

To: Corporate Services Committee

From: Beverly Hendry, Commissioner,
Corporate Services Department

Report Number: CORP-16-14

Date of Report: February 3, 2016

Date of Meeting: February 8, 2016

Subject: Ward Boundary Review - Timelines, Funding and Terms of Reference

File: A-2140

1.0 Purpose

The purpose of this report is to update City Council on the actions taken to date relating to the City's ward boundary review. It seeks Council's approval of the Terms of Reference, the engagement of a consultant and recommends that Council proceed with the ward boundary review after the Region of Durham's Regional Council composition review is complete.

2.0 Recommendation

That Corporate Services Committee recommend to City Council:

That in accordance with Report CORP-16-14 dated February 3, 2016:

1. That the Terms of Reference for the ward boundary review be approved;
2. That staff be authorized to engage the services of a consultant to undertake the ward boundary review to identify options for the re-establishment of wards for use in the 2018 Municipal and School Board Elections; and,
3. That the ward boundary review commence after the completion of the Regional Council Composition Review and the changes, if any, to Oshawa's allocation of representatives on Regional Council are known.

3.0 Executive Summary

At the City Council meeting of December 15, 2014, Council endorsed a Notice of Motion (CORP-14-107) directing staff to develop options for potential ward boundaries to include a range of number of wards pending determination by the Region of Durham as to the future

representation on behalf of the citizens of Oshawa. The scope of the review contemplated by CORP-14-107 was extremely broad, given that it was unknown at the time (and currently remains unknown) what actions would be taken by the Region of Durham respecting the composition of Regional Council.

On May 13, 2015, Regional Council established a special committee to review and make recommendations on the appropriate composition of Regional Council in light of various demographic changes throughout the Region of Durham. The special committee has been directed to complete their review and make recommendations no later than March 2016 on possible changes to the composition of Regional Council.

City Council has the authority to establish, modify or abolish ward boundaries pursuant to Section 222 of the Municipal Act, 2001 (the Act). Changes to a municipality's ward boundaries are subject to appeal to the Ontario Municipal Board (the Board). While the Act is silent on the criteria that should be considered by a municipality when establishing or modifying ward boundaries, the Board has recognized that the principle of effective representation outlined by the Supreme Court of Canada (the Court) is the key criteria against which all ward boundaries shall be assessed. In the decision issued by the Court in *Reference Re Provincial Electoral Boundaries (Sask.) [1991] S.C.J. No. 46*, a case which dealt with discrepancies between the population totals in electoral districts in Saskatchewan, it was determined that electoral boundaries must uphold the right to effective representation guaranteed by the Canadian Charter of Rights and Freedoms, except where the consideration of other factors may lead to a system of governance that is more reflective of a community's diversity.

In response to Council's direction, staff established a Ward Boundary Review Team. The Team is comprised of members representing City Clerk Services, Information Technology Services, Legal Services and Planning Services and will serve as a resource, where necessary, to the ward boundary review. The initial task for the Team was the creation of the Terms of Reference (see Attachment 1) that are intended to guide the review.

The Terms of Reference proposed for approval recognize the importance of the Carter decision and build off the lessons learned from previous appeals to the Board and contain five guiding principles as follows:

- Effective representation
- Protection of communities of interest
- Representation by population
- Future population trends
- Physical features as natural boundaries

Given the importance that the future wards will play in Oshawa's governance, the particular expectations imposed by the Court and the Board, including specific legal and consultative requirements and the potential impact an appeal to the Board may have, it is recommended that a consultant be engaged to lead the ward boundary review. The consultant will be expected to conduct the ward boundary review in accordance with the expectations established by the Court, the Board and the Terms of Reference. While staff possess some of the necessary expertise to conduct the ward boundary review, important

corporate initiatives, projects and day-to-day tasks do not provide sufficient time to deliver on these existing commitments, as well as the ward boundary review.

Notwithstanding Council's previous direction that the ward boundary review develop a range of options to account for potential changes to the number of representatives from Oshawa on Durham Regional Council, it is staff's recommendation that the ward boundary review begin after any changes to the composition of Regional Council are known. Delaying the review until after the Regional exercise is complete will reduce the complexity of the City's ward boundary review and allow participants to focus on the core issues to be addressed, rather than speculating about the potential implications for the City as a result of decisions yet to be made by Regional Council. Council should note that delaying the review may impact the establishment of wards for the 2018 election, given that the City cannot control the outcome or timelines associated with any appeals that may be filed with the Board.

