

Date: 2022-03-15

Subject: **Ward Boundary Review Process – Terms of Reference**

Contact: Shawnica Hans, Program Manager, Elections, City Clerk’s Office

Report Number: Legislative Services-2023-122

Recommendations:

1. That the report from Shawnica Hans, Program Manager, Elections, City Clerk’s Office to the Committee of Council Meeting of March 29, 2023, re: **Ward Boundary Review Process – Terms of Reference**, be received;
2. That direction be provided to staff regarding a review of Council composition:
 - i. Proceed with a change in Council composition; or
 - ii. Not proceed with a change in Council composition;
3. That direction be provided to staff to either:
 - i. Commence an internal-led ward boundary review; or
 - ii. Engage an external consultant to lead a ward boundary review;
4. That, subject to Council approval of an internal-led ward boundary review, a budget amendment be approved and a new capital project be established in the amount of \$100,000 for public consultation and engagement, with funding to be transferred from Reserve #25 – Municipal Elections;
5. That, subject to Council approval of an external-led ward boundary review, a budget amendment be approved and a new capital project be established in the amount of \$250,000, with funding to be transferred from Reserve #25 – Municipal Elections; and
6. That the Governance and Council Operations Committee serve as the steering committee to guide the work of the Ward Boundary Review Project Team.

Overview:

- **The last ward boundary review was conducted in 2012/2013, with changes enacted in advance of the 2014 Municipal Election. The review covered the 2014, 2018 and 2022 elections.**
- **At its meeting of July 8, 2020, Council passed Resolution GC007-2020, providing direction not to proceed with a change in Council composition or a ward boundary review. The resolution confirmed Council's intent to complete a ward boundary review in advance of the 2026 Municipal Election.**
- **On November 28, 2022, a petition was received by members of the public, to decrease the size of Council and the number of wards from 10 to eight.**
- **This report provides options for Council to consider a potential change in Council composition, as well as process and terms of reference for a future ward boundary review.**

Background:Previous Ward Boundary Review Discussions at Council

The City of Brampton's ward boundaries were last reviewed in 2012/2013, with ward boundary changes implemented for the 2014 Municipal Election. These ward boundaries have remained in place since the 2014 Municipal Election to present day.

Following requests from Council for information on population projection forecasts and terms of reference for a potential Council composition and ward boundary review, staff presented a report to the Governance and Council Operations Committee on July 6, 2020. Subsequently, Council passed Resolution GC007-2020 at its meeting of July 8, 2020:

GC007-2020:

1. That the report re: Council Composition, Ward Boundary Review and Terms of Reference (RM 5/2020), to the Special Governance and Council Operations Committee Meeting of July 6, 2020, be received;
2. That direction be provided to staff to:
 - a. Not proceed with a change in Council composition;
3. That direction be provided to staff to:
 - a. Not proceed with a Ward Boundary Review for completion prior to the 2022 election; and

4. That staff conduct preliminary population research and report back to Council in the form of a workshop, with the intent to complete a Ward Boundary Review in advance of the 2026 election.

In September 2021, staff provided updated population projection forecasts during a [Council Workshop](#).

Petition to Reduce Wards and Council Composition

At its November 28, 2022 meeting of Council, a petition by members of the public, accompanied by two public delegations, was presented, and requested Council to reduce its composition and to reduce the number of wards from 10 to eight. The delegations and petition were referred to the December 7, 2022 meeting of Council and received.

Under Section 223 (1) of the *Municipal Act, 2001* (“Act”), electors in a municipality may present a petition asking Council to pass a by-law to divide, re-divide or dissolve existing wards. The petition must be signed by 1% of the electors in the municipality, or 500 electors, whichever is less. The petition was signed by more than 500 electors.

Under the Act, if Council does not pass a by-law within 90 days of receiving the petition, any of the electors who signed the petition may apply to the Ontario Land Tribunal (OLT) to have the wards divided, re-divided or dissolved.

