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(Re)creating Boundary Lines:
Assessing Toronto's
Ward Boundary
Review Process

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The Institute on Municipal Finance and Governance (IMFG) is an academic research hub and non-partisan think tank based in the Munk School of Global Affairs at the University of Toronto.

IMFG focuses on the fiscal health and governance challenges facing large cities and city-regions. Its objective is to spark and inform public debate and to engage the academic and policy communities around important issues of municipal finance and governance. The Institute conducts original research on issues facing cities in Canada and around the world; promotes high-level discussion among Canada's government, academic, corporate, and community leaders through conferences and roundtables; and supports graduate and post-graduate students to build Canada's cadre of municipal finance and governance experts. It is the only institute in Canada that focuses solely on municipal finance issues in large cities and city-regions.

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(Re)creating Boundary Lines: Assessing Toronto's Ward Boundary Review Process

Alexandra Flynn

Abstract

When the Ward Boundary Review (WBR) began in 2013, Toronto's 44 wards varied widely in size, ranging from 45,000 to 90,000 residents. The WBR's multi-year process was designed by staff and led by consultants, with ample opportunity for involvement by councillors. While the process was briefly interrupted by the Executive Committee, the final ward boundaries were approved in November 2016 without significant deviation from those recommended in the consultants' report. The result was the addition of three new wards. Assuming there are no successful appeals of the decision, the new ward boundaries will be in place for the 2018 election. The ward boundary review raised significant questions about the regularity by which such reviews should be held, the role of city councillors as participants and decision-makers in the process, and the relationship between the WBR and a future governance review. This paper sets out the contested legal terrain within which the City of Toronto's WBR took place and assesses possible next steps, including the grounds for a possible Ontario Municipal Board appeal. Ultimately, the paper concludes that wards are but one important component of municipal representation and governance.

Keywords: urban governance, political representation, wards, Ontario Municipal Board, City of Toronto

JEL codes: H10, H70, H79

(Re)creating Boundary Lines: Assessing Toronto's Ward Boundary Review Process

In 2013, under threat of a resident petition and, at worst, an Ontario Municipal Board (OMB) order that would unilaterally impose new electoral districts, the City of Toronto embarked on its first ward boundary review (WBR) since 2000. The City would govern its review under the *City of Toronto Act*, 2006, which gave it discretion to determine whether its political representation should be based on wards – and, if so, how many – as well as to define the decision-making process for changing ward boundaries.

When the review began, the populations of Toronto's 44 wards varied widely. While the average ward population was about 60,000, the numbers ranged from 45,000 to 90,000 residents. This discrepancy had significant representational issues for city residents, as noted by the City Clerk's Office, which questioned whether "constituents are fairly and adequately represented among all wards" (City Manager and City Clerk 2010). It also left the City legally vulnerable: under the *City of Toronto Act*, a minimum of 500 electors can petition the OMB for new, more equitable ward boundaries in exactly these circumstances.

The WBR was led by consultants acting at arm's length from, but reporting to, the City Manager's Office. The three-year process included several rounds of community consultation, the presentation of multiple options, and consideration by the Executive Committee and City Council. Ultimately, City Council approved the creation of three new wards in the city's downtown, for a total of 47, with the intention that they be implemented in time for the 2018 municipal election. As the dust settles on the decision, this paper describes the contested legal terrain within which the City of Toronto's WBR took place and assesses possible next steps, including potential grounds for an OMB appeal. The paper concludes that a complete governance review – beyond the determination of new wards – is needed.

I. Overview of Toronto's wards

The term "ward" is not defined in Ontario's provincial or municipal statutes. The 2016 edition of the Oxford Dictionary defines the ward as "an administrative division of a city or borough that typically elects and is represented by a councillor or councillors."

Wards are deeply entrenched in the governance models of most Canadian municipalities, including Toronto, as vehicles for representative democracy. Councillors play both a legislative and constituency role. In their legislative roles, they pass laws, create policies and programs, determine the service mix and service levels, and oversee the work of departments. Their ward-based constituency activities absorb a substantial amount of their time (Governing Toronto Advisory Panel 2005). In the federal context, constituency activities have often been found to be unrecognized, but important for democracy (Koop 2010).

Wards serve a threefold function in cities with this kind of governance model. First, wards serve as a unit of local representation, within which a councillor can assist residents with day-to-day matters, provide information, and help resolve neighbourhood disputes.

Second, wards act as a unit of representation for citywide decision-making, whereby the councillor represents his or her residents in voicing the interests of the ward when decisions must be made at City Council, committee, or elsewhere.

However, ward boundaries also distinguish particular communities, some of which have historical significance as former villages or towns. In this sense, they spatially define areas that may have particular histories or feelings of belonging. These three roles work together to provide representation for city residents.

1.1 Toronto's history, as reflected in wards

Incorporated in 1834, the City of Toronto has a rich history of municipal incorporations, annexations, amalgamations, legislative enactments, and governance reviews. Its boundaries have changed over time as a result of these events. Some former municipal entities continue to have defined identities in Toronto, as reflected in the city's wards (Deputation on Bill 103, 1997).

In 1997, the Province of Ontario amalgamated Toronto from one regional and six lower-tier municipalities into a single city (Marshall 2015). Prior to amalgamation, 107 elected officials represented the population within the current boundaries of the City of Toronto, including 29 councillors at the Municipality of Metropolitan Toronto, and 78 councillors in the six pre-amalgamated lower-tier cities (Canadian Urban Institute et al. 2014).

Under the *City of Toronto Act*, 1997, 28 wards were established, with two councillors each, plus a mayor, for a total of 57 elected representatives. The City was also given the power to designate wards (Canadian Urban Institute et al. 2014). A March 1998 staff report recommended moving to a single-member ward structure to “increase the accountability of Members of Council and reduce confusion on the part of residents” (City Clerk 1999). In early 1999, City Council introduced a bylaw to divide the city into 57 single-member wards, but this bylaw was never put into effect (Canadian Urban Institute et al. 2014).

Instead, in 1999, the Province introduced the *Fewer Municipal Politicians Act*, aimed at reducing the overall number of councillors (*Bill 25* 1999). The legislation tied Toronto's ward boundaries to those of the Province, whose electoral boundaries in turn mirrored those of the federal government. The Province designated 44 wards for Toronto: the 22 provincial/federal ridings, each of which was divided in two (Lindsay Luby 2014). This Act also removed Toronto's just-granted authority to enact a bylaw to change the ward structure or Council composition (Canadian Urban Institute et al. 2014).

In 2000, the City Clerk's Office led a ward boundary review limited in focus to how the 22 electoral districts would be divided. In January 2000, the City held

open houses to gather public input concerning the appropriate boundaries (City Clerk 2001). On January 19, 2000, City Council forwarded its recommendations to the Minister and on March 20, 2000, the provincial government issued Ontario Regulation 191/00, establishing the City of Toronto's new ward structure, effective December 1, 2000. Toronto's wards have remained unchanged since this time.

1.2 Significant population discrepancies across Toronto's wards

In 2010, the City Clerk's Office reported to City Council on the discrepancy among ward populations, noting:

The inequities in ward population and number of households place some Ward Councillors at a disadvantage in communicating with and representing a larger number of residents when compared to other Councillors. This could potentially raise the issue of whether certain constituents are fairly and adequately represented among all wards (City Manager and City Clerk 2010).

