and to consider the well-being and interests of the City;
- to develop and evaluate the policies and programs of the City;
- to determine which services the City provides;
- to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- to ensure the accountability and transparency of the operations of the City, including the activities of the senior management of the City of Toronto;
- to maintain the financial integrity of the City; and
- to carry out the duties of Council under this or any other Act.

The range of issues that need to be addressed varies from ward to ward. As discussed in section 3.3: Composition of Council, there can be significant differences in the issues a particular ward faces that require the attention of a councillor. Inevitably, there are also different approaches to performing their duties. Whereas some councillors are more engaged with local issues, others take a more strategic role.

In 2014, a Toronto councillor's salary is \$105,397 per year. This is comparable to other municipalities of similar size. Before the beginning of each term of Council, a study is conducted by an external consultant to determine an appropriate comparator group, from which salaries are calculated. Each councillor is also provided with an annual staff budget of \$224,264.25, which is equivalent to the top of the salary range of an Executive Assistant, an Administrative Assistant and a Constituency Assistant⁸⁴. Councillors can choose to hire full or part-time staff.

Community Councils

Councillors sit on one of four area or Community Councils, which represent different geographic areas of the City.⁸⁵ The Community Councils are responsible for making recommendations and decisions on local planning and development, and other neighbourhood matters. While the Community Councils report to City Council, they have been delegated final decision-making power on certain local items.

⁸² City of Toronto Official Website:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=eb6d0f1025c21410VgnVCM10000071d60f89RCRD&vgnextchannel=9632acb640c21410VgnVCM10000071d60f89RCRD>

⁸³ Ministry of Municipal Affairs and Housing in Ontario. "Municipal Councillor's Guide- Role of Council, Councillor, and Staff" <<http://www.mah.gov.on.ca/Page8390.aspx>>

⁸⁴ In 2010, City staff reported on a formula that would provide additional staff support for wards where population growth and the number of households exceeded 50% of the median. The report, dated April 12, 2010, noted that Ward 23 met these criteria. Council received the report for information, resolving to address the mechanism in the next term of Council.

⁸⁵ Map of the current community councils available on city website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=91a998b613412410VgnVCM10000071d60f89RCRD&vgnextchannel=1e68f40f9aae0410VgnVCM10000071d60f89RCRD>

Standing Policy Committees

Standing Policy Committees discuss certain services and issues and typically make recommendations to City Council. When City Council meets, they consider these recommendations from the Standing Policy Committees to help with their decision-making.

Party Politics

In Ontario, candidates for municipal election run as individuals, without political party affiliation.

Who Votes

Municipal elections are held every four years in Ontario. Voters must meet a set of criteria, which include:

- be a Canadian citizen, and
- at least 18 years old, and
- a resident of the City of Toronto, or
- a non-resident owner or tenant of land in the City of Toronto, or their spouse, and
- not prohibited from voting under any law.⁸⁶

5.3 Local Boundaries and Considerations

The City Toronto is made up of many different communities and includes numerous official and unofficial ‘boundaries’ such as federal and provincial riding boundaries and neighbourhoods. Below is a description of some of the communities and boundaries that may come into play when defining ward boundaries and identifying communities of interest as part of the review.

Federal and Provincial Electoral Boundaries

Ontario’s federal and provincial electoral districts are similar to each other and to Toronto’s ward boundaries, but not identical. In Toronto, there are currently 25 federal electoral districts, 22 provincial ridings and 44 wards.

The most recent federal redistribution exercise occurred in 2012, which gave Toronto two and a half additional electoral districts for a total of 25.⁸⁷ These changes will officially come into place as of the next general federal election.

As part of the redistribution exercise, the Federal Electoral Boundaries Commission for Ontario conducted two days of public hearings in Toronto, where it heard and received more than 100 submissions each day. According to the summary report on the public hearings, the focus of the submissions was on communities of interest. With a

⁸⁶ City of Toronto. “Learning Guides- Elections”

<<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=386d0f1025c21410VgnVCM10000071d60f89RCRD&vgnnextchannel=9632ac b640c21410VgnVCM10000071d60f89RCRD>>