The Act does not include any provision where electors may petition for a change in the size or composition of Council. Matters of Council composition can only be decided upon by Council alone, under Section 217 of the Act.

During the December 7 meeting, staff indicated that a report regarding initiating a ward boundary review would be forthcoming in the first quarter of 2023. As such, Council did not proceed with passing a by-law in relation to the petition. The timeline for passing a by-law ended on February 27, 2023. Staff is not aware of any appeals being filed with the OLT at the time of submission of this report.

For reference, the City of Vaughan received a petition regarding ward boundary changes in 2013, where the petition sought to add a new ward. Council did not pass a by-law to redistribute the ward boundaries to create the requested new ward, and as a result, a resident appealed to the Ontario Municipal Board (OMB), at the time. A full hearing was held, but did not result in any ward boundary changes.

Recent Ward Boundary Reviews in Other Municipalities

The City’s last ward boundary review was conducted internally, over a nine-month period. The review was led by the City Clerk’s Office, in partnership with various departments, and covered three election cycles (2014, 2018, and 2022).

Several ward boundary reviews have been conducted in neighbouring municipalities in recent years, over the last two election cycles. Some reviews focused on ward boundaries alone, while some, like the City of Guelph undertook a review of Council composition as well.

It is noted that the majority of recent ward boundary reviews were conducted by external consultants:

Municipality	Completed Internally or Consultant-led	Approximate Timeline for Review	Approximate Costs for Review	Comments
Caledon	Consultant	18 months	\$60,000	
Guelph	Consultant	18 months	\$225,790	Timeline was intended to be 12 months, but was delayed due to COVID-19
Hamilton	Consultant	12 months	\$231,000	
Kitchener	Internal	6 months	Information not provided	
Milton	Consultant	6 months	Information not provided	
Oakville	Consultant	14 months	\$26,000*	Consultant retained in 2011 with interim report in 2012 – ward boundary changes implemented in 2018 based on regional governance changes
Ottawa	Consultant	12-18 months	\$320,000	Appeals took an additional 10 months to conclude
Pickering	Consultant	18 months	\$60,000	
Toronto	Consultant	36 months	\$810,000	
Vaughan	Consultant	9 months	\$125,000	The City has also conducted internal ward boundary reviews in the past

* Costs for consultants only

The length of time for ward boundary reviews varies across municipalities, in part due to the size and complexity of the municipality. All ward boundary reviews conducted have included a comprehensive public consultation and engagement process. For those reviews conducted during the COVID-19 pandemic, much of the public consultation was completed in a virtual format.

Current Situation:

The following information has been updated from the 2020 Council report, and includes additional considerations for a review of council composition and ward boundaries.

Reviewing Council Composition

Section 217 of the Act authorizes a local municipality to change the composition of its Council subject to the following rules:

- Minimum of five members, one of which is the Head of Council
- Members are elected in accordance with the *Municipal Elections Act, 1996*
- Head of Council is elected by general vote
- Members, other than Head of Council, are elected by general vote or wards, or by any combination of general vote and wards
- Representation of the City at Regional Council shall not be affected by a change in composition at the local level.

Council moved from an 11-ward composition to 10 wards for the 2006 Municipal Election.

Ward boundary reviews can provide an opportunity for Council to review its composition, and make changes if necessary.

Staff has outlined potential options for a change in Council composition. These options are based on a premise that City Council does not wish to increase or decrease the total size of City Council (1 Mayor and 10 Councillors). It is highly recommended that a decision on Council composition be made ahead of a ward boundary review.

Option 1: Maintain current structure

The municipality is divided into 10 wards, with five ward pairings. Each ward pairing is represented by a City Councillor and Regional Councillor, with the Mayor elected to serve at large. Three additional Regional Councillors are appointed by City Council at the beginning of the term of Council, from amongst the five City Councillors. The Head of Council also serves on Regional Council. Council is not required by the Act to review or change its composition and may decide to maintain the current structure.

