

City of Vaughan 2024-25 Ward Boundary and Council Composition Review Backgrounder

Discussion Paper D: Guiding Principles to Design Wards

Working on the sound assumption that a ward system to elect councillors should be maintained in Vaughan, the Ward Boundary Review addresses considerations that are taken into account in designing a set of wards that provide effective representation to the City's residents.

Provincial legislation is silent on the matters that could be considered by a municipality when establishing or modifying its ward system. There are no standard practices, terms of reference, criteria, or guiding principles, either in provincial legislation or regulation, that can be used to review the municipality's ward system. There are some precedents that can be gathered from a review of best practices and successful electoral reviews in other Ontario municipalities, and cases previously heard by the Ontario Municipal Board (now known as the Ontario Land Tribunal or OLT, and previously known as the Local Planning Appeal Tribunal or LPAT) that may be applicable, but a review of electoral arrangements in Vaughan should be based primarily on the City's own circumstances and objectives.

Vaughan's ward boundary review will be guided by the following principles:

- Representation by population;
- Consideration of current and future population trends;
- Consideration of physical and natural boundaries;
- Consideration of communities of interest; and
- Effective representation.

Representation by Population

Voters should be equally represented, and wards should have reasonably equal population totals. Voter parity should be the goal of ward boundary reviews.

Population size variances of between plus or minus 25 percent are generally accepted as the maximum variance to achieve voter parity. The principle is intended to ensure that residents have comparable access to their elected representative and that the workload of these representatives is relatively balanced.



NOTE: This principle is based on the total population of the municipality not the number of electors, a distinction upheld in several Ontario Municipal Board decisions.

Consideration of Current and Future Population Trends

Ward boundary reviews should consider future changes in ward population. Being mindful of anticipated population trends will ensure that a ward and its residents are neither advantaged nor disadvantaged because of development activity throughout the city. Ward boundary reviews should take into consideration anticipated changes in population for a period of 12 years, or three elections.

Where possible, reliable and accurate data will be used to generate current and future population projections, including but not limited to Census data, approved building permits, approved development proposals, and estimated population growth.

Consideration of Physical and Natural Boundaries

Ward boundaries will be drawn impartially and with consideration to using distinct physical and geographic features. Physical features should be leveraged as they often create pre-existing boundaries which naturally divide City residents and may facilitate the effective representation of the ward's residents.

Where possible, physical and natural features should be used to define ward boundaries, including but not limited to arterial roads, highways, creeks, railway lines, and hydro corridors. Where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.

Consideration of Communities of Interest

The Carter decision recognizes that the 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.^[1] 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.

Existing communities of interest and neighbourhoods within the municipality should not be fragmented. Where possible, existing and future communities of interest should not be divided between multiple wards.

[1] *Reference re Provincial Electoral Boundaries (Sask.)*, [1991], known as the Carter decision.



Effective Representation

When defining effective representation as the right protected by the Charter, the Supreme Court of Canada noted that the relative parity of voting power was a prime, but not an exclusive, condition of effective representation. Deviations can 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. According to the Court, considering all these factors provides effective representation.

The specific principles are all subject to the overriding principle of “effective representation” as enunciated by the Supreme Court to provide meaningful on-going representation after the election.

It may be necessary to place a higher priority on principles other than population parity (such as protecting a community of interest) to create plausible and coherent electoral areas that better contribute to “effective representation” than electoral areas that are only equal in population.

No ward design is likely to meet all the principles in their entirety; however, the best designs maximize adherence to the principles, especially in relation to representation by population and effective representation. It is our understanding of existing case law that deviations from the specific principles can be justified by other criteria drawn from the Carter decision in a manner that is more supportive of effective representation.

Topical Discussion Papers A to D

- Discussion Paper A – Vaughan's Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- Discussion Paper C – The Component Parts of Vaughan Council
- Discussion Paper D – Guiding Principles to Design Wards