4.0 Input From Other Sources

- City Manager
- Executive Director of Finance Services/Treasurer
- Legal Services
- Ward Boundary Review Team
- Ministry of Municipal Affairs and Housing

5.0 Analysis

5.1 Regulatory Framework – Municipal Act, 2001

In Ontario, the Municipal Act, 2001 provides the framework within which municipalities may conduct ward boundary reviews. Section 222 of the Municipal Act provides Council with the power to divide or re-divide the municipality into wards, or dissolve any wards which may exist within the municipality, provided such actions are completed by by-law. The following process is mandated by the Municipal Act and must be completed before the changes may come into effect:

- Within 15 days of the passage of a by-law, the municipality must give notice to the public of the passing of the by-law and the manner in which the by-law may be appealed, including the last day for filing a notice of appeal;
- The notice must provide 45 days after the passage of the by-law for an individual to file a notice of appeal with the City Clerk;
- Any appeals received must be delivered to the Ontario Municipal Board within 15 days after the last day available for filing a notice of appeal;
- The Ontario Municipal Board shall hear any appeals received and may make an order affirming, amending or repealing the by-law;

- Once the by-law is passed, the new ward boundaries come into force during the next regular election, if:
 - no appeals are lodged;
 - the appeals are withdrawn prior to January 1st in the year of an election, or;
 - the appeals are heard by the Board and an order is issued to affirm or amend the by-law before January 1st in the year of an election;
- Or after the second regular election in all other situations, unless the by-law is repealed by the Board.

The Municipal Act does not provide any criteria to guide the City's ward boundary review process; however, the ruling issued by the Supreme Court of Canada in the Carter decision and previous decisions issued by the Ontario Municipal Board have established useful guidelines for the conduct of any municipal ward boundary review in Ontario. The guiding principles contained within the Terms of Reference proposed for Oshawa's ward boundary review take into consideration the decisions of the Supreme Court and the Ontario Municipal Board and are examined in more depth in Section 5.2 of this report.

The Municipal Act also provides Council with the authority to modify the composition of Council, including the size of Council and the method used to determine how the elected representatives will represent the population (i.e., by ward alone, or by a combination of ward and general vote). This authority is subject to the following requirements contained in Section 217:

1. There shall be a minimum of five members, one of whom shall be the head of council.
2. The members of council shall be elected in accordance with the Municipal Elections Act, 1996.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.

As with the process to change a municipality's electoral boundaries, should Council elect to modify its size or composition, any changes would not come into force until after the first regular election following the passage of the by-law effecting the change, or if the by-law making the change was passed in an election year, the second regular election following the passing of the by-law. However, unlike the process for implementing, modifying or abolishing ward boundaries, the ability to modify the size or composition of Council is not subject to appeal.

5.2 Terms of Reference

The Terms of Reference (see Attachment 1) contain five principles intended to guide the ward boundary review process and the development of Oshawa's future ward boundaries. These principles draw on the Supreme Court's Carter decision, decisions from the Ontario Municipal Board as they concern ward boundaries, as well as lessons learned from ward boundary reviews conducted by other municipalities in Ontario. The five principles are:

- Effective representation
- Protection of communities of interest and neighbourhoods
- Representation by population
- Current and future population trends
- Physical features as natural boundaries

These principles are discussed in more detail below.

5.2.1 Effective Representation

The principle of effective representation is drawn from the decision of the Supreme Court of Canada in the Carter Case. The Carter Case is the leading decision concerning electoral boundaries and the right to vote under the Canadian Charter of Rights and Freedoms (the Charter). The case stemmed from a challenge to the provincial electoral boundaries established in the Province of Saskatchewan which ranged in size from 6,309 electors in the northern sparsely populated areas to 12,567 electors in the dense urban centres. It was alleged that the departure from voter parity across the province infringed on the right to vote enshrined within Section 3 of the Charter.

The case eventually made its way to the Supreme Court of Canada who ruled that the established boundaries did not impact the right to vote, as the distribution of seats between the urban and rural areas of Saskatchewan followed the population distribution across the province and led to increased representation of the urban areas to reflect population growth.