Option 2: Revision to current ward pairings

Council may wish to change the existing ward pairings based on projected population and growth in certain wards. In this scenario, wards would still be paired together, however the ward pairings or groups would be different. Based on the new ward pairings, a new approach for how to elect Councillors to Regional Council may be required to ensure adequate representation.

Option 3: Unpair wards

Council may wish to continue with the 10-ward structure, however unpair them, so that each Councillor represents one ward only. For the next municipal election, 10 individuals would be elected to serve as City Councillor for their respective ward. The current regional representation of eight (8) Regional Councillors would continue. A new approach for how to elect Councillors to Regional Council would be required – one option is that the eight Councillors who received the most number of votes (total votes or percentage) in the municipal election would be appointed to Regional Council, along with the Mayor. Alternatively, Council could establish its own selection process for the eight (8) Regional Councillors from amongst the 10 elected City Councillors.

Option 4: Clean slate review and definition of new wards

Council may wish to direct staff to conduct a “clean slate” review in which the existing ward boundaries are removed and new wards are created without reference to the previous wards and based on the ward boundary criteria, as approved by Council.

Option 5: Create a new composition with eight wards

Council may direct staff to create an eight-ward scenario, with the election of eight Regional Councillors and two City Councillors. Each Regional Councillor would represent one of the eight wards.

The eight wards would then be split into two groupings, for example, Wards 1-4 as one grouping, served by one City Councillor, and Wards 5-8 as the other grouping, served by the second City Councillor.

The public petition presented to Council in November 2022 requested that the wards be reduced from 10 to eight.

A Ward System Aligned with Provincial and Federal Electoral Districts

In the 2020 ward boundary report to Council, staff provided an additional option for consideration – aligning ward boundaries with provincial and federal electoral districts.

For the 2018 Municipal Election, the Government of Ontario changed the City of Toronto’s ward boundaries to be identical to the Ontario and federal electoral districts.

Staff provided a similar option to be considered, by creating five wards that mirror the five electoral districts within Brampton. After the 2021 Census however, a review and redistribution exercise of the federal electoral districts commenced. Included in the current recommendations is a sixth electoral district for Brampton, which would see part of north Brampton combined with part of south Caledon to form the new electoral district Brampton North – Caledon. The new federal electoral district boundaries will be established by April 2024, at the earliest.

As such, staff does not believe that aligning ward boundaries with the proposed six electoral districts is a suitable option.

Regional Governance Review

The Government of Ontario is expected to commence a review of regional governance in Peel in the near future. Outcomes related to the review may result in possible amalgamation of one or more Region of Peel municipalities, the creation of one or more single-tier municipalities, or maintaining the status quo.

At the time of submission of this report, staff did not have any indication of when the regional review was scheduled to begin or the terms of reference and scope for any provincial facilitator appointed for this review, in order to assess implications for a ward boundary review.

Reviewing Ward Boundaries – Legislative Requirements

Under the Act, municipalities can establish, re-divide, or dissolve existing wards. While the Act states that a municipality has the authority to change their ward boundaries, it does not specify how to conduct such a review or any parameters to consider.

Establishing Criteria for a Ward Boundary Review

Municipalities across Ontario that have conducted ward boundary reviews rely on a set of generally accepted principles that are regularly considered when defining or refining ward boundaries. These principles have been developed based on previous Supreme Court of Canada and Ontario Municipal Board (OMB) (now Ontario Land Tribunal (OLT)) decisions. The previous City of Brampton ward boundary review also incorporated these principles.

These principles are considered in order to achieve the primary goal of a ward boundary review, which is “effective representation”, as established by the Supreme Court of Canada.

According to the City of Toronto’s Ward Boundary Review website, “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. This is fundamental to the democratic electoral system.”

While there is no requirement under the Act for municipalities to conduct a review of ward boundaries, a review is generally considered when it appears that “effective representation” across wards has become unbalanced.

