

## Ward Boundary Review

- If one of the outcomes of Phase 1 is to retain a ward system for Guelph, then Council will determine the total number of councillors and the number of councillors per ward. This will confirm the number of wards into which the City will be divided.
- There are no standard practices, terms of reference, criteria or guiding principles either in provincial legislation or regulation that can be used to evaluate the municipality's electoral system. Instead, municipalities look to relevant Ontario Municipal Board (now the Local Planning Appeal Tribunal) decisions, case law and best practices followed in other municipalities to establish appropriate guiding principles.
- A ward boundary review is directed towards evaluating the suitability of the present wards in terms of locally-approved guiding principles and to develop alternative designs that are consistent with those principles to "redivide" the municipality – the terminology used in the Municipal Act, 2001. A by-law adopted by Council to implement this authority is subject to appeal to the LPAT (Municipal Act, 2001, s. 222 (4)).
- The Municipal Act, 2001, s. 222 (1) permits a municipal Council to pass a bylaw "to divide or re-divide the municipality into wards or to dissolve the existing wards" but a review of electoral boundaries is not subject to a stipulated schedule, to a standardized process or to established criteria. Furthermore, despite a statement in the *Municipal Act, 2001* that the Minister "may prescribe criteria," none actually exists.

### Why a ward boundary review?

- The current review has been triggered by the combination of several factors. Guelph's ward system has not had a serious review since 1991. Furthermore, Guelph has been growing, particularly in the south end and is expected to continue to grow over the next decade. This has caused Ward 6 to have a larger population than other wards.
- This unequal growth could mean that the residents of this ward will no longer have "effective representation" as that concept has been defined and applied by the Supreme Court of Canada and the Ontario Municipal Board (OMB) (the predecessor of Local Planning Appeal Tribunal). This population growth could require some minor changes if the result of phase 1 is to keep the same method of election, or some very significant changes if there are changes in the total number of councillors and/or the number of councillors in each ward.

## What does a ward boundary review consider?

- Municipal elections in Ontario are governed by two pieces of legislation – the Municipal Elections Act (which addresses the way an election is conducted) and the *Municipal Act, 2001* (which addresses the electoral system itself).
- In a case known officially as *Reference re: Provincial Electoral Boundaries* (Saskatchewan) (1991) (but commonly called the *Carter* case) the Supreme Court of Canada has ruled that citizens have the right to “effective representation” and that the first condition of effective representation is “relative parity of voting power.” The ruling went on to state that although parity is “of prime importance” in achieving effective representation, other considerations are relevant.
- This interpretation has been applied by the OMB in relation to the parallel process of designing wards in Ontario municipalities: 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.
- These judicial and board decisions provide the framework to be followed in the election of councillors, but within that framework individual municipalities can make decisions about their own system. In Guelph, Report CS-2019-61 (July 2, 2019) established that in Phase 2 of the Council Composition and Ward Boundary Review nine guiding principles, subject to the overriding principle of effective representation, would be applied to provide for a fair and equitable system of representation for the residents of Guelph. Those guiding principles are as follows:
  - Respect for the approved recommendations of Phase One of the Council Composition and Ward Boundary Review (CCWBR).
  - Ensure effective representation as mandated by the Supreme Court decision in the Carter case.
  - Information received through the community engagement process.
  - Representation by population: where possible efforts should be made to ensure that wards have reasonably equal populations.
  - Geographic representation: revised ward boundaries should follow Guelph’s natural boundaries and geographic features where possible.
  - Projected demographic trends: revised ward boundaries should accommodate projected growth patterns for the City.
  - Communities of interest: to the extent possible, efforts should be made to avoid splitting neighbourhoods or communities of interest into different wards.
  - A best practices approach that builds on the experience of other municipal ward boundary reviews and the outcome of LPAT hearings where ward boundary reviews have been appealed.

- Fiscal responsibility and alignment to the Community Plan and Strategic Plan for the City of Guelph.
- 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.
- Ultimately, the ward design adopted by Guelph City Council should be the one that best fulfills as many of the guiding principles as possible.