The Court found that variations between the boundaries in the urban areas could be justified on the basis of geography, community interests and population growth patterns; while the rural boundaries were appropriate given the challenges associated with transportation and communications.

In its decision, the Court established that the right to vote under the Charter instituted a right to "effective representation", rather than absolute voter parity reflected by the concept of "one person, one vote" established by the United States Supreme Court. When defining effective representation as the right protected by the Charter, the Court noted that the relative parity of voting power was a prime, but not an exclusive, condition of effective representation. It found that deviations could be justified where the consideration of other factors, such as geography, community history, community interests and minority representation would result in a legislative body that was more representative of Canada's diversity.

Accordingly, the overarching principle for the ward boundary review shall be the principle of effective representation; however, consistent with the Court's decision, this principle shall be subject to other considerations contained within the four other principles.

5.2.2 Protection of Communities of Interest and Neighbourhoods

As noted in the Carter decision, the recognition and protection of communities of interest may justifiably override the principle of voter parity where the inclusion of a community of interest will lead to a system that is more representative of the city's diversity. The Court did not define what constitutes a community of interest; however, it has been leveraged in Ontario Municipal Board appeals to recognize historical settlement patterns or existing communities and to represent social, historical, economic, religious, linguistic or political groups.

Applying this principle in a ward boundary review will protect existing communities of interest and should ensure that they are not divided by a ward boundary. Generally, boundaries are drawn around communities of interest and communities with common interests are, where possible, grouped together. Given that there is no clear definition of a community of interest and an abundance of competing criteria, the ward boundary exercise will need to examine potential areas on a case-by-case basis. The following are some potential examples within Oshawa:

- The downtown area, including the Downtown Business Improvement Area;
- The rural area consisting of those areas beyond the Major Urban Area Boundary in the Oshawa Official Plan; and,
- Durham College/University of Ontario Institute of Technology and the residential areas adjacent to these institutions.

5.2.3 Representation by Population

The principle of representation by population is founded on the premise that each person is entitled to one vote and that all votes should carry the same weight. Accordingly, in support of this principle, it is expected that each elected representative should generally represent the same number of constituents. This principle is tied closely to the principle of effective representation, as any deviation from voting parity would dilute an individual's right to effective representation.

It should be highlighted that this principle is concerned not only with those who qualify as electors or voters in Oshawa, but also non-electors, including those without citizenship, as they have an important voice within Oshawa's political discourse. The issues faced by Oshawa's population, Council and elected officials are not limited to those faced by voters, but also minors, youth and those who reside within the city but without the right to vote. The expectation is that elected officials will represent all individuals within a ward, not simply those who are eligible to cast a ballot.

Consequently, it is expected that wards shall generally have an equal number of residents. For greater clarity, consistent with the Ontario Municipal Board's Kingston (2013) decision, the population totals cannot discount or ignore the student populations associated with

Durham College, the University of Ontario Institute of Technology, Trent University and Queen's University.

5.2.4 Future Population Trends

The consideration of future population trends is intended to support the principles of representation by population and effective representation by ensuring that relative voting parity and political representation remains relatively equal between wards. Being mindful of anticipated population trends will ensure that a ward and its residents are neither advantaged, nor disadvantaged as a result of development activity throughout the city. It is impractical to revisit the ward boundaries after each election cycle and so it is appropriate to establish a system that will provide effective representation over a longer period of time. Given the variety of anticipated and unanticipated factors which affect population growth, it is recommended that the ward boundary review provide a system for use in at least the next two election cycles (2018 and 2022).

5.2.5 Physical Features as Natural Boundaries

The City of Oshawa has a number of unique environmental, topographical or man-made features which shape the life of the city and serve as spontaneous points of reference and boundaries for its residents. Recognizing these features and utilizing them in the design of the city's wards will assist in reinforcing existing neighbourhoods and communities of interest. Where available these physical features should be leveraged as they create pre-existing boundaries which naturally divide the city's residents and may facilitate the effective representation of the ward's residents by their elected official.