Provincial Policy Direction

The Government of Ontario recently established a 10-year target of 113,000 new households for the City of Brampton through *Bill 23: More Homes Built Faster Act*. At this time, staff is anticipating the population growth associated with this target to be approximately 400,000 new residents and have expressed concern with this significant growth to the Province through the various ERO Postings, and through the City's endorsed Housing Pledge.

Staff is awaiting the release of a new consolidated Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe, which should provide insight as to how the Province anticipates population growth to be allocated to Regional and local municipalities for the planning horizon of 2031 as determined through Bill 23, and 2051 as determined through the current Growth Plan. At the time of submission of this report, staff did not have any indication of when the Province will release the new consolidation of the PPS and Growth Plan.

With an aggressive housing target and new provincial land use planning policy forthcoming, updated population and employment forecasting is required to properly plan for and accommodate the increased levels of growth. The focus of residential development within the City of Brampton is anticipated to continue to shift from greenfield to intensification as the City's remaining vacant greenfield areas continue to steadily develop. Accordingly, increased housing targets would be largely directed to the City's Strategic Growth Areas (SGAs) within the City's built-up areas (BUAs). Regional staff are planning to set up a technical working group or groups to work with local municipal staff to confirm growth allocations and to agree where we should consider trying to accelerate growth as an adjusted short-term high growth scenario to 2031.

The increased population and employment forecasts, determining where growth will take place, and upcoming provincial policy should play a significant role in determining new ward boundaries.

Preliminary Population Forecasts for Future Election Years

Updated preliminary population forecasts have been included as Appendix 1 to this report. Preliminary population forecasts are provided to the Region of Peel by Hemson Consulting Ltd. Appendix 1 also includes projected population figures for the next three election cycles – these figures have been interpolated from the data provided by Hemson.

The updated data in Appendix 1 was received by the Region in September 2021. It is important to note that the data is based on 2016 Census information. The City has learned that the Region of Peel is planning to work with Hemson to update population forecasts using the 2021 Census information. This data will likely be available in the fall of 2023.

In addition, as mentioned earlier, the City's Planning, Building and Growth Management Department will be working with the Region to confirm growth allocations in regards to Bill 23. It is expected that there will be a significant change in the projected population forecasts leading up to the 2030 Municipal Election, given the housing targets set by the Ontario Government for 2031.

Keeping in mind that updated 2021 Census information and Bill 23 considerations will impact the future projected population forecasts, Planning staff is comfortable with the current data up to the year 2026. As the future population forecasts are subject to change significantly, a consideration for Council may be to direct a phased approach to the ward boundary review, with staff proceeding with a review for the 2026 Municipal Election (phase 1), and a subsequent review for future election cycles when updated population forecasts are available (phase 2).

Population Variance

The generally accepted maximum population size variance between wards is 25% (or 33% in certain cases). However, a 10% variance is considered ideal.

Looking ahead to the 2026 Municipal Election, Ward 6 will have a variance of 64% based on current projections, while Ward 10 will have a variance of 43%. Ward 2 will have a variance of 26%. All other wards will fall within the generally accepted threshold of 25% variance, however only one ward (Ward 4) will fall within the optimal 10%.

Although the data is subject to change significantly due to Bill 23, current data shows that Wards 2, 6 and 10 will remain outside of the 25% percent variance threshold for the 2030 election:

- Ward 2 will have 30% variance
- Ward 6 will have 85% variance
- Ward 10 will have 48% variance

In the 2034 election, Ward 7 will also be outside of the 25% threshold.

When comparing variance between the existing ward pairings, all ward pairings remain within the generally accepted 25% threshold for the 2026 election, except for wards 9 and 10, which will have a 28% variance.

This means that while individual wards will be outside of the variance threshold for the 2026 election, if the existing ward pairings and Council composition are maintained, the variance for each ward pairing is mostly within the acceptable margin (except for wards 9 and 10), although not within the optimal margin of 10% variance.

For the 2030 election, ward pairings 2 and 6, and 9 and 10 will be outside of the 25% threshold.

