



Council Composition and Ward Boundary Review

City of Guelph

Phase Two – Ward Boundary Review Backgrounder

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1. Context

Watson & Associates Economists Ltd. (Watson), in conjunction with ICA Associates Inc. and Drs. David Siegel and Robert J. Williams, referred to as the consultant team, was retained by the City of Guelph in January 2020 to conduct a comprehensive Council Composition and Ward Boundary Review.

The study has been organized into two phases:

- Phase 1 – Council Composition and Employment Status Review (January - November 2020); and
- Phase 2 – Ward Boundary Review (November 2020 – June 2021).

The first phase of the review project is complete and a comprehensive report on Council composition and employment status was received by Council. At its November 5, 2020 meeting, Council directed the consultant team to undertake phase two (ward boundary review) within the following framework:

- That Guelph City Councillors be elected in a ward system.
- Develop ward boundary options that consider the following:
 - scenarios that include 8, 10 or 12 councillors
 - the number of councillors elected per ward
 - the employment status of councillors
- City Council composition bylaw be brought forward prior to the 2022 municipal election following the adoption of a ward boundary bylaw and the expiration of the ward boundary bylaw appeal period.

The ward boundary review process will develop and present to the City of Guelph a range of alternative ways to ensure an effective and equitable arrangement of the City of Guelph's wards. The alternatives will be based on a given set of principles (based on the [Supreme Court's Carter Case](#)) as well as a neutral third-party professional assessment of the implications of having either one or two councillors per ward, full time or part time, and variations in the number of wards. The assessment will include a close examination of input from the community.

Community consultations will proceed in three rounds:



- **Round One (January 4 – 22, 2021)** - The purpose of round one is contextual, putting parameters around the work of the consultant team to provide direction as they develop alternative models of possible ward configurations.
- **Round Two (February 21 – March 14, 2021)** - The second round of consultation will give citizens an opportunity to comment on a wide range of alternative ward configurations developed by the consultant team based on the results of phase 1 of the review, phase 2 technical assessment and community input received from round one.
- **Round Three (April 6 – 20, 2021)** - A third round of public engagement will gather final input from the community on the preferred options before a report and recommendations will be submitted to Council and Mayor for their decision-making process.

The Guelph ward boundary review will recognize the following guiding principles:

- a) Representation by population
- b) Projected growth patterns
- c) Communities of interest
- d) Natural boundaries and geographic features

The “overriding” principle of “effective representation” embraces the other four guiding principles.

In a case known officially as *Reference re: Provincial Electoral Boundaries* (Sask.) (1991) (the Carter case), the Supreme Court of Canada ruled that under the Charter of Rights and Freedoms citizens have the right to “effective representation”: that is, they have an entitlement to have a voice in the deliberations of government. There are several conditions that contribute to effective representation, such as those reflected in the guiding principles for this review.

No ward system design can uniformly meet all of the guiding principles since some criteria may work at cross purposes to one another. As well, the priority attached to certain principles makes some designs more desirable in the eyes of different



observers. Round one of public consultation is designed to better understand the priorities attached to the guiding principles among Guelph residents.

The following section provides an explanation of the five guiding principles for this review.

2. Guiding principles for Guelph's ward boundary review

Representation by population

- The goal of population parity is “of prime importance” in electoral redistribution: every local Councillor should generally represent an equal number of constituents, with some variation permitted for residential density across the municipality.
- The range of population variance should not exceed 25 per cent unless it can be justified to meet one of the other criteria.
- Post-secondary students will be included in the determination of the City's population for the purposes of the ward boundary review.

The concept of representation by population has a long history in Canada, usually associated with the idea that elective offices in a particular jurisdiction are distributed in such a way that each one is associated with roughly the same number of people. In the Carter decision, however, the majority of the Supreme Court understood that Canadian electoral law has never been driven by the need to achieve “full parity” in the population of electoral divisions. The court concluded that some degree of variation from parity (“relative parity”) may be justified and, at times, even necessary “on the grounds of practical impossibility or the provision of more effective representation.”

In other words, representation should at least be equitable (that is, fair) when it cannot be mathematically equal. In this review, the closer the population of the wards is to parity, the more the entire design can be assessed as successful. The degree of parity in each ward will be determined through the calculation of what will be called an



“optimal” ward in Guelph, a figure computed by dividing the number of wards by the total population of the City. The population of a ward will be considered “optimal” when it falls within five per cent above or below that number.