The following features in the city may serve as examples that could be used to define the boundaries of a ward:

- Major transportation corridors, such as Highway 401 and the Canadian National and Canadian Pacific Railway rights of way;
- Arterial roads, including King Street, Rossland Road, Harmony Road and Taunton Road, amongst others;
- The Oshawa Executive Airport; and,
- Natural environmental features including valleys, ravines and creek beds.

The intent of this principle is to incorporate pre-existing boundaries which already serve as physical barriers dividing the city's population and neighbourhoods, rather than imposing an artificial border which appears logical on a map but is completely disconnected from the actual boundaries encountered by the city's residents.

5.3 Conduct of the Ward Boundary Review

While not a requirement of the legislation, it is accepted that any ward boundary review must incorporate significant public input given the important role the boundaries will play in the city's governance. Accordingly, it is explicitly stated in the Terms of Reference that the review will include, at minimum, two separate rounds of community engagement and consultation.

The first round shall seek the public's input on various matters referenced in the Terms of Reference, including the identification of existing communities of interest and neighbourhoods, as well as various physical features which may serve as natural boundaries. Upon the conclusion of the first round, the information gathered will be combined with current population statistics, population growth projections and other relevant data to produce a discussion paper which will present a series of proposals and related maps for consideration by the public.

The second round of public consultation will deal specifically with the proposals contained within the discussion paper and will be used to refine the proposed ward configurations. Upon completion of the second round, a final report will be prepared and submitted to Council containing the recommended configuration of the city's ward boundaries in light of the various factors considered within the Terms of Reference and the input received from the public.

Based on a survey of comparable municipalities that have recently completed ward boundary reviews, it is expected that the City's review will take between 6 and 12 months to complete. A summary of this survey is contained in Table 1 in Section 6.0 of this report.

It should be noted that this estimate does not take into account time which may be required to resolve appeals filed with the Board. Council should be aware that there exists a risk that the results of an appeal may not be known prior to the December 31, 2017 deadline established by legislation due to variables beyond the control of the City. Should this be the case, the implementation of elections using ward boundaries must be delayed until the next regular election which is scheduled to occur in 2022.

5.4 Size of Council

Council should be aware that the results of the ward boundary review may include recommendations proposing an increase or decrease to the number of representatives on Oshawa City Council. While a specific level of deviation (i.e., a variation above or below the average population per ward) has not been established to guide the review, the Terms of Reference do not prohibit recommendations that increase or decrease the number of wards. One of the leading criticisms of Ottawa's first ward boundary review in 2003 was a provision included within the Terms of Reference which specifically precluded a change to the number of wards or Councillors on Ottawa Council. Accordingly, in order to safeguard an individual's right to effective representation, the ability to adjust the number of wards or members of council has been preserved as an option to ensure relative voter parity throughout the City.

5.5 Establishment of a Ward Boundary Review Team

Acting on Committee's direction, staff established a Ward Boundary Review Team. The Team is comprised of members from the following Branches:

- City Clerk Services;
- Information Technology Services;
- Legal Services; and,
- Planning Services.

The Ward Boundary Review Team will coordinate activities and serve as a resource as the ward boundary review moves forward. The Ward Boundary Review Team will also serve as a conduit where input or involvement from other areas of the organization is required.

5.6 Engagement of a Consultant

At the first meeting of the Ward Boundary Review Team it was determined that the most appropriate way to move forward was to engage the services of an external consultant. This decision was made in light of the following factors:

- The unique field of knowledge and expertise required;
- The value of previous experience conducting reviews, particularly when responding to inquiries from Council, staff and members of the public;
- A potentially limited timeframe in which to complete the review;
- Specific legal and consultative expectations established by the Court and the Board;
- Intimate knowledge of the principles serving as a foundation for the review and how to best balance competing principles in the resulting ward configurations;
- Can ensure that specific issues surrounding specific principles (i.e., communities of interest) are fully explored and addressed in the final recommendations;
- The potential for an appeal to the Ontario Municipal Board and the expertise that the consultant can provide to support the City's position before the Board, as opposed to having to find an expert who supports the City's position on an internal review and is willing to attend the Ontario Municipal Board;
- Current projects and initiatives already assigned to staff on the Team;
- The importance of an arms-length process conducted by a third party that is insulated from the political considerations which will:
 - Increase the perception of openness and transparency in the review process;
 - Mitigate attempts by individuals and groups to drive their own agendas and issues through the review process;
 - Increase the objectivity of the review and resulting recommendations which are not informed by previous ward boundaries and the rationale for their borders.