A review of ward boundaries should aim to rebalance the population variance for each ward.

Terms of Reference

A draft Terms of Reference for a ward boundary review has been included as Appendix 2 to this report.

1. Review Criteria

Within the Terms of Reference, key criteria and guiding principles have been established, which include:

- Effective representation, the primary goal of a review
- Representation by population (voter parity)
- Population trends and growth (i.e. development and intensification)
- Physical boundaries (natural and built)
- Protection of established neighbourhoods and communities

The work completed over the past few years by the Nurturing Neighbourhoods project will be beneficial when reviewing the established communities across the city.

2. Project Team and Council Steering Committee

The Terms of Reference also include a proposed cross-departmental project team to conduct the review, should Council decide to conduct the review internally. The proposed project team will be led by the City Clerk's Office and will include team members from Legislative Services, Planning, Building and Growth Management, Corporate Support Services, and the Office of the Chief Administrative Officer.

The work of this team would be overseen by the Governance and Council Operations Committee. This Committee's mandate includes Council governance, structure and composition, matters which can include ward boundaries. Staff recommends that the Governance and Council Operations Committee serve as the steering committee for this review.

As mentioned earlier, a number of municipalities have used external consultants to lead their ward boundary reviews. If Council decides to approve the use of an external consultant, staff recommends that the City Clerk's Office lead the project in partnership with the consultant.

While the City Clerk's Office is confident that the work can be completed internally, work plans for other departments may be impacted.

3. Timelines for Review and Implementation

The Act specifies the timeline for completion of a ward boundary review. Any ward boundary changes must be complete and final by December 31 in the year preceding an election.

Any decision by Council to change ward boundaries is subject to public notice and possible appeal to the Ontario Land Tribunal (OLT). Any appeals must be fully resolved by December 31, 2025 in order for the ward boundary changes to take effect for the 2026 Municipal Election.

If appeals are not resolved prior to that date, the changes would not take effect until the 2030 Municipal Election. Appendix 3 includes extracts from the Act relating to the legislated timelines.

The Terms of Reference include a proposed timeline for a ward boundary review with all work (including a public consultation period) completed by February 2024. This should allow ample time for any appeals to be considered and resolved by the OLT.

For reference, several parties appealed the outcome of the City of Toronto's ward boundary review. Two parties also appealed the City of Hamilton's review decision.

Impacts to Timelines:

- If Council wishes to hire an external consultant for this work, the draft timelines in the Terms of Reference would be adjusted to accommodate the Request for Proposal (RFP) process. A minimum of 70 days is generally required for completion of an RFP process. The consultant may further suggest adjustments to the timeline based on their experience, and if they are involved in ward boundary reviews in other municipalities.
- Regional governance review – as mentioned earlier, the Province has not communicated when its review of Peel Region will commence. Based on the various possible outcomes resulting from the review, Council may wish to delay the start of the ward boundary review until later in 2023, when more information regarding the review may become available.

4. Other Considerations

Post-Ward Boundary Review Work

Once a ward boundary review has been completed, and any appeals resolved, work will begin in order to finalize the new ward boundaries. Ward boundary change information will be provided to Elections Ontario, which now has legislated responsibility for the Preliminary List of Electors for municipal elections.

School Board Trustee Representation

School boards rely on elector ward population information in order to determine their trustee distribution. Currently there are five trustees for the Peel District School Board (one for each ward pairing), and three trustees for the Dufferin-Peel Catholic District School Board (one trustee for wards 1, 3 and 4, one trustee for wards 2, 5 and 6, and one trustee for wards 7-10). The trustee distribution has remained the same for the last three municipal elections.

If the outcome of a ward boundary review includes substantial changes in ward boundaries, trustee distribution could be potentially impacted. Any changes to trustee distribution would be communicated to voters throughout the election period.

Next Steps

The following options exist for Council's consideration:

Option 1 – Change Council composition and conduct review for boundary realignment

Council may decide to change its composition (or explore options regarding a composition change) which will establish the preconditions for Council's governance structure, and serve as the basis for staff to conduct a ward boundary review.