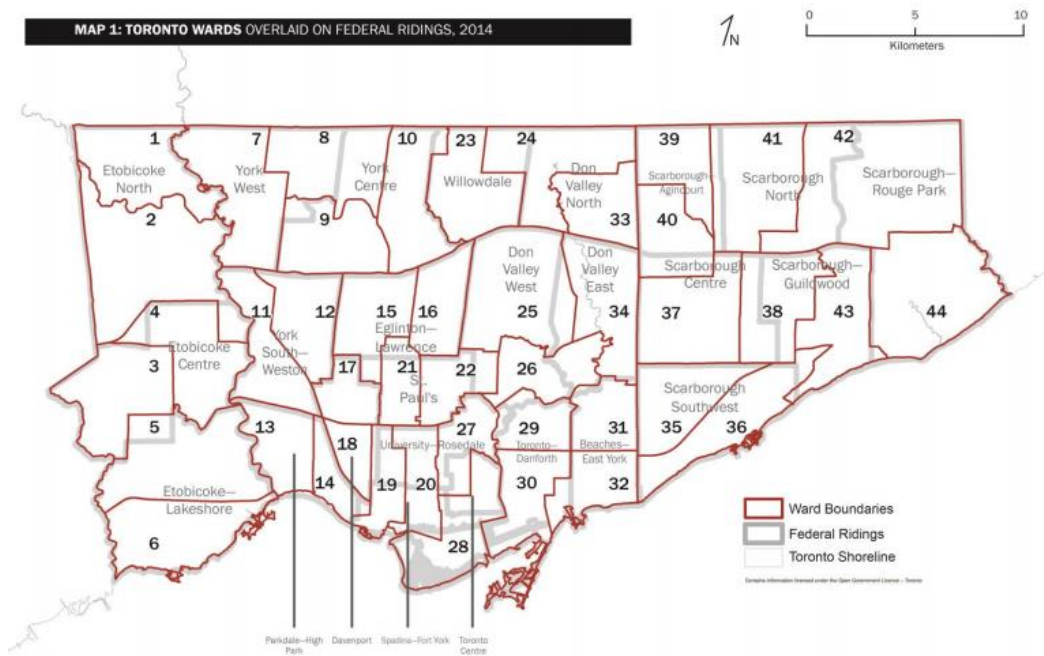
⁸⁷Redistribution- Federal Electoral Districts. February 2013. “Initial Report to the House of Commons- Ontario, Overall Approach” <<http://www.redcoupage-federal-redistribution.ca/content.asp?section=on&dir=now/reports&document=page2&lang=e>>

few exceptions, there was little concern expressed for balanced population or correspondence with the provincial quota.⁸⁸

The Commission recommended several changes to the ward boundaries in Etobicoke, Scarborough, Don Valley and York and Central Toronto to account for population changes, as well as two additional electoral districts. One of the new electoral districts is Don Valley North. Located above Highway 400, the electoral district is composed of part of the current electoral district of Willowdale and part of the current electoral district of Don Valley East. The second new electoral district is University-Rosedale, which is composed of part of the current electoral district of Trinity—Spadina, part of the current electoral district of Toronto Centre, and part of the current electoral district of Don Valley West.

The Boundary Commission also recommended a change to include a portion of an electoral district which previously crossed the east city boundary into the City of Pickering. The Commission proposed to honour city boundaries, and therefore assigned the portion of the electoral district in Toronto’s city boundary to the adjacent Scarborough wards and the Pickering population to the proposed electoral district of Pickering—Brooklin.

Map 1: Proposed Federal Electoral Districts and Toronto Ward Boundaries (2014)