Of all the factors considered, the Ward Boundary Review Working Team agreed that the possibility that the approved boundaries could be modified or overturned weighed heavily in favour of engaging external expertise. Should the review be conducted in a manner that is not consistent with established expectations, it is possible that the boundaries could be rejected. Furthermore, a consultant will provide Council and the community with unbiased

expert analysis based on the information gathered during the fact-finding and consultative stage. This should further mitigate the potential for appeals to the Board and adverse outcomes. Retaining a consultant who has the experience and expertise within this specialized field and who approaches the review without any pre-conceived notions or expectations about what is appropriate for Oshawa should ensure that the process and results meets the requirements imposed by the Courts, previous decisions issued by the Board and the community's expectations for reasonable ward configurations. Finally, engaging a consultant will ensure that the City has at its disposal the appropriate expertise to defend the ward boundary review process and outcomes before the Board.

5.7 Regional Events

On May 13, 2015 Regional Council established a Special Committee to review the composition of Regional Council. This Special Committee has been tasked with reporting back to Regional Council in March of 2016 with their recommendations. It is anticipated that this Committee may recommend changes to the distribution of seats throughout the Region; however the Committee's recommendations and related implications for Oshawa are currently unknown.

5.7.1 Process to Modify the Composition of Regional Council

Section 218 of the Municipal Act governs the composition of upper-tier councils, including the Council of the Region of Durham and provides it with the authority to modify the size, composition or method of selecting members. In order for Regional Council to adjust the size, composition or method of selecting members, it must:

- Pass a resolution seeking a regulation from the Minister of Municipal Affairs and Housing (M.M.A.H.) which authorizes the Council to exercise the powers set out in Section 218;
- Await the issuance of the regulation by the Minister;
- Provide notice of Regional Council's intent to pass a by-law amending the size or composition of Regional Council; and,
- Hold at least one public meeting where the by-law and proposed changes are considered.

Additionally, the Municipal Act requires that the by-law affecting changes to the size and composition of Regional Council must be approved by a triple majority. To pass a by-law by triple majority, the following conditions must be met:

- A majority of the votes on Regional Council must be cast in support of the by-law;
- A majority of the lower-tier municipalities forming the Region of Durham must pass resolutions supporting, or consenting to the by-law; and,
- The total number of electors in the lower-tier municipalities that have passed resolutions in support to the by-law must form a majority of the electors in the Region of Durham.

5.7.2 Timelines for the Regional Review

In order to understand the implications or impact that the Region's review may have on the City's ward boundary review, staff consulted with representatives from M.M.A.H. to more fully understand the process required to approve a change to Regional Council. As noted previously, and in Regional Report 2015-A-14 (See Attachment 2), Regional Council must pass a resolution and obtain the approval of the Minister of Municipal Affairs and Housing to exercise its powers under Section 218 of the Municipal Act before a by-law can be passed by Regional Council. This is obtained by the filing of a regulation under the Municipal Act by the Minister. It was identified by M.M.A.H. staff that before the regulation can be filed or approved, it must be posted to the Province's regulatory registry for a period of at least 45 days, during which comments on the proposal may be filed with the Ministry.

As an example of the timeframes associated with the procedure, York Region followed the legislated process in an attempt to add a member representing the City of Vaughan in 2013. York Region passed a resolution seeking a regulation in June and the regulation was not issued until October 18th of the same year. Upon receiving authorization from the Minister, York Regional Council proceeded to amend the composition of Regional Council by seeking the consent from the lower-tier municipalities in York Region to a by-law which would implement the change; however the necessary support to pass the by-law by a triple majority was not achieved. A public meeting was tentatively scheduled for December 19, 2013, however it was realized that the triple majority would not be met and the meeting and initiative to add a representative from Vaughan was abandoned.

In total, the process in York, should it have succeeded, took approximately six months from the time the initial resolution seeking the approval of the Minister of Municipal Affairs and Housing was passed until the by-law enacting the change was presented for approval by Regional Council. It should be noted that York's process did not include a review of the broader representation of York Region's population on Council, unlike the process currently ongoing in Durham Region.