To address the issue, City Council decided to allocate one additional staff member to the Councillor of Ward 23, in which the population and typical household size were more than 50 percent higher than the average. The City announced that any other ward in similar circumstances would also be entitled to an additional staff member (City Manager and City Clerk 2010).

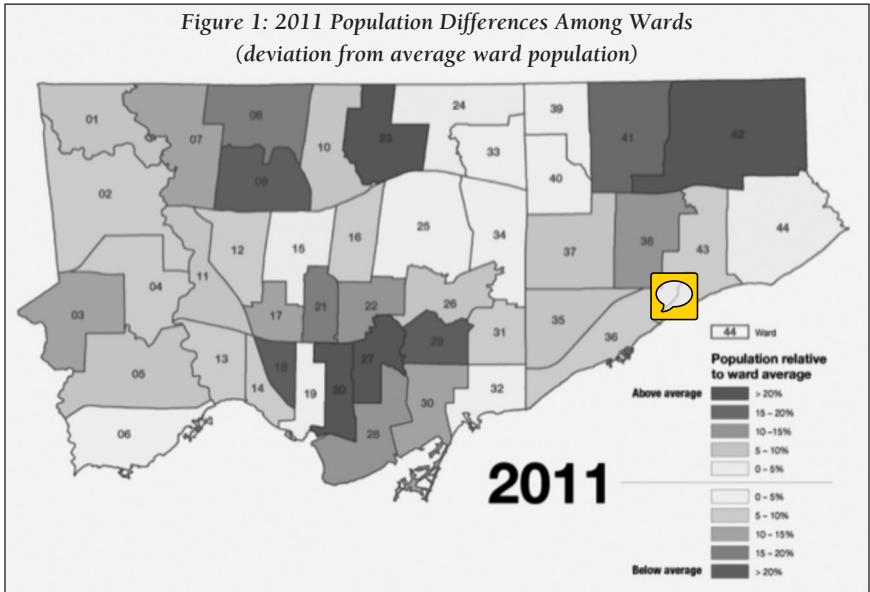
By 2013, when the City's WBR process began, the populations of Toronto's wards were widely unequal, with some wards having twice the population of others (Taylor 2012). For example, ward 18 (in the former City of Toronto) and ward 29 (in the former Borough of East York) each contained fewer than 45,000 residents, approximately half of the population of ward 23 (in the former City of North York), which had almost 90,000 residents. Figure 1 shows the discrepancy in population amongst the City of Toronto's wards.

These inequalities have legal consequences for Toronto's decision-making authority. Under the *City of Toronto Act*, 2006, 500 electors could petition the Ontario Municipal Board (OMB) for new, more equitable ward boundaries in exactly these circumstances. Under threat of a resident petition and, at worst, an OMB order that would impose new ward boundaries, the City embarked on its review.

1.3 Federal and provincial electoral review processes

Every 10 years, federal commissions are established in each of Canada's 10 provinces to recommend changes to electoral boundaries. The commissions are independent bodies and make all final decisions as to the federal electoral boundaries, with ministers of Parliament and others taking part in the process (City Clerk and City Solicitor 2013). The province's chief justice appoints a judge to chair the commission, and the Speaker of the House of Commons appoints

the other two members from among the province's residents. The commissions are "radically" decentralized, with each of the 10 commissions operating independently (Levy 2008).



Source: Taylor (2012)

After engaging in a public consultation process, each commission submits a report on what it considered in revising the boundaries and proposes an electoral map to the House of Commons. Each commission then considers any objections and recommendations received from Members of Parliament and prepares a final report, which outlines the final electoral boundaries for the respective province. The process is set out in the *Electoral Boundaries Readjustment Act* (1985), which was introduced to address 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 (Canadian Urban Institute et al. 2014).

Just as Toronto's WBR process was beginning, federal electoral districts across the country were realigned. In 2013, the Federal Electoral Boundaries Commission for Ontario held two days of public hearings in Toronto, where it received more than 100 submissions each day (Canadian Urban Institute et al. 2014). The principal focus of the submissions was the location and boundaries of the applicable "communities of interest" (Preston 2013). As a result of this process, the Federal Electoral Boundaries Commission for Ontario increased the number of electoral districts within the City of Toronto's boundaries from 22 to 25. Federal boundaries and Toronto's wards no longer overlap, as shown in Figure 2.

2.1 Legislative constraints

The City's authority over its system of representation is not absolute. As noted earlier, the *City of Toronto Act* empowers 500 electors¹ in the City of Toronto to petition City Council to pass a bylaw dividing or redividing the City into wards or dissolving existing wards. If the City does not pass a bylaw within 90 days after receiving the petition, any of the electors may apply to the Ontario Municipal Board to divide, redivide, or dissolve the wards, upon which the OMB may hear the application and make an order.


City staff estimate that the timeline required for the introduction of new ward boundaries is at least two years, far more than the 90 days prescribed in the Act. This means that while the process for conducting a ward boundary review is long and complex, with numerous required rounds of public consultation, it may in turn be appealed to and annulled by the OMB (City Manager 2013).

Otherwise, the *City of Toronto Act* does not set out the process that must be followed to designate new ward boundaries, nor does the City's procedural bylaw.

2.2 Judicial constraints

As Andrew Sancton notes, there are no Supreme Court of Canada decisions that apply to the drawing of municipal boundaries (Sancton 1992). In practice, however, Ontario municipalities observe the common-law requirements related to electoral districts set out in the landmark Supreme Court of Canada case, *Reference Re Provincial Electoral Boundaries (Sask.)*, known as the *Carter* decision. This case considered the meaning of the "right to vote" in section 3 of Canada's *Charter of Rights and Freedoms*. Section 3 grants every citizen the right to "vote in an election of members of the House of Commons or a legislative assembly and to be qualified for membership therein." The case was brought by lawyer and resident, Roger Carter, who observed that the electoral boundaries or ridings approved in the Province of Saskatchewan led to significant deviations in population across the province. The result was that, "a single vote in the smaller riding carried 63.5% more electoral weight than a single vote in the larger riding" (Johnson 1994: 227).

In *Carter*, the Supreme Court of Canada clarified that voter parity was one measure to assess effective representation, but not the only criterion by which boundaries should be evaluated. In considering electoral boundaries, the first criterion is that approximately the same numbers of voters are represented in each electoral area, a criterion known as "voter parity." However, to achieve "effective representation," other criteria are also important, namely geography, community history, community interests, minority representation, and other factors (*Reference re Provincial Electoral Boundaries* 1991). These other criteria justify a departure from strict voter parity to a reasonable degree.

1. *City of Toronto Act*, 2006, s. 129  fines "elector" as "a person whose name appears on the voters' list, as amended up **until** the close of voting on voting day, for the last regular election preceding a petition being presented to council under subsection (1)."