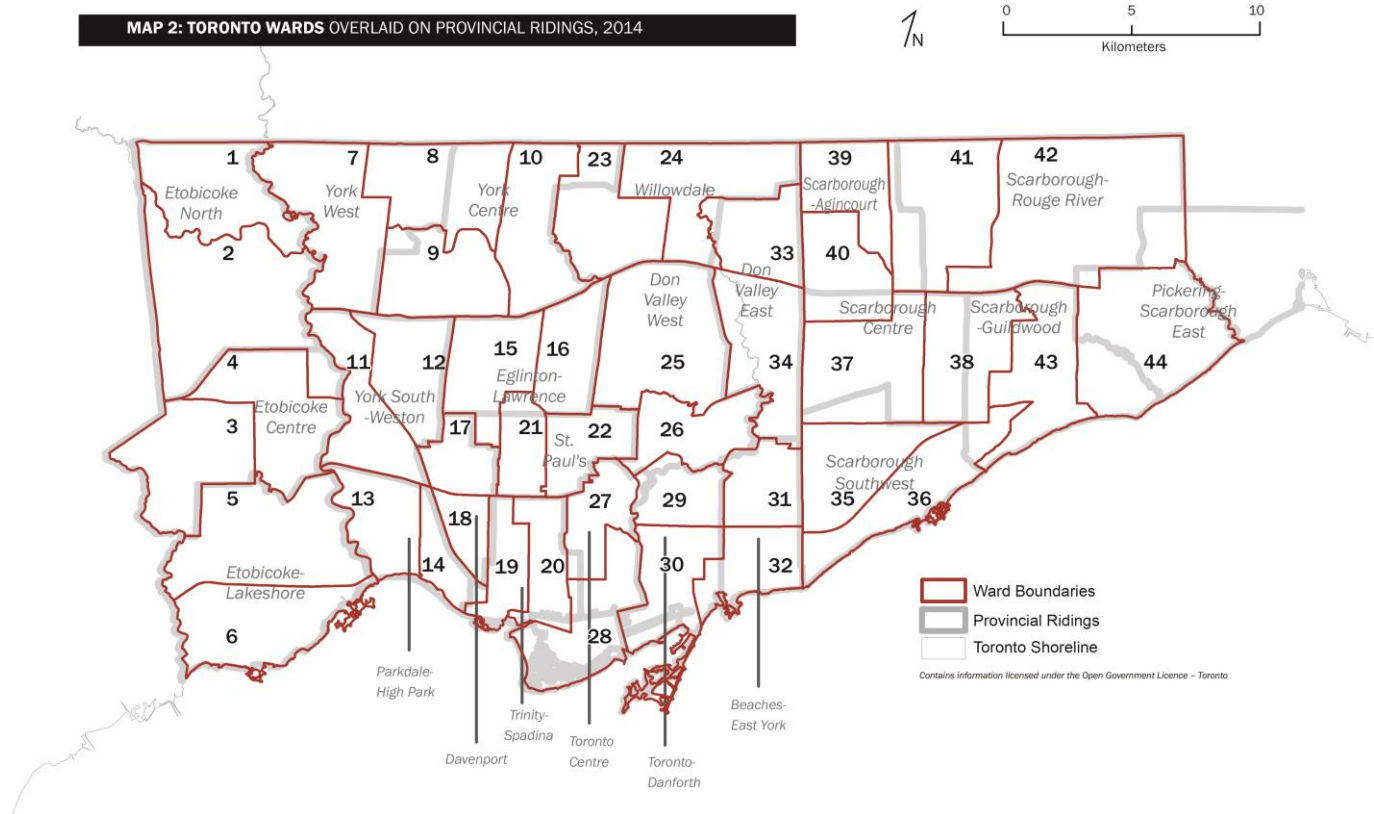


At the Provincial level, Ontario’s last redistribution exercise occurred in 2004 and came into place for the October 10, 2007 provincial general election. With the passing of Bill 214 and the *Representation Act, 2005*, Ontario was divided into 107 electoral districts including 22 MPPs for Toronto. These electoral boundaries will remain until

⁸⁸Redistribution- Federal Electoral Districts. February 2013. “Initial Report to the House of Commons- Reasoning and Outcome by Region” <<http://www.redecoupage-federal-redistribution.ca/content.asp?section=on&dir=now/reports&document=page3&lang=e>>

they are replaced by provincial legislation. The Act (2005) states “the names of southern (Ontario) electoral districts which may be made at the federal level after September 1, 2004 are also adopted at the provincial level, but only if the boundaries of the electoral district are unchanged”. This meant that Ontario’s electoral boundaries would no longer need to be identical to the federal electoral boundaries.⁸⁹ It is unclear whether the Provincial government will adopt the new federal riding boundaries when establishing the provincial boundaries.

Map 2: Toronto Wards and Provincial Districts (2014)