5.7.3 Anticipated Completion of the Regional Council Composition Review

As previously noted, the Regional Council Composition Review Committee has been directed to report back to Regional Council with their final recommendations in March 2016. If we use York Region's six-month timeline from start to finish as an example, it appears that the new composition of Regional Council could be known and finalized as early as September or October 2016; however this assumes that the recommendations are accepted quickly by Regional Council and the lower-tier municipalities consent to the Region's by-law enacting a change relatively swiftly.

Given the complexity of a ward boundary review with multiple potential outcomes, it is recommended that the City's ward boundary review commence after the Region of Durham's composition review is complete and the outcome is finalized. However, Council should be aware that Ajax and Whitby are planning to complete a ward boundary review prior to the next municipal election and Clarington is contemplating a review depending on the results of the Regional review. This may lead to increased competition and additional

costs to the City to obtain the appropriate consulting services from a limited field of qualified candidates.

6.0 Financial Implications

It is anticipated that a budget of approximately \$75,000 may be required to complete the exercise. Recent ward boundary reviews undertaken by other comparable municipalities have incurred costs ranging from \$30,000 to \$85,000. It should be noted that the reviews in other municipalities were relatively simple reviews conducted in light of recent population growth, or completed in order to confirm the accuracy of boundaries imposed by amalgamation orders. None of the reviews identified below were conducted in a municipality which was returning to ward elections after electing representatives by general vote. Table 1 provides a summary of the reviews completed during the two previous terms of Council.

Table 1 - Summary of Ward Boundary Reviews

Municipality	Term	Length in Months	Internal vs. External	Cost
Barrie	2010	5 months	External	\$40,000
Brantford	2010	6 months	External	\$10,000 ¹
Kingston ²	2010	13 months	Internal & External Advisory Committee	\$88,000
Milton	2006	11 months	External	\$30,000
Oakville	2010	11 months	External	\$30,000
Whitchurch-Stouffville	2006	6 months	External	\$19,000

Given the relationship between the review and the election process, it has been determined by City Clerk Services staff, in consultation with the Commissioner, Corporate Services and Executive Director, Finance Services/Treasurer that the Election Reserve is an appropriate source of funding for the project. The 2016, 2017 and 2018 budgets include additional contributions of approximately \$25,000 to replenish funds used to support the ward boundary review. Should the final cost of the review exceed the estimated \$75,000, staff will advise Council and request additional funding as necessary.

¹ Only includes approximate costs billed directly by the consultant. Does not include additional costs associated with the review including staff time, postage, advertising and other miscellaneous expenses.

² The review conducted by the City of Kingston utilized a Technical Advisory Team comprised of representatives from the Ministry of Municipal Affairs, Queens University and St. Lawrence College. The purpose of the Technical Advisory Committee was to review and recommend modifications to the work completed by the Clerk where appropriate to do so. The dollar amount represents the total expended by the City of Kingston in relation to the Ward Boundary Review, including legal costs incurred as a result of an appeal to the Ontario Municipal Board.

7.0 Relationship to the Oshawa Strategic Plan

This report supports the Goal of Accountable Leadership by enabling public involvement in the future of the city's governance structure.



Sandra Kranc, City Clerk,
City Clerk Services



Beverly Hendry, Commissioner,
Corporate Services Department

Attachment

City of Oshawa
Ward Boundary Review – Terms of Reference

Background

Oshawa City Council is currently comprised of 11 members with 8 representing the City on Durham Regional Council – 7 Regional and City Councillors, plus the Mayor – while 3 City Councillors serve on City Council only.

The City of Oshawa has experience with both at-large and ward elections throughout its history. Prior to the 2010 Municipal Election, all Councillors (both Regional and City) were elected by ward, while the Mayor was elected at-large, as required by the Municipal Act. The 2006 Municipal Election featured two questions respecting the preferred manner of election for the City's 7 Regional and City Councillors and 3 City Councillors. The questions and results were as follows:

1. Are you in favour of electing those councillors who represent the City on City Council and Regional Council by general vote as opposed to ward vote?
Yes – 16,109
No – 8,892
2. Are you in favour of electing those councillors who represent the City only on City Council by general vote as opposed to ward vote?
Yes – 15,248
No – 9,625

Although the results of the questions were not binding, Council elected to move forward in a manner consistent with the results provided by the voters. Accordingly, Council adopted By-law 45-2007 which modified the manner of election for all Regional and City Councillors and City Councillors from election by ward to at-large.