The Canadian Supreme Court explicitly rejected the “one person, one vote” principle which guides electoral district decisions in the United States. In *Baker v Carr* (1992), the United States Supreme Court considered whether electoral redistricting should be subject to judicial review and coined the term “one person, one vote,” meaning that the sizes of wards or ridings should be equal, and roughly equivalent to the principle of voter parity. The equal population requirement has been strictly interpreted in subsequent cases “as requiring that districts be as close to exactly equal in population as possible.”²

The Canadian Supreme Court characterized effective representation as “the less radical, more pragmatic approach which had developed in England,” in contrast to the U.S. approach. The Canadian Supreme Court’s consideration of voter parity largely focused on the legislative intent of section 3 of the Charter:

In the absence of any supportive evidence to the contrary (as may be found in the United States in the speeches of the founding fathers), it would be wrong to infer that in enshrining the right to vote in our written constitution the intention was to adopt the American model. On the contrary, we should assume that the goal was to recognize the right affirmed in this country since the time of our first Prime Minister, Sir John A. Macdonald, to effective representation in a system which gives due weight to voter parity but admits other considerations where necessary (*Reference re Provincial Electoral Boundaries* 1991).

2.3 Previous Ontario Municipal Board decisions

Unlike the courts, the OMB’s decisions do not follow *stare decisis*, meaning that adjudicators are not bound by previous OMB decisions. Therefore, for any municipality undertaking a ward boundary review, it is important to understand how the OMB has decided past cases.

The OMB has applied the *Carter* decision to evaluate the effectiveness of representation based on the following factors, referred to as the Carter criteria:

- Does it equitably distribute the population and the electors?
- Does it respect identifiable communities of interest?
- Does it utilize natural, physical boundaries that are locally recognized?
- Does it serve the larger public interest of all electors of the municipality in contrast to the interest of a small group? (Ontario Municipal Board, 2005)

Because OMB decisions are not binding on subsequent hearings, there is no single set of prescribed rules that municipalities must follow to prevent the OMB from overturning a ward boundary review. The OMB has stated that ward boundary decisions are amended or repealed only if there is a compelling reason to do so (Ontario Municipal Board 2009). That said, certain guidelines may help insulate a municipality from challenge.

2. See *United States Constitution*, Art. I, §2. See also Colman and Bentz (2002).

First, the OMB has overturned ward boundary reviews in which the outcome was predetermined. This includes ones for which a City Council had specified the final number of wards before the review process began or had mandated that the number of wards could not increase from the existing number (*Ottawa [City] v Osgoode Rural Community Assn* 2003). The OMB has also determined that a WBR process must be approached from an unbiased perspective and must include public consultation (Ontario Municipal Board 2009).

In 2001, the City of Ottawa conducted a ward boundary review, which prescribed the number of wards. The result was successfully appealed to the OMB in 2003 on the basis that “the Board was of the opinion that Council did not give sufficient weight to communities of interest and, in particular, rural communities of interest” (*Ottawa [City] v Osgoode Rural Community Assn* 2003). The City of Ottawa was required to conduct a second ward boundary review.

Second, the meaning of the term “communities of interest” is contested. In the City of Toronto’s review, the term “communities of interest” was linked to the idea of “neighbourhoods,” suggesting that the neighbourhood is a crucially important and identifiable geographic point in most people’s lives and frames how people experience their city (Canadian Urban Institute et al. 2014). The alignment of the term “communities of interest” with that of “neighbourhood” also underscored a belief that the role and responsibilities of a municipality are closely linked to neighbourhoods, including how people get around; the social, cultural, and recreational services that are available; and the provision of utilities and public spaces.

In the City of Kingston’s 2013 ward boundary review process, City Council’s ward boundary decision was appealed to the OMB on the basis that it did not provide effective representation, in part because the bylaw failed to recognize “communities of interest,” by splitting up an area represented by a single neighbourhood association (Canadian Urban Institute et al. 2014). The OMB sided with the appellant (although the decision rested largely on the lack of inclusion of postsecondary students and the inclusion of non-voters in population counts when determining electoral districts), and amended the bylaw to account for the Sydenham Neighbourhood Association (Canadian Urban Institute et al. 2014). In Kitchener, the city’s 34 neighbourhood associations were the “communities of interest” used to inform its ward boundaries (Williams 2008).

Third, even though public consultation is not set out as a requirement under applicable legislation, the OMB has made it clear that it expects municipalities to include public consultation in the review process (Canadian Urban Institute et al. 2014). In the *Town of Innisfil v Margaret Hamby*, 2009, 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 (Ontario Municipal Board 2009).

In the City of Ottawa's 2001 WBR, the OMB held that the public was not sufficiently engaged. 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 (Canadian Urban Institute et al. 2014).

Fourth, the OMB has upheld a plus or minus 10–15 percent difference in ward populations for urban areas (Canadian Urban Institute et al. 2016c). In rural regions, the OMB has determined that up to 33 percent of a deviation in voter parity may be allowed, if based on the *Carter* criteria (Canadian Urban Institute et al. 2014). This means that the populations of wards may vary by up to 33 percent if the boundaries were drawn with the intention of keeping communities of interest together, respecting relevant geographic boundaries, or otherwise upholding the principles set out in the *Carter* decision.

2.4 Other municipal approaches

Table 1 compares nine municipalities from Ontario, elsewhere in Canada, and the United States. The data show that there are no firm rules when it comes to ward-based representation. Cities vary widely in the number of wards, the populations represented by councillors, and the approach to ward boundary reviews. For example, Halifax and London (Ontario) councillors represent approximately 25,000 people each, while Calgary and Edmonton's numbers are about 70,000. New York, which has a City Council close in size to that of Toronto (51 members), has more than 160,000 residents per electoral district, although it also has five borough presidents and 59 community boards (City of New York n.d.).

James Lightbody has noted, in reference to Winnipeg's preference for ward sizes of approximately 50,000 residents that, "Their purposely artificial construction purposely transcended any bounds of neighbourhood or community" (Lightbody 1978).

The approaches to ward boundary reviews also differ from city to city. Canada does not have a country-wide approach to the timing of electoral boundary reviews, although mandatory federal electoral district reviews take place every 10 years following the decennial census. As such, the rules differ by jurisdiction. For example, in London (Ontario), staff are required to review ward populations each term, while in Halifax, wards are considered every eight years. In the United States, the federal *Voting Rights Act* of 1965 requires that local governments remap their wards following the decennial census to meet federal "one person one vote" guidelines (*Gray v Sanders* 1963).³ Deviations may be acceptable to

3. Note also relevant state laws, such as Article 21 of the *Revised Cities and Villages Act* of 1941, 65 ILCS 20/21–36, which require the City of Chicago to be divided into 50 wards of "nearly equal" populations.

respect established communities of interest or to achieve other legally valid and permissible objectives (Office of the City Clerk 2012).

Two other differences related to accountability are noteworthy. First, independent consultants and commissions are sometimes, but not always, retained or appointed to carry out the review. Second, City Council is not always the final decision-maker on boundaries. In New York, the United States Department of Justice must endorse the Council's decision. In Halifax, final approval rests with the Nova Scotia Utility and Review Board.

3. City of Toronto's Ward Boundary Review process

The WBR process is a legal minefield, with broad principles but no clear rules, the potential for residents to appeal proposed boundaries to the OMB, and a lack of precedent in OMB decisions. This results in considerable difficulty in setting out a process that will withstand quasi-judicial scrutiny.

The 2013 ward boundary review was Toronto's first municipal-led ward boundary review since amalgamation. Toronto engaged in the review under the authority of yet-unused provisions of the *City of Toronto Act, 2006*. City staff tried to balance the lack of clear legislative or regulatory guidelines with an ambiguous **uncertain** set of OMB decisions, as well as trying to keep the process as free from political interference as possible.

