

ONTARIO PREMIER DOUG FORD INTENDS TO CUT TORONTO CITY WARDS FROM 47 TO 25 FOR 2018 MUNICIPAL ELECTION

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The newly elected Ontario Premier Doug Ford is drawing new lines – literally. Premier Ford’s announcement to cut city-council positions from 47 to 25 was made just hours before the municipal election deadline, and has created a climate of confusion in the City of Toronto, not least for those who have just submitted their nominations for council, as well as in the regional chair elections of Muskoka, Niagara, Peel and York, whose elections have been cancelled mid-campaign.

The announcement is perhaps a follow-through on election promises made by Premier Ford to balance the budget and find efficiencies, claiming that such a cut in government size will both reduce delays in decision-making at City Hall and save tax-payers \$25 million. These savings in time and money, Ford says, will come from aligning the municipal boundaries with the federal and provincial boundaries (see the latest City of Toronto wards map [here](#), Provincial maps [here](#), and Federal maps [here](#)).

While Toronto’s deadline for candidate registration will be extended until September 14 to allow local candidates to digest this new information and decide where they want to run, there is already criticism being voiced on the timing of this move – namely, by the City of Toronto’s Mayor Tory. In addition to expressing concerns regarding the timing of the change – being mid-election when some have already begun campaigning – Tory’s number one criticism is the lack of public consultation on the matter. Having just run, and won, on a platform of a “Plan for the People,” Ford’s changes should have come by way of a referendum, Tory suggests.

This change comes shortly after Toronto City Council voted to pass By-law No. 267-2017, which re-divided the existing 44 Toronto wards into 47, in response to a Ward Boundary Review prompted by an increase in population and an extensive public consultation process which included defeating an appeal to the Ontario Municipal Board. Division or re-division of the City and by the City into wards is authorized under section 128 of the City of Toronto Act, 2006.

Under The Constitution Act, 1867 (the “**Constitution Act**”), the powers of state are divided between the federal and provincial governments, some of which the province delegates down to municipalities such as the City of

Toronto. The province's authority with regard to managing its own governmental affairs lies under section 92 of the Constitution Act as a property and civil rights matter and as a matter of local nature in the province. Through the City of Toronto Act, (2006, S.O. 2006, c. 11, Sched. A), the Province of Ontario has delegated certain of its powers to the City of Toronto "in order to provide good government," including "determin[ing] the appropriate structure for governing the City" (s.2(3)). Specifically, the City of Toronto Act provides the City of Toronto with the authority "to divide or redivide the City into wards or to dissolve the existing wards" (s.128(8)).

In proposing to re-divide the City into wards and dissolve the existing wards, Ford is encroaching on delegated powers; it is therefore expected that the proposed changes will be introduced through new legislation in the coming weeks, which are intended to override the delegated power by "special Act."

As noted above, part of the motivation for re-dividing and dissolving wards is to save money, and it's hard to deny that the wards each get a significant budget (click [here](#) for the Expenses from the Council General Expense Budget, 2017). For example, each City of Toronto councillor has a general expense budget – at the top of the chart in 2017 was Ward 7 – York West at \$24,784.08 per year, and Ward 39 – Scarborough-Agincourt as a close second at \$23,447.08 per year. Councillors are also provided with a staff salary envelope, equivalent to the top of the salary range of an Executive Assistant, an Administrative Assistant, and a Constituency Assistant, for whom the maximum 2018 salaries are \$89,234.00 for an Executive Assistant, \$73,946.60 for a Constituency Assistant, and \$73,946.60 for an Administrative Assistant (Level 2) (see the City website for more information here). Therefore, it can be seen how the salaries alone can add up. That said, there is no reason to think that a large portion of this spend will not instead be spread across the newly established wards, which will inevitably be larger and therefore more costly to manage by the individual councillors.

The impacts of the proposed changes are hard to predict at this time, though their announcement alone has already caused significant uproar. More will be revealed with the passing of legislation by the PC government. It is rumoured that a draft of the new legislation will be available on Monday, July 30, 2018. We will therefore continue to monitor the situation and provide further updates.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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