In 2013, a petition was presented to City Council seeking an immediate return to ward elections. Given the process used in 2006 to implement at-large elections, Council felt it prudent to seek input from Oshawa voters before unilaterally returning to ward elections. Accordingly, Council approved a single question to appear on the 2014 Municipal Election ballot. The question and results were as follows:

Are you in favour of electing all Oshawa Councillors, being:

- (i) those elected only to City Council, and
- (ii) those elected to both City Council and Durham Regional Council,

other than the Mayor, by ward vote instead of general city-wide vote?

Yes – 19,013

No – 7,530

At the City Council meeting on December 15, 2014, Council adopted the following motion directing staff to begin the transition back to ward elections:

1. That in accordance with City Council Referral CORP-14-107, 'Endorsing in Principle Moving Back to the Ward System', Council move back to the ward system for the 2018 Municipal Election; and further,
2. That staff develop options for potential ward boundaries to include, for example, a range of number of wards pending determination by the Region of Durham as to the future representation on behalf of the citizens of Oshawa.

It should be noted that a review of the composition of Regional Council is currently underway. It is possible that the number of Regional and City Councillors representing Oshawa on Regional Council may be altered as a result of this review. The total number of representatives that may be apportioned to Oshawa is currently unknown.

Objective

The objective of the Ward Boundary Review is to establish ward boundaries that provide for an effective system of representation on City Council commencing with the 2018 Municipal Elections and that will remain in place until at least the 2022 Municipal Elections.

Guiding Principles

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

Protection of Communities of Interest and Neighbourhoods

It is desirable to avoid fragmenting existing communities of interest and neighbourhoods, accordingly:

- Where possible, existing communities should be maintained and future neighbourhoods developed within a single ward;
- Where possible, the rural area should be contained within a single ward;
- Where possible, the Downtown Business Improvement Area should be contained within a single ward; and,
- Where possible, Durham College/UOIT and the residential areas immediately adjacent should be contained within a single ward.

Consideration of Representation by Population

It is desirable, subject to the principle of effective representation, that voters should be equally represented and wards should have reasonably equal population totals:

- Recognizing varied geography, population densities and characteristics, a degree of variation is acceptable;
- No specific limitations are set with respect to the permissible variation; and,
- Representation by population will be calculated using the total population within a ward, rather than by the number of eligible electors, recognizing that non-voters have an important voice within Oshawa's political discourse.

Consideration of Current and Future Population Trends

Varying rates of population growth are present throughout the City with approximately 14,000 new residents anticipated between 2014 and 2024, accordingly:

- The review shall consider anticipated population trends to ensure the ward structure provides for effective representation for at least the 2018 and 2022 Municipal Elections.

Consideration of Physical Features as Natural Boundaries

The City of Oshawa has a number of environmental or topographical and man-made features which serve as spontaneous boundaries within the community.

The review shall consider the following criteria when establishing potential boundaries for any proposed wards:

- The Highway 401 corridor, King and Bond Streets, Rossland and Taunton Roads, Oshawa Creek and the Oshawa Municipal Airport are examples of features that may serve as boundaries.
- Where possible, natural and artificial features, including arterial roads, highways, creeks and railway lines should be used to define ward boundaries.
- Where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.

The Terms of Reference recognize that the additional principles identified above may, at times, be at odds with one another. Accordingly, it is expected that the overarching principle of effective representation will be leveraged to balance competing principles.

Scope of the Review

In addition to the guiding principles outlined above, the review shall:

- Build upon the knowledge accumulated from other municipal ward boundary reviews and the outcome of any relevant Ontario Municipal Board hearings, Supreme Court of Canada decisions and other case law;
- Include, at minimum, two separate rounds of community engagement and consultation – the first shall seek input on, amongst other things, existing communities of interest, physical features which may serve as ward boundaries and other general issues to consider when establishing ward boundaries within Oshawa; while the second shall seek feedback from the public on the proposed ward boundaries prior to consideration by Council;
- Develop a ward structure that shall accommodate growth and population changes over a period of approximately 10 years.