3.1 Staff design of the WBR process

In June 2013, City Council approved a review process with the following components (City Clerk 2016). City staff recommended that consultants be retained to conduct the review, independent from City staff and councillors. The objective was to keep the process at arm's length from the City Manager's Office, who would oversee it and write covering reports, while the consultants would make the final recommendations. Careful attention was placed on avoiding language that would limit the consultants' options, in particular the number of wards that would be recommended.

Staff also required two rounds of public and stakeholder consultation. The first set would allow the public and select groups (including councillors) to give general input; the second would allow the public to comment on the options identified by the consultants. This requirement was very much rooted in the applicable law for a WBR process.

The timeline was set on the assumption that the results would likely be appealed to the OMB, but the timing would allow the Clerk's Office at least a year from the end of all appeals to prepare for the 2018 municipal election. Staff designed the process to conclude in fall 2017, OMB appeals included, to give the Clerk's Office the time needed to implement the results. This three-year process meant that the consultants could carry out extensive background research and analysis, making it one of the longer processes followed in Ontario.

Table 1: Comparison of Other Municipalities

Municipality	Population	Councillors	Average ward pop.	Last review	Consultant / commission?	Final ward decision-maker
Ottawa, ON	883,391	23	38,408	2005	Yes	City Council*
London, ON	366,151	14	26,154	2009 (as of 2011, required every term of council)	No	City Council*
Mississauga, ON	713,443	11	64,858	2005	Information unavailable	City Council*
Halifax, NS	390,095	16	24,395	2014 (required every 8 years)	No	Nova Scotia Utility and Review Board
Winnipeg, MB	663,617	15	44,421	2009 (required every 10 years)	Independent commission	City Council
Regina, SK	193,100	10	19,310	2014 (required at least every 3 election cycles or when the ward pop exceeds the variation limit)	Independent commission	Independent commission
Edmonton, AB	812,201	12	67,683	2016	No	City Council
Calgary, AB	1,096,833	14	78,345	2016 (with a review every second election beginning in 2015)	Independent commission	City Council
Vancouver, BC	603,500	10	Councillors elected at large	N/A	N/A	N/A
New York, USA	8,406,000	51 councillors; 5 borough presidents	164,824	2013 (required every 10 years)	Independent commission	United States Department of Justice
Chicago, USA	2,719,000	50	54,380	2012 (required every 10 years)	No	City Council
Los Angeles, USA	3,884,000	15	252,847	2012 (required every 10 years)	Independent commission	City Council

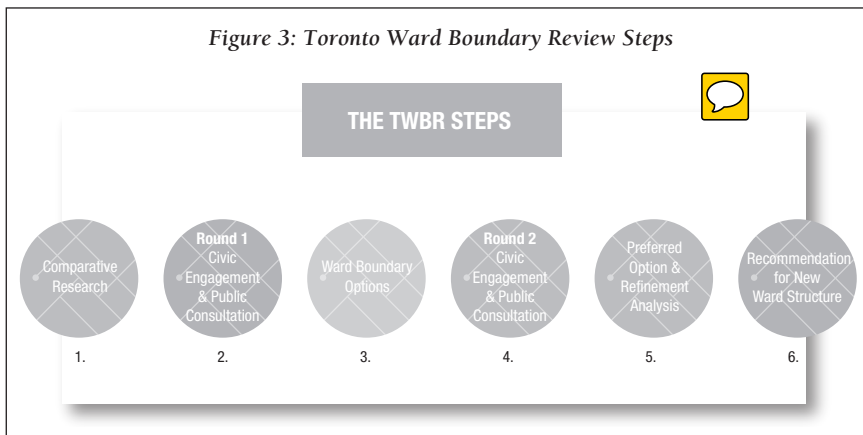
* Ward decisions made by City Council may be appealed to a quasi-judicial municipal board.

On June 27, 2013, shortly after City Council approved the ward boundary review process, a petition under section 129 of the *City of Toronto Act, 2016* was filed with the City Clerk's Office by the Toronto Taxpayers Coalition. The petition asked City Council to pass a bylaw redividing the City of Toronto into wards, and that such wards "be based on the new boundaries for the federal electoral districts located in Toronto proposed by the 2012 Federal Electoral Boundaries Commission for Ontario in its Report in either its current form or as amended after receiving objections from the House of Commons. We further request that these new wards be in place for the 2014 Toronto Municipal Election" (City Clerk 2013). The appeal was withdrawn, pending the conclusion of the WBR (Canadian Urban Institute et al. 2014).

The WBR process was approved by City Council in June 2013 (City Council 2016). In March 2014, the Bid Committee approved the awarding of the \$800,050 contract (Director, Purchasing and Materials Management 2014).

3.2 The WBR process led by the consultants

The process taken by the consultants followed the requirements approved by City Council. Figure 3 depicts the process.



Source: Canadian Urban Institute et al. (2016b: 6)

The consultants conducted extensive research on the reviews of other municipalities across Ontario, Canada, and internationally, and reviewed the relevant legal requirements (Canadian Urban Institute et al. 2014). The consultants also worked with an Advisory Panel, comprising former elected officials, academics, civic organizations, and businesses (Canadian Urban Institute et al. 2016a).

The consultants conducted two rounds of consultations, first on wards generally, and the next on five proposed options. They included "web-based

activities (including social media platforms), communication and outreach to educate the public about the purpose of the ward boundary review, keep the public informed about the process and provide a range of opportunities for the public to get involved, including two online surveys” (City Clerk 2016). The consultant team also solicited input from Members of Council, School Board representatives, other stakeholder groups, and members of the public (Canadian Urban Institute et al. 2016a).

The consultants explicitly set the target year for voter parity at 2026, so that the new ward structure would last for the next four municipal elections.⁴ This meant that the proposed wards would be based on projections for the vast growth anticipated in the downtown and other growth centres designated in the Official Plan, and data suggesting that most of Toronto’s other communities would remain stable. The use of projected figures meant a continued discrepancy in ward populations, with six wards having variances of over 20 percent in 2018, and one having a variance of over 37 percent (Canadian Urban Institute et al. 2016c). Finally, the proposed ward populations were to be based on the number of *residents*, not simply the number of electors (Canadian Urban Institute et al. 2016a).

Based on these principles, five options were offered, ranging in size, geography, and historical connection (see Table 2).⁵ Each option sought to balance all the components of effective representation (Canadian Urban Institute et al. 2016a).

Option	Name	Avg Ward Population	Ward Population Range	No. of Wards
	<i>Current</i>	60,000	45,000–90,000	44
1	Minimal Change	61,000	51,850–70,150	47
2	44 Wards	70,000	63,000–77,000	44
3	Small Wards	50,000	45,000–55,000	58
4	Large Wards	75,000	67,500–82,500	38
5	Natural or Physical Boundaries	70,000	63,000–77,000	41

Source: Canadian Urban Institute et al. (2016a)

4. 2018, 2022, 2026 and 2030.

5. For further detail on each of the five options, please see Canadian Urban Institute et al. (2015).

The consultants solicited feedback on the five options and opted for an innovative way to assess the feedback. They asked Councillors and the public to rank the options by selecting their first, second, third, fourth, and fifth choices. Four dimensions were then assessed – first-place choices, ranked scores, last-place choices, and a comparison of first and last choices. The rationale was:

Implementation of a new ward structure is not just about which option places first but just as much about which option a consensus can be built around. That is why it is important to know which option placed last and can be considered a “no way” option. Also, a comparison between first and last can assist in revealing options around which a consensus may be difficult to achieve (Canadian Urban Institute et al. 2016a).