The Ward Boundary Review Terms of Reference (Appendix 2) would be adopted to guide the process, which would be overseen by the Governance and Council Operations Committee.

Option 2 – Conduct review for boundary realignment only

Council may direct staff to conduct a ward boundary review with Council composition remaining unchanged. The review would focus exclusively on ward boundary realignment.

The Ward Boundary Review Terms of Reference (Appendix 2) would be adopted to guide the process, which would be overseen by the Governance and Council Operations Committee.

For Options 1 and 2, staff would request Council to provide direction on the following:

- Whether to commence the review internally through the City Clerk's Office or to engage an external consultant
- Whether to delay the start of the review until later in 2023, once there is more clarity on the regional governance review, and possible updates to population forecasts regarding the 2021 Census and Bill 23 growth allocations

- Whether to conduct a phased approach to the ward boundary review, focusing on the 2026 election primarily, with a review of future election cycles initiated once updated data is available

Option 3 – No review

Although Council confirmed its intent to complete a ward boundary review in advance of the 2026 Municipal Election, Council may decide not to proceed with a ward boundary review at this time. This decision could result in further petitions by members of the public and appeals to the OLT.

Corporate Implications:

Financial Implications:

If a review of ward boundaries is undertaken, public notice will be required, and there will likely be costs associated with public consultation and engagement. Strategic Communications has estimated this cost to be \$100,000. Pending Council approval of an internal-led ward boundary review, a new capital project will need to be established in the amount of \$100,000, with funding to be transferred from Reserve #25 – Municipal Elections.

Any outcomes of a review are subject to appeal to OLT, which could have further financial implications.

If Council wishes to engage an external consultant for this work, the estimated cost for this engagement is \$250,000, based on information provided by similar sized municipalities. It is anticipated that this cost would include costs for public consultation. Pending Council approval of an external-led ward boundary review, a new capital project will need to be established in the amount of \$250,000, with funding to be transferred from Reserve #25 – Municipal Elections.

Reserve #25 – Municipal Elections	Internal-Led Ward Boundary Review	External-Led Ward Boundary Review
Balance as at December 31, 2022	\$949,000	\$949,000
Estimated Cost of Ward Review	-\$100,000	-\$250,000
Net Balance	\$849,000	\$699,000

Other Implications:

Legal Implications – A by-law would be required to ratify the final ward boundary changes. The by-law must be enacted by December 31, 2025. The passing of a by-law for newly established ward boundaries can be appealed by a member of the public.

Purchasing Implications – If Council decides to engage an external consultant to lead a Council composition and/or ward boundary review, an RFP process will be required. The general timeframe for an RFP process is 70 days.

Communications Implications – Public notice will be required for the passing of a by-law.

If the review is lead internally, Strategic Communications will develop a detailed communication and engagement plan. Emphasis will be placed on engagement with residents, businesses, and other stakeholders, while educating on the ward boundary review via community engagement opportunities, multimedia and media outreach, ethnic media, marketing opportunities and creative assets.

If the review is led by a consultant, it is presumed that the consultant will lead a public engagement plan approved by Strategic Communications.

Term of Council Priorities:

This report fulfils the Council Priority of a Well-run City by facilitating a dialogue on representative government.

Conclusion:

The last ward boundary review was conducted and implemented ahead of the 2014 Municipal Election. Similar to previous population forecasts, preliminary projections suggest a significant population increase in Wards 6 and 10 in the coming years. Population forecasts are subject to change with Bill 23 implementation.

If Council directs staff to initiate a ward boundary review and/or a Council composition change, the Terms of Reference attached as Appendix 2 should be adopted.

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Attachments:

- Appendix 1: Population Forecasts and Variance
- Appendix 2: Terms of Reference – Ward Boundary Review
- Appendix 3: Extracts from *Municipal Act, 2001*