



Report to: General Committee

Date Report Authored: February 13, 2013

SUBJECT: Ward Boundary Review 2012-2013: Final Report & Options to Redivide the City's Ward Boundaries

PREPARED BY: Stephen Huycke, Acting Deputy City Clerk (x4290)

RECOMMENDATION:

- 1) THAT the staff report entitled "Ward Boundary Review 2012-2013: Final Report & Options to Redivide the City's Ward Boundaries" be received; and,
- 2) THAT the report of Dr. Robert J. Williams, entitled "Final Report 2012-2013 Ward Boundary Review" (Attachment "A") be received; and,
- 3) THAT Council select in accordance with Section 222 of the *Municipal Act, 2001*, an option to redivide the City's ward boundaries; and,
- 4) THAT a by-law to redivide the City's ward boundaries be passed; and,
- 5) THAT the City Clerk be directed to give public notice of the passing of the by-law in accordance with Subsection 222(4) of the *Municipal Act, 2001*; and,
- 6) THAT staff be directed to undertake all steps required to implement the selected ward boundary configuration, including appearances necessary for that purpose before the Ontario Municipal Board or a court of competent jurisdiction; and,
- 7) THAT staff be directed to report back on any significant population variance between each of the City's wards following the 2018 municipal election; and further,
- 8) THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report is submitted to facilitate the selection of an option to redivide the City's eight (8) ward boundaries to take effect for the 2014 municipal election.

BACKGROUND:

On June 12, 2012, Council adopted Terms of Reference for the 2012-2013 Ward Boundary Review. The Terms of Reference established principles under which the review is being conducted, namely:

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- 1) Consideration of representation by population: To the extent possible, wards should have relatively equal population totals. Given the geography and varying population densities and characteristics of the municipality, a degree of variation will be acceptable.
 - 2) Protection of communities of interest and neighbourhoods: It is desirable to avoid fragmenting traditional neighbourhoods or communities of interest within the municipality. It is considered desirable to keep historic communities contained within a ward. New communities should be represented within a single ward when possible.
 - 3) Consideration of present and future population trends: Given the varying rates of population growth across Markham, any proposed ward designs should take into account projected population changes so that wards will be equitable for up to three (3) terms of Council.
 - 4) Consideration of physical features as natural boundaries: Consideration will be given to using natural and man-made features as ward boundaries that already serve as physical boundaries of communities. Where feasible, the preferred features to define a ward boundary are arterial roads, highways, railway lines, rivers and creeks.
 - 5) The overriding principle of “effective representation”: The specific principles are all subject to the overriding principle of “effective representation” as enunciated by the Supreme Court of Canada in its decision on the Carter case.

On December 10, 2012, following research and public consultation, Dr. Robert Williams presented General Committee with his Interim Report and four (4) draft options to redivide Markham’s ward boundaries. On December 18, 2012, Council directed staff to obtain public input on Council’s preferred ‘Option D’ and minor modifications to ‘Option D’.

A public consultation session was held on January 21, 2013. This meeting was advertised by staff, and all registered ratepayers associations were personally invited to attend. At the public sessions, Dr. Williams delivered a PowerPoint presentation and reviewed five (5) potential options to change the City’s Ward Boundaries. The Final Report provides an overview of comments heard from the public at that meeting.

OPTIONS/ DISCUSSION:

Dr. Williams’ Final Report provides Council with five (5) options to redivide the City’s eight (8) wards. In addition to Option D there are four (4) additional options that examine opportunities to adjust the boundaries of the proposed wards 5, 7 and 8.

The five options discussed in the Final Report are as follows:

- 1) Option D – report pages 7 to 14; map Attachment “B”
- 2) Option D1 – report pages 15 to 20; map Attachment “C”
- 3) Option D2 - report pages 21 to 26; map Attachment “D”
- 4) Option D3 – report pages 27 to 32; map Attachment “E”
- 5) Option D4 – report pages 33 to38; map Attachment “F”

The report analyzes each of these options against the guiding principles. The report, at page 48, concludes that “Three Options (D, D1 and D2) are judged worthy of consideration by Council as the basis for replacing the current wards. Each option can be defended as consistent with the recognized criteria for a justifiable ward system.” It is recommended that Council adopt one of these options to redivide the City’s ward boundaries.

Council is required, under section 222(1) of the *Municipal Act*, to pass a by-law to redivide the city wards. Following Council’s selection of an option staff will prepare the by-law necessary to enact the change. Within 15 days of the passing of a by-law passing the City is required to provide public notice. Within 45 days of the passing of the by-law, any person or agency may appeal the by-law to the Ontario Municipal Board. The Board has the authority to affirm, amend or repeal the by-law. Should an appeal be filed, it is recommended that City staff be authorized to do all things necessary to implement Council’s choice, including attending any OMB hearings in support of Council’s decision.

Should Council pass a by-law to change the current ward boundaries, those new boundaries come into force on the day the new Council of a municipality is organized. Provided that the by-law is passed (and any appeal to the OMB is settled) prior to January 1, 2014, the new boundaries will be effective following the 2014 municipal election. However, in accordance with section 222(9) of the *Municipal Act*, the 2014 municipal election will be conducted by the City Clerk as if the new boundaries were already in force.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

None


BUSINESS UNITS CONSULTED AND AFFECTED:

None

RECOMMENDED BY:

2/19/2013

20/02/2013

X 

Martha Pettit
Acting City Clerk

X 

Trinela Cane
Commissioner of Corporate Services

ATTACHMENTS:

[Attachment A – “Final Report 2012-2013 Ward Boundary Review”, prepared by Dr. Robert J. Williams](#)

[Attachment B – Option D – Proposed Ward Boundary Realignment](#)

[Attachment C – Option D1 – Proposed Ward Boundary Realignment](#)

[Attachment D – Option D2 – Proposed Ward Boundary Realignment](#)

[Attachment E – Option D3 – Proposed Ward Boundary Realignment](#)

[Attachment F – Option D4 – Proposed Ward Boundary Realignment](#)