For example, Option 3 (Small Wards), saw a high degree of first and last choices from the public and Members of Council. Option 3 is the “love-it-or-hate-it” option. The consultants assessed that, “It would be the option that would be the most difficult to form a consensus around, because of the strong positive and negative reactions to it” (Canadian Urban Institute et al. 2016a).



Ultimately, the consultants recommended the Minimal Change – 47 **Ward** option with refinements. The refinements, drawn from public and councillor input, were meant to improve the recommended ward structure with regard to communities of interest, ward history, and other factors. The result was an increase in the number of wards to 47 from 44 while maintaining the current average ward population size of approximately 61,000 (Canadian Urban Institute et al. 2016a). Of the 44 existing wards, 38 would experience some changes in their boundaries. Only six existing wards would retain their current boundaries. Also, three new wards would be introduced in the Toronto–East York community council area and an additional ward would be placed in North York. The Etobicoke-York Community Council area would lose one ward.

3.3 Executive Committee and Council consideration

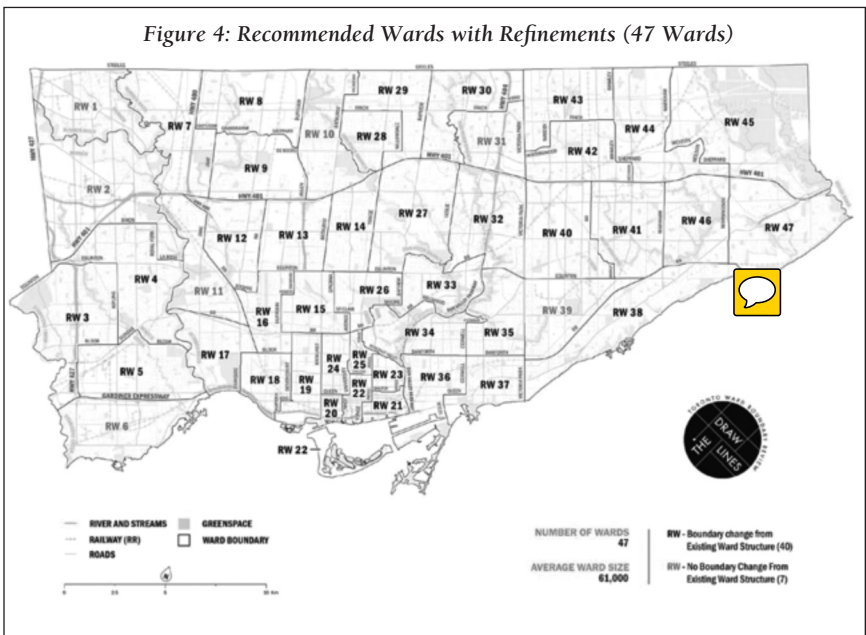
Toronto’s Executive Committee considered the ward boundaries on two occasions.

First, the Final Report, together with a cover staff report, was delivered to the Executive Committee for discussion and debate on May 24, 2016. The item was the second on a very full agenda and was heard at 8 p.m. After a brief period of questions and answers, a motion was introduced, asking the consultants to review Option 1 (47 wards) by focusing only on wards with the highest population discrepancies and leaving the other wards intact; and to examine the possibility of having only 46 wards, 44 wards, or wards that aligned with federal and provincial electoral boundaries, all while achieving the objective of effective representation (Canadian Urban Institute et al. 2016a). Mayor Tory cautioned the councillors about “getting into the weeds” for fear of “tainting the process.”

Second, the Executive Committee met on October 26, 2016, to consider the consultants' further review. In their Supplementary Report, the consultants concluded that:

- Focusing only on the large wards does not lead to a ward configuration that achieves voter parity, which undermines a prime component of effective representation;
- A 44-ward option achieves excellent voter parity among the 44 wards, but has significant challenges for maintaining existing geographic communities of interest;
- Using federal riding boundaries as a basis for ward boundaries raises significant concerns for voter parity, a prime component of effective representation, especially in Etobicoke, and would require altering natural and historical ward boundaries.

The consultants recommended proceeding with the 47 wards option previously recommended, but with minor changes based on concerns raised in the third round of public consultations (Canadian Urban Institute et al. 2016c).



Source: Canadian Urban Institute et al. (2016c).

The proposal was debated for close to four hours. Many issues were raised, including the appetite of Toronto residents to have more councillors; whether

the WBR should be connected to a more comprehensive governance review; if the options satisfied the goal of keeping “communities of interest” together. After a number of failed motions, the Executive Meeting voted 7–6 to forward the “Recommended Wards with Refinements – 47 Ward Option” to City Council for approval at its November 2016 meeting.

Two weeks later, on November 8, 2016, the 47-ward option was approved by a 28–13 vote of City Council; the Mayor voted against the proposal (City Clerk 2016b). A proposed amendment – to consider the impacts to governance and structure changes to the authority, duties, and function of community councils, as well as the establishment of new committees and a board of control to focus on citywide issues – failed (City Clerk 2016c).

3.4 Next steps

While the City Council decision has been made, additional steps must be taken before the new ward boundaries will be formally in place (City Manager 2016a).

First, City staff must develop a new ward boundary bylaw. This includes creating geographic representations of new ward boundaries and integrating them into the City’s geospatial platform, as well as reviewing and drawing all voting subdivisions based on new ward boundaries. This process is expected to take several months. Other agencies must be notified of the new boundaries, including the Municipal Property Assessment Corporation (MPAC) and school boards.⁶

Second, under section 128 of the *City of Toronto Act*, 2006, all appeals to the OMB must be concluded by January 1, 2018. Under the Act, the Minister or any other person or agency has 45 days to appeal to the OMB after the bylaw is passed. City staff anticipate that the appeals will take eight to ten months (City Manager 2016a). If the appeals to the courts or the new boundaries are overturned by the OMB, either the current 44 wards will be retained or the OMB may substitute its own boundaries. The following section analyzes the ward boundary review.

4. Analysis

The WBR highlighted several important considerations in regard to ward boundary reviews, in Toronto and elsewhere.



4.1 Was the process sufficiently **arm’s-length**?

Under the *City of Toronto Act*, the final ward structure must be approved by City Council. As it was designed, the final WBR decision proceeds to City Council via the committee structure. This means that the members of the Executive Committee must first approve the WBR report that will proceed to City Council for consideration.

Under the *Electoral Boundaries Readjustment Act* of 1964, the federal government’s electoral boundary review process is separated from elected officials

6. *City of Toronto Act*, s. 128 (10); *MEA*, s. 18; *Education Act*, s. 58, O. Reg. 412/00.

in Parliament. This model was created to reduce the likelihood of gerrymandering, whereby boundaries are created to ensure that certain political parties are elected. The commissioners for each province are selected by Elections Canada, have a base budget, and conduct consultations in which all interested parties can participate, including elected officials. Following two rounds of consultation, the commissions forward their recommended boundaries for enactment; they need not be approved by the legislature.