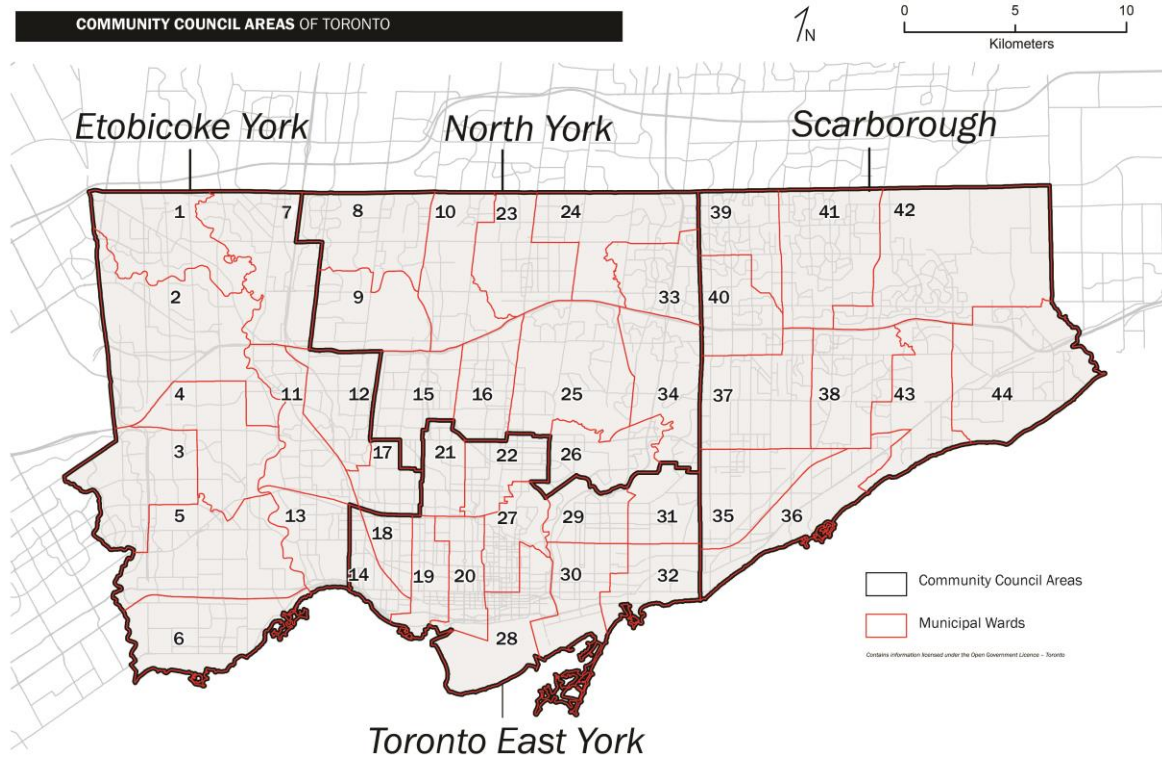


Community Councils

Toronto has four Community Councils which are comprised of approximately the same number of wards. Their composition has been heavily influenced by the boundaries from pre-amalgamation Toronto.

⁸⁹Election Statute Law Amendment Act, 2005. Bill 214, C.35.
http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=171&detailPage=bills_detail_about

Map 3: City of Toronto Community Council Areas



School Boards

There are 22 Toronto District School Boards (TDSB) wards and six Toronto District Catholic School Board (TDCAB) wards. School Board trustees in each ward are elected for the purpose of planning or directing activities relating to their ward. School Boards are important stakeholders in the ward boundary process as School Board wards will have to adjust to any ward boundary changes.

Neighbourhoods

The City of Toronto recognizes 140 neighbourhoods, the boundaries of which are determined by census tracts defined by Statistics Canada. The neighbourhood profiles were developed to help government and community agencies with local planning. The City of Toronto maintains these neighbourhood profiles so that they can collect and compare data over time⁹⁰. Not all people define neighbourhoods the same way, but many of these neighbourhood names are used by residents when referring to areas of the city when identifying their community.

⁹⁰ Map and info of the current neighbourhoods available on city website:
<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=ae17962c8c3f0410VgnVCM10000071d60f89RCRD>

In 2014, 31 neighbourhoods were designated as Neighbourhood Improvement Areas under the Toronto Strong Neighbourhoods Strategy 2020 (TSNS 2020). These neighbourhoods have the lowest overall Neighbourhood Equity Scores, a measure that signals that the overall burden of inequities faced by a neighbourhood requires action. It is important to recognize the location and significance of these NIAs when developing the ward boundary options.

Downtown, Mid-town, Uptown and the Inner-Suburbs

There are also informal boundaries between areas of the City that reflect both its historical growth patterns and the role played by amalgamation. For example, the downtown (the area bounded by Lake Ontario to the south, Bathurst to the west, the rail corridor and Rosedale Valley Road to the north and the Don River to the east, as defined by the Official Plan) has a different social-demographic conditions, ethno-cultural concentrations as well as differences in the availability of social services, transit service and affordable housing stock, compared to midtown (Bloor to Eglinton), and Uptown (Eglinton north to Sheppard) and the inner suburbs. The suburbs, built for the most part after the Second World War, are also physically different and distinct from the rest of the City terms of street patterns, density and the type of built form.