As this guiding principle makes clear, however, some variation may be considered acceptable. As a working premise, a range of variation 25 per cent above or below the optimal ward population will be used. This is a rather generous range of tolerance from parity but in the absence of any guidance in the *Municipal Act, 2001* or provincial regulations, it is based on long-standing parameters for the federal redistribution process. The goal in any case will be to reduce the range of variation among the wards as much as possible.

Project growth patterns

- Ward boundaries should consider and accommodate the City’s projected growth and population shifts to maintain a general equilibrium in representation by population over a three-election cycle (2022, 2026 and 2030).

This principle re-affirms the previous search for relatively equal population totals for the wards based on the population in Guelph in 2021, but seeks to consider ward boundary scenarios that will be sustainable for at least three terms of Council. Since Guelph is expected to experience strong population growth over the 2021-2031 period but distributed unevenly across the City, it is therefore appropriate to consider how growth patterns will influence the distribution of wards. As just discussed, the core evaluation premise will be the concept of an optimal population for proposed wards in the future.

Communities of interest

- Ward boundaries should recognize neighbourhoods and community groupings (social, historical or economic) while, at the same time, not fragmenting such communities.

In the Carter decision, the court made the argument that electoral districts in Canada are not traditionally considered to be merely arithmetic divisions of the electorate designed to achieve parity of voting power. Rather, they are part of a system “which



gives due weight to voter parity but admits other considerations where necessary.” One of the customary other considerations is “community of interest.” The rationale is that electoral districts should, as far as possible, be cohesive units and areas with common interests related to representation.

In the municipal context, “community of interest” is frequently linked to “neighbourhoods” since the neighbourhood is the most identifiable geographic point in most people’s lives; it is where they live. More importantly, the responsibilities of the municipality are also closely associated with where people live: roads and their maintenance, the utilities that are connected to or associated with their home and the myriad of social, cultural, environmental and recreational services are often based on residential communities. Even municipal taxation is linked to one’s home. Identifying such communities of interest comes from a recognition that geographic location brings shared perspectives that should be reflected in the representational process.

In most municipalities, there are more communities of interest or neighbourhoods than there are electoral districts, so wards will of necessity have to be created by grouping together such building blocks for the purposes of representation. This principle addresses two perspectives: what is divided by ward boundaries and what is joined together? Alternative ward configurations will therefore be assessed in terms of how successfully they separate or assemble certain communities of interest into plausible units of representation. The first priority is that communities ought not to be divided internally; as a rule, lines are drawn around communities, not through them. Secondly, as far as possible, wards should group together communities with common interests.

Natural boundaries and geographic features

- Ward boundaries should be straightforward and easily recognizable and where possible should make use of permanent “natural” features (such as rivers) and geographic features such as roads, railways, and utility corridors.
- Wards should be coherent and contiguous in shape.

This principle directs that, where feasible, ward boundaries should make use of permanent features of the natural or man-made environment (such as arterial roadways or rail lines) rather than create new, perhaps artificial, lines that may not be easily



identified or widely understood by residents. Not all such physical features will be used since wards will be composed of identifiable communities that border on one another despite sometimes being separated by such a “marker.”

Effective representation

- Subject to the overriding principle of “effective representation” as established by the Supreme Court of Canada in the *Reference Re Provincial Electoral Boundaries (Sask.) [1991] S.C.J. No. 46* (“the Carter decision”), the Ward Boundary Review shall have regard for the above principles.

In the Carter decision, the Supreme Court of Canada ruled that under the Charter of Rights and Freedoms citizens have the right to “effective representation”; that is, to the extent possible, each resident should have comparable access to their elected representative and each elected representative should speak in governmental deliberations on behalf of an equal number of residents.

This interpretation has been applied by the Ontario Municipal Board (now the Local Planning Appeal Tribunal) in relation to the process of designing wards: the principle of effective representation means that ward boundaries should be drawn by having regard not only for population parity but other factors such as geography, community history, community interests and minority representation.

Since application of the separate principles may conflict with one another, any deviation from a strict application of the specific principles must be justified by other guiding principles in a manner that is more supportive of effective representation.

Although there is no objective standard for “effective representation,” considering all these factors constitutes the “overriding” principle of effective representation and that “overriding” principle will be used to arbitrate conflicts between the other principles.