As Yasmin Dawood notes, the federal approach “was an important reform because it removed the drawing of electoral boundaries from partisan politics,” increasing public confidence in the democratic system and creating an impression of an “impartial enforcement of the electoral law” (Dawood 2012). Ron Levy goes farther, suggesting that another advantage of the federal process is a lack of overt prescription as to how electoral commissions will conduct their work, embracing a “host of complexities, such as broad consultation, diverse decision makers, and a richly convoluted substantive decision-making framework” (Levy 2008). The result is that many participants are able to engage with administrative decision-making bodies, including representatives of municipal government and First Nations. These “informal networks,” Levy argues, may “avoid unambiguous lines of top-down control” helping to “solidify trust, trustworthiness, and impartiality in decision making” (Levy 2008). One of the particular strengths of the commission model, suggests Levy, is that it places all contributors, whether members of Parliament or citizens, on an equal footing before the commission (Levy 2008).

The objective of impartiality in electoral boundary reviews has been extended to the municipal level as well. In Saskatchewan’s *Municipalities Act* (Government of Saskatchewan 2006), a council-appointed municipal wards commission establishes ward boundaries. The commission may not be composed of councillors or staff, other than the administrator, and is mandated to review wards at least once every three election cycles. In Nova Scotia, the provincial government mandates that municipal boundary decisions are overseen by a quasi-judicial board. As a result, Halifax’s ward boundaries, first approved by City Council, must be approved by the Nova Scotia Utility and Review Board, under Nova Scotia’s *Municipal Government Act* (1998).

Unlike in Saskatchewan and Nova Scotia, Ontario does not prescribe approval of municipal boundary decisions by a commission or quasi-judicial board. However, Toronto’s ward boundary decision may be appealed to the OMB. To minimize the likelihood of success of such an appeal, one of the objectives of City staff in designing the WBR process was to create a third-party review model, whereby councillors would not be seen as gerrymandering boundaries (City Manager 2013). Nevertheless, it is uncertain whether the model achieved a sufficiently arm’s-length process.

Councillors were involved in the design of, consultation for, and decision-making on new ward boundaries. The consultants met individually with all members of council at least once, and with most councillors three times. The

consultants noted that councillors were concerned about the locations of communities of interest and said that they did not feel that they were put under any undue pressure. However, the strength of the councillor voice revealed itself in the Final Report, which set out the review of each of the options. Ultimately, the 47-ward option appeared to be more politically palatable to the councillors compared with members of the public (Canadian Urban Institute et al. 2016a). The involvement of councillors was also seen in the decision of the Executive Committee to return the WBR to the consultants for revision prior to being forwarded to City Council for approval, even though the consultants had concluded their review (City Clerk 2016a). The Executive Committee and City Council are not required to adopt the recommendations of the consultants.

Councillors are in effect making decisions on the future of their jobs. On one hand, the absence of an independent commission highlights their ability to be truly objective in selecting new boundaries, when every block represents a set of voters who may make the difference in an electoral race. It also raises the question of whether other ward options – for example, a smaller City Council or wards overlapping with federal districts – were fairly considered.

City Council could have adopted measures to further insulate the process from political interference. The Act's restrictions on delegation do not include ward boundaries, which suggests that City Council could strike an independent commission whose decision could proceed to Council in final form. Other options include having the final WBR report directly to City Council, rather than through the Executive Committee, thus reducing the degree to which a small group of councillors can delay decision-making on the review. A further option would be to include accountability officers in the process by asking them to provide advice on whether the process complied with appropriate standards.

4.2 What is a “community of interest” in the Toronto context?

The focus on “communities of interest” was important in the *Carter* decision and in Toronto's Ward Boundary Review. Other municipal ward boundary reviews have been challenged for not adhering to this principle.

The *Carter* decision is considered to have been especially significant for recognizing the importance of minority representation in the electoral model (Courtney 2001). The decision may reflect changes to the representational agenda in Canada based on Aboriginal representation. As cited in one of the consultant reports, John Courtney suggests that when the Supreme Court chose to favour minority representation in *Carter*, it may have been anticipating future legal challenges on the issue of accommodating minority groups through guaranteed electoral districts (Canadian Urban Institute et al. 2014).

Applying the *Carter* principle to a ward boundary configuration means that communities of interest should not be divided by a ward. Courtney notes, in regard to this principle:

As a rule, lines are drawn around communities, not through them. 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 minorities (Courtney 2001).

The maintenance of “communities of interest” when drawing ward boundaries is a common standard in Canada and other commonwealth cities in the United Kingdom and Australia (Canadian Urban Institute et al. 2014). The view is that it is fair and logical to group communities together, and that it can encourage participation in civic life. Courtney states:

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. 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 (Courtney 2001).

The actual implications of this principle are uncertain. David Bercuson and Barry Cooper note:

When a term such as “community of interest” is invoked with great regularity and passion but when at the same time it has been given virtually no content, we have good grounds to suspect that we are dealing with ritual and incantation, not argument (Bercuson and Cooper 1992).

In Toronto, the consultants were broad in their depiction of “communities of interest.” Called “geographic communities of interest” in the Final Report, the consultants stated that they are “difficult to define precisely” (Canadian Urban Institute et al. 2016a). They note of the term:

Sometimes it refers to ethno-cultural commercial areas such as Chinatown, Little Italy or Little India. The term is also used to define neighbourhoods such as The Annex, Rexdale, Malvern, Mimico, Mount Dennis or St. Lawrence... There is no comprehensive list or map of Toronto’s communities of interest or neighbourhoods with precise boundaries. Some areas of the city have strong neighbourhood groups and residents associations with well-defined boundaries, while other areas do not (Canadian Urban Institute et al. 2016a).

In addition to these “communities of interest,” the City of Toronto has also identified 140 neighbourhoods to assist with local planning and policy development.

The consultants offered two guidelines: first, communities of interest must be geographically contiguous, meaning that there must not be a gap in their physical location. Second, it was important to try not to divide communities of interest,

although division may be unavoidable due to the size of these communities and the location of natural boundaries.

In practice, the WBR demonstrated three challenges related to communities of interest:

- The reports included many comments about communities of interest that were purportedly small enough to be in a single ward, but were currently divided amongst two or three wards (Canadian Urban Institute et al. 2016a). In such cases, the consultants strove to keep communities together while maintaining ward sizes that did not deviate considerably from one another.
- There were differences of opinion on how one community of interest should be grouped with others, especially in the grouping of communities that have very different demographics. Concerns centred on the purported needs of communities within the ward and whether a single councillor could represent diverse interests (Canadian Urban Institute et al. 2016a).
- Some communities were too large for a single ward. Participants also spoke about the locations of wards within community council boundaries and, in particular, keeping Scarborough “intact” in order to maintain its pre-amalgamation identity (Canadian Urban Institute et al. 2016a).

In the end, the “communities of interest” criterion leaves considerable room for interpretation. Communities do not neatly coincide with the wards of the City of Toronto. There can be overlaps amongst communities, communities may be larger than a single ward, or the placement of a single community within a ward may conflict with other ward boundary review principles. There is also considerable tension between subjective identifications of neighbourhood and community, and boundaries based on socio-economic characteristics. As Kent Roach observes, the *Carter* decision “can only protect minorities that are both politically and geographically cohesive and large enough in number to influence election results in local, provincial or federal constituencies” (Roach 1992).

The consultants’ attempts to engage community groups and address their boundary concerns, together with their inclusion of all residents within a ward, not just electors, exceeded the standards articulated in previous OMB decisions. However, the ward boundary process highlights the importance of this principle in political representation generally, suggesting that communities of interest without a cohesive geography – including communities like that in Toronto’s Jane-Finch area – require emphasis in the overall governance model beyond the ward. This question should be one of the subjects of a future city-wide governance review.