BIAs and Resident Associations

In partnership with Toronto City Council, local commercial property owners and tenants can work together to form a Business Improvement Area (BIA) to enhance the safety, look and feel of their neighbourhoods to attract more visitors to shop and dine, as well as to draw new businesses to their area. There are currently 78 BIAs in the City of Toronto.

Aboriginal trade routes and historical sites

Toronto is home to several significant aboriginal sites which are officially recognized by the City of Toronto, including Birkdale Ravine, L'Amoureux Park, Old Mill Park and Taber/Tabor Hill Park.

5.4 Population Growth and Development

In 2012, Toronto surpassed Chicago to become the continent's 4th largest municipality by population. The 2012 post-census estimate of the Toronto population was 2,791,140.

The City has grown considerably over the past several years, with the population increasing from 2.48 million in the 2001 Census to 2.61 million in the 2011 Census. The estimated actual population in 2011 was 2.75 million (plus/minus 15,400). Given the stable nature of Toronto's low scale neighbourhoods and the direction to protect them given through the Official Plan, development has been focused in key areas of the City.

Our best estimate of the City's population for the 2014 election year is 2.743 million with an average population of 60,958 per ward. Population projections to 2031 were prepared as background to the Official Plan that Council adopted in 2003 and which came into force in 2006.

Based on these projections, by 2021, the maximum growth scenario would see Toronto with a population of about 3,017,900, and an average ward population of around 68,590. By 2031 this projection of growth would see the average ward population grow to around 73,860 as the City grows to an anticipated 3,249,700.

Table 6: Population Counts and Future Projections for the City of Toronto and Current Wards

Year	Total Population	Lowest Ward Population	Highest Ward Population	Average Ward Population
2001	2,481,420	46,690	66,835	56,396
2006	2,503,345	44,850	79,520	56,894
2011	2,615,090	44,935	88,435	59,434
2014 estimated	2,682,137	44,280	93,784	60,958
2021 projected	3,017,895	47,064	97,522	68,589
2031 projected	3,249,666	48,086	131,065	73,856

The magnitude of growth on the horizon, and its uneven distribution across the City, indicate that the status quo with respect to existing ward boundaries will not serve to ensure representative democracy for Toronto in future elections. New ward boundaries are necessary and should stand the test of effective representation for at least three election cycles: the status quo is not an option. Further analysis of Toronto’s population growth is included in the *TWBR Population Background Brief (November 2014)*.

5.5 Local Electoral Issues and Interests

Toronto Taxpayer Coalition Petition to Re-divide Ward Boundaries (2013)

On June 27th 2013, a petition was submitted by the ‘Toronto Taxpayer Coalition’ (under Section 129 of the City of Toronto Act) asking City Council to redraw its ward boundaries to mirror the newly redrawn federal riding boundaries as set out by the 2012 Federal Electoral Boundaries Commission. City Council decided on a 25 to 13 vote, not to adopt the requests set out in the petition and subsequently, the Taxpayer Coalition announced on their website that they would take the issue to the OMB. In response to The Taxpayer’s Coalition’s petition, the Corktown Residents & Business Association (CRBA) wrote to the City Council in objection to the realignment the City’s boundaries to align with the Federal boundaries, since it would split a number of cohesive established communities and join the severed parts with communities on the other side of Yonge Street. A second appellant also made an appeal to the OMB regarding Toronto’s ward boundaries. The Toronto Taxpayers Coalition and the second appellant both withdrew their appeals to the OMB, which means that there is currently no Board referral that could be resurrected or a referral that has been adjourned pending the Review.

Fair Vote Canada (FVC)

Fair Vote Canada is a grassroots, multi-partisan citizens’ campaign for voting system reform. They are promoting the introduction of an element of proportional representation into elections for all levels of government and

throughout civil society and advocating for voting systems that are designed to produce a representative body (like a parliament, legislature, or council) where seats are more or less in proportion to votes cast.