4.3 Were a sufficient number of residents engaged in the WBR process?

The consultants noted that 2,352 participants were engaged throughout the three-year process (Canadian Urban Institute et al. 2016c). In the first consultation stage, the consultants individually interviewed all 44 members of the 2010–2014 City Council and seven new 2014–2018 Members of Council to solicit their

perspective on the issues related to the current Toronto ward configuration (Canadian Urban Institute et al. 2016a). In the second stage, the consultants met with 42 Councillors and three members of the Mayor's staff. The third stage, which was mandated by the Executive Committee, included interviews with 38 members of Council (Canadian Urban Institute et al. 2016c).

The ward boundary review distinguished between “civic engagement” and “public consultation,” with the former focusing on providing information through a website, emails, and social media (Canadian Urban Institute et al. 2016c). The public consultation of these “communities of interest” was built into the review in five ways.

First, the consultants engaged specific “stakeholder groups,” which included the Toronto Association of Business Improvement Areas, the umbrella organization for Toronto's BIAs. Second, the consultants held face-to-face discussions with councillors. Third, opportunities were provided to any interested person or organization to attend a webinar or one of the 24 public meetings, six of which were held in each of the four community council areas. These consultations were in two stages – the first to obtain feedback from residents prior to the drafting of proposed boundaries and the second following the identification of five options. Fourth, the consultants provided a survey for any person to complete and forward. Fifth, individuals were able to attend the Executive Committee meeting and give a five-minute deputation with their thoughts on the review.

In addition, the City Manager's Office conducted its own poll between the Final Report and the Supplementary Report to gauge public opinion (Canadian Urban Institute et al. 2016c). The poll concluded that: first, the size and configuration of wards would not affect the propensity of citizens to vote; and, second, **that** direct connection to councillors was the most important of factors in determining wards.



Public involvement in the WBR process was limited until the final decision came into sight (Lorinc 2016; Rider and Kwong 2016). Members of Business Improvement Areas (BIAs) and neighbourhood associations attended consultation sessions and committee meetings, often providing input on the boundaries of their applicable “communities of interest.” However, these organizations do not reflect all areas of the city, especially the city's low-income communities. This omission undermines the degree to which the input received was representative of Toronto's diverse communities.

While the consultants went far beyond the engagement processes adopted in most municipalities, other efforts to gather input could have been considered, including models such as the Toronto Planning Advisory Panel, which randomly selects Toronto residents to provide a more representative group based on age, race, gender, and geography, than elected officials or organizations like BIAs and neighbourhood associations (City of Toronto n.d.).

4.4 *Are future projected population sizes the right indicator?*

One of the premises of the WBR was the conclusion that the population of Toronto would increase by 500,000 people by 2030 and that the ward boundaries should accommodate this growth for four subsequent municipal elections. This approach differs from that of the federal government, which takes the population from the last census period and uses that as the basis to determine population size.

Population projections were taken from City Planning data based on the population in 2011, active residential developments approved by City Council, and secondary planning exercises. At one Executive Committee meeting, City staff noted that a range of possible population sizes were given to the consultants and that the consultants based their analysis on the numbers used for the City's Official Plan Review. A councillor suggested that the City Planning data was not block-by-block and, therefore, could not be accurate in regard to long-term projections.

There are concerns with this approach. First, there is an assumption that the population projections are correct, despite some unknown variables like the impact of future transit decisions on population growth. Colin Rallings et al. have observed that municipal projections related to redistricting in local governments of the United Kingdom have varied significantly from actual population counts, even within a period of five years (Rallings et al. 2004). The projections that formed the basis of the WBR options were provided by City Planning in April 2015 based on the 2011 census (Canadian Urban Institute et al. 2016d). The tremendous growth currently taking place in Toronto calls into question the reliability of projections, especially as government policies at the municipal, provincial, and federal levels can affect population growth. For example, in a letter to the Executive Committee, the York University Development Corporation noted that projected growth may be considerably more delayed than indicated in the consultant reports, resulting in a lower projected population and thereby affecting voter parity (York University Development Corporation 2016).

Second, the effect of basing the boundaries on future population is that faster-growing wards have smaller populations in the short term. These objections were raised by councillors at Executive Committee meetings on May 24, 2016, and October 26, 2016. Because the bulk of population growth is expected to take place in the downtown core, the short-term populations of some wards in this area of the city will be lower than those in the suburbs and inner suburbs, shifting the balance of power between the downtown and outer areas of Toronto (Park 2016).

Table 3 sets out the projected populations of each of the new 47 wards, including the deviations over the next four election years. The target population for each ward was 61,000 and the aim of the consultants was to achieve as close to voter parity as possible by 2026 (Canadian Urban Institute et al. 2016a).

Table 3: Population Variances of Recommended Wards (2018–2030)

Recommended ward	2018	Variance (%)	2022	Variance (%)	2026	Variance (%)	2030	Variance (%)
RW1	60,154	-1.39	59,918	1.77	60,122	-1.44	60,412	-0.96
RW2	59,298	-2.79	59,205	-2.94	59,935	-1.75	60,886	-0.19
RW3	62,791	2.94	63,747	4.50	65,044	6.63	66,551	9.10
RW4	63,419	3.97	64,810	6.25	65,507	7.39	66,299	8.69
RW5	58,254	-4.50	62,838	3.01	70,010	14.77	77,220	26.59
RW6	65,500	7.38	67,540	10.72	69,434	13.83	71,557	17.31
RW7	55,133	-9.62	55,670	-8.74	57,043	-6.49	58,825	-3.57
RW8	48,062	-21.21	49,114	-19.49	54,748	-10.25	57,884	-5.11
RW9	54,677	-10.37	55,182	-9.54	56,380	-7.57	58,076	-4.79
RW10	64,410	5.59	64,986	6.53	66,096	8.35	67,360	10.43
RW11	61,420	0.69	61,923	1.51	64,304	5.42	66,844	9.58
RW12	52,645	-13.70	53,073	-13.00	54,213	-11.13	55,653	-8.77
RW13	58,726	-3.73	59,584	-2.32	62,255	2.06	65,165	6.83
RW14	58,823	-3.57	59,524	-2.42	60,077	-1.51	60,667	-0.55
RW15	69,412	13.79	69,971	14.71	70,313	15.27	70,641	15.81
RW16	65,645	7.61	65,779	7.84	66,141	8.43	66,530	9.07
RW17	64,645	5.98	66,165	8.47	66,846	9.58	67,522	10.69
RW18	65,946	8.11	66,428	8.90	67,253	10.25	68,135	11.70
RW19	64,392	5.56	65,401	7.22	66,683	9.32	67,892	11.30
RW20	38,154	-37.45	45,542	-25.34	51,350	-15.82	53,131	-12.90
RW21	47,180	-22.66	58,859	-3.51	63,625	4.30	68,940	13.01
RW22	47,425	-22.25	54,356	-10.89	60,987	-0.02	65,905	8.04
RW23	55,416	-9.15	60,270	-1.20	61,181	0.30	64,922	6.43
RW24	47,020	-22.92	50,248	-17.63	55,692	-8.70	60,357	-1.05
RW25	47,686	-21.83	54,404	-10.81	60,450	-0.90	63,582	4.23
RW26	53,241	-12.72	57,018	-6.53	58,560	-4.00	59,983	-1.67
RW27	64,743	6.14	66,332	8.74	66,822	9.54	67,279	10.29
RW28	57,443	-5.83	58,037	-4.86	59,815	-1.94	61,549	0.90
RW29	59,020	-3.25	60,233	-1.26	62,378	2.26	65,069	6.67
RW30	53,371	-12.51	54,726	-10.28	55,527	-8.97	56,387	-7.56
RW31	60,082	-1.51	61,318	0.52	62,177	1.93	63,103	3.45
RW32	68,522	12.33	69,136	13.24	69,527	13.98	69,966	14.70
RW33	55,167	-9.56	56,019	-8.17	56,841	-6.82	57,638	-5.51
RW35	66,789	9.49	67,026	9.88	67,720	11.02	68,605	12.47
RW36	57,817	-5.22	58,490	-4.11	58,637	-3.87	58,764	-3.67
RW37	53,553	-12.21	53,974	-11.52	54,372	-10.87	54,748	-10.25
RW38	63,014	3.30	64,242	5.32	67,016	9.86	70,194	15.07
RW39	61,940	1.54	62,821	2.98	64,495	5.73	66,757	9.44
RW40	65,979	8.16	66,413	8.87	68,542	12.36	71,172	16.68
RW41	67,393	10.48	68,402	12.14	70,307	15.26	73,894	21.14
RW42	63,507	4.11	65,643	7.61	66,889	9.65	68,503	12.30
RW43	68,045	11.55	67,681	10.95	67,619	10.85	67,350	10.41
RW44	66,035	8.25	66,253	8.61	66,060	8.30	66,237	8.59
RW45	64,969	6.51	64,979	6.52	64,864	6.33	64,714	6.09
RW46	58,644	-3.86	59,616	-2.27	60,815	-0.30	62,215	1.99
RW47	50,847	-16.64	51,327	-15.86	51,952	-14.83	52,646	-13.69

In their Supplementary Report, the consultants note that:

- 10 percent above or below the average ward population has been the gold standard of ward boundary reviews;
- The 10–15 percent difference in ward populations has been upheld by the Ontario Municipal Board (OMB) for urban areas;
- Differences of more than 15 percent can be used only in special circumstances (Canadian Urban Institute et al. 2016b).

They further stated that, “A variance of plus or minus 20% or more has been applied, on rare occasions, by municipalities that have to ensure the representation of rural areas within their boundaries, such as the City of Ottawa. *Such a large difference is not appropriate for a built-up city like Toronto*” (Canadian Urban Institute et al. 2016b, emphasis added).

As created, six wards will deviate by more than 20 percent in 2018 (one by more than 37 percent), one ward will do so in 2022, and two in 2030. If appealed, the OMB may find that such deviations are unacceptable in a densely populated urban environment.

The consultants were bound by City Council–approved terms of reference, including a provision that the review, “Considers and accommodates Toronto’s projected growth and population shifts for a reasonable period of time.” From the beginning, the consultants stated that if the new wards were to last for three to four municipal elections, the population projections would need to be forward-looking. Another approach would have been to enact a bylaw requiring that WBRs take place on a fixed basis, as is done every 10 years in the federal context.

Andrew Sancton suggests that one implication of the *Carter* decision is that “ward boundaries within any given municipality must be redrawn on a fairly regular basis so as to ensure that the populations of each are roughly equal” (Sancton 1992). Some municipalities have heeded this advice, opting to conduct reviews on a regular basis. For example, Saskatchewan, Winnipeg, and New York are required to have reviews every four years, and London (Ontario) enacted a bylaw requiring staff to review ward populations once each term.

4.5 Time for a Toronto governance review?

Toronto’s WBR focused exclusively on the boundaries of individual wards, without a forum for considering other, related governance questions. Some of these questions – for example, the number, membership, and delegated responsibilities of community councils – will soon be considered by City staff.

The WBR made clear that other elements of decision-making are ripe for review. Toronto’s WBR consultants observed that, while ward boundary reviews look at the composition of council separately, it is only one part of how a community or an individual can be represented in the decision-making process (Canadian Urban Institute et al. 2016a). The consultants were not given a mandate

to consider governance broadly and, therefore, did not offer conclusions about these or other issues. They did note, however, that many municipalities across Canada have opted to consider matters like the composition of council prior to, or as a component of, their ward boundary reviews (Canadian Urban Institute et al. 2016a).

Many governance matters were raised by councillors and the public, including the number, role, and location of community councils; whether there should be councillors elected to represent the city as a whole; and whether a two-tier system would be preferable (Canadian Urban Institute et al. 2016d). There was frustration amongst many councillors and residents that these larger representation issues needed resolution either before or simultaneously to the redrawing of wards. As Rallings et al. note, the issue is not so much whether the courts will uphold a ward review, but the impacts when “recommendations appear to ignore what councils, groups, and individuals believe to be legitimate concerns and demands,” contributing to the “perception of a democratic deficit” (Rallings 2004).



The last time the City of Toronto engaged in a governance review, the ink of the *City of Toronto Act*, 2006 was barely dry. Ten years later, the City of Toronto has grown in size and complexity. As noted in an article published around the time that the City Council made its final decision on the WBR:

The real problem with Toronto’s review is that while new ward boundaries may improve voter parity between wards, it will do little to solve the larger governance deficiencies that have long dogged local government in large Ontario cities: a ward councillor’s political supremacy, the unalloyed power of incumbency, and low voter turn-out – especially among tenants, low-income families and newcomers (Lorinc 2016).

Almost 20 years after amalgamation, Toronto is now entering its “adult” years. The completion of the WBR provides an opportunity for a thorough governance review to move beyond the issue of ward-based representation to a more comprehensive look at the city’s decision-making model





5. Conclusion

When the WBR began in 2013, population varied widely across the city’s 44 wards, ranging from 45,000 to 90,000 residents. The WBR was Toronto’s first boundary review under the *City of Toronto Act*, 2006. The multi-year process was designed by staff and led by consultants, with ample opportunity for involvement by councillors. While the process was briefly interrupted by the Executive Committee, the final ward boundaries were approved in November 2016 without significant deviation from the consultants’ recommendations. The result was the addition of three new wards in the downtown area.

The design and process of the review was meant to reduce the possibility of a successful OMB appeal. While the consultants highlighted the difficulty of

identifying “communities of interest” and placing them within wards, and the difficulty of engaging the public, they likely exceeded the standards followed in other Ontario reviews. Assuming there are no successful appeals of the decision, the new ward boundaries will be in place in time for the 2018 election.

The ward boundary review raised three significant questions. The first is the lack of a regular review process and the missed opportunity to introduce such a requirement into the City’s bylaws. As things stand, there are no provisions for regular reviews of Toronto’s wards. Instead, these new ward boundaries are expected to be in place for four election cycles. This expectation stands in sharp contrast to the requirements of other large cities, including New York and Los Angeles, where reviews take place every 10 years. In the meantime, significant population deviations will continue across the city, in particular in the downtown core.


Second, ncillors were involved in the design, consultation, and decision-making  of new ward boundaries, raising the question of whether they have the ability to be fully objective in selecting new boundaries.

Third, the WBR highlighted that a governance review is badly needed. Wards are but one important component of representation.

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