Movement for Voter Equality Statement (MoVE)

MoVE is another organization committed to voter equality in Canada. They are primarily concerned with the legislation related to sections 128, 129 and, especially 135 of the City of Toronto Act which stipulate that Council may devise a voting system using any combination of single- and multi-member wards. MoVe wrote a letter to the City of Toronto in February 2014, stating that they have been following the current Toronto Ward Boundary review process since its inception on June 11th, 2013. The group noted they had reviewed the TWBR report, work plan and engagement/consultation recommendations. The letter states: “Given the very real possibility that the next election will be conducted under a voting system other than SMP, it is our view that the commission’s TOR should be modified to produce electoral maps for use under all of the systems the city will be permitted to enact”. They offer their services to the City Council in many issues regarding the election process including this ward boundary review.

6.0 CONCLUSION

Noting the differences and similarities between Toronto’s situation and other places has helped to illuminate the foundational components or guiding principles for an electoral boundary review, as well as what is unique about the Toronto context. Looking at the Ontario municipal ward boundary reviews that led to appeals at the OMB provided important insights into the criteria used to judge the merits of a ward boundary review and appeals. Looking at the history of Toronto’s ward boundaries was also significant as it provides the necessary perspective about why our current boundaries are in place. Below is a summary of the key lessons learned from the research:

- **Complexity of ward boundary reviews in an urban environment:** The Carter Case altered the criteria for electoral boundary reviews in Canada and established that effective representation, which aims at achieving fair and equal representation for voters to the greatest extent possible, must be considered the ultimate goal of all ward boundary reviews. The primary consideration when it comes to effective representation is voter parity or representation by population, but the Carter Case also took other criteria into account, including: communities of interest, natural and physical boundaries, and population growth. More than 20 years later, effective representation remains the goal of all ward boundary reviews and these principles are the foundation of any ward boundary review in Ontario.

However, Toronto today is a much different place that rural Saskatchewan was in 1991. Although there is no doubt that effective representation and voter parity remain paramount, how municipalities arrive at effective representation is changing. Drawing ward boundaries to ensure each person is effectively represented is arguably more complex in dense, diverse and rapidly growing urban environment.

- **Sound methodology and public consultation:** Based on the review of the OMB cases from the past several years, there are several key conclusions that can be drawn about the ward boundary review process and methodology, including:

- Municipal ward boundary reviews must account for the entire population and not only voters. This includes students, children, and part-time residents.
 - The number of elected officials and/or composition of Council are not matters for which the Board has jurisdiction.
 - In making its decision, the Board looks to: a) the criteria used by the municipality, the studies undertaken to inform the application of those criteria, and the appropriateness of the proposed implementation of those criteria; b) the process followed by the municipality, particularly in terms of the extent to which steps were taken to inform the public and provide an opportunity for public comment.
- **Number of councillors is important as it relates to effective representation:** It is common to look at the composition of council or the number of councillors in conjunction with the ward boundaries themselves. This is especially evident when looking at the ward boundary review frameworks from municipalities inside as well as outside of North America. In many of the Ontario ward boundary reviews, looking at the composition of council has been considered a separate process. Ward boundary review expert Robert Williams stated that these processes should be considered separately. However, it is important to consider the number of councillors as part of a ward boundary review, in so much as it relates to effective representation and helps to ensure that a community or individual can be well represented in the decision making process.
 - **The importance of accounting for communities of interest:** Accounting for communities of interest when drawing ward boundaries is a common standard in Canada and other commonwealth cities in the UK and Australia. It is fair and logical to group communities together, but it can also encourage participation in civic life. However, the concept leaves some room for interpretation, in terms of which communities of interest to consider – a challenge the Toronto Ward boundary Review will certainly have to address. The research suggests that originally the idea of communities of interest was based partly on the need to protect minorities and ethnic populations. The location of ethnic communities is a factor that must be given special consideration as part of Toronto’s ward boundary review process.
 - **The Status Quo is Not an Option:** Toronto’s 44 ward boundaries were forced on the City by the Province for the 2000 election. At that time there were concerns about the level of representation that would occur as a result of moving from 57 to 44 wards. Nearly 15 years later, these boundaries are still in place. Today, Toronto’s ward boundaries do not meet the principle of effective representation. The magnitude of growth on the horizon, and its unequal distribution across the city, suggest that the status quo with respect to existing ward boundaries will not serve to ensure representative democracy for Toronto in future elections. New ward boundaries are necessary in order to move close to voter parity, and these boundaries should stand the test of effective representation for at least three election cycles.