

Township of Springwater 2024-25 Ward Boundary 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 Springwater, the Ward Boundary Review addresses the considerations that are taken into account in designing a set of wards that provide effective representation to the Township'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) that may be applicable, but a review of electoral arrangements in Springwater should be based primarily on the Township's own circumstances and objectives.

When a ward boundary review was proposed in Springwater in 2006, the nine criteria to be considered were said to be "guidelines for developing ward boundaries" attributed to the Ministry of Municipal Affairs,^[1] as follows:

- a. community or diversity of interests;
- b. means of communication or accessibility;
- c. topographical features;
- d. population or electoral trends;
- e. recognition of settlement patterns and community groupings;
- f. special geographic considerations, including in particular sparsity, density, or relative growth or loss of population;
- g. as far as is practicable, wards should be compact and contiguous. Unnecessary irregularities or sinuosities should be avoided;

^[1] Township of Springwater, Clerk's Report "Ward Boundary Review for 2006 Municipal Elections," September 12, 2006. Note, however, that no evidence can be found that affirms that the Ministry of Municipal Affairs itself has ever issued "guidelines for developing ward boundaries." Ministry field staff may have provided advice that forms the basis for these guidelines and, as will be seen, their general intent is nevertheless widely accepted.



- h. as far as is practical, there should be equal representation for equal population/electors; and
- i. as far as is practicable, the total population/electors in each ward should not be greater or less than 25 percent of the average population/electoral population per ward.

As noted in Discussion Paper B, however, the 2006 review did not result in modifications to the ward boundaries, but a shorter list of criteria was proposed for the 2013 ward boundary review that took into account the 1991 Supreme Court of Canada reference decision that articulated the concept of “effective representation.”^[2] In that case, the “established” guiding principles included in the Terms of Reference for the review were shaped by an Ontario Municipal Board decision:

“With ‘effective representation’ as a key objective, and as guided by the Carter decision, the following criteria will guide the adjustments to Ward Boundaries, as deemed appropriate.

- Consideration of communities of interest and neighbourhoods including the unique rural/urban nature of the Township.
- Avoid fragmenting the traditional neighbourhoods and communities of interest within the Township.
- The rural and urban interests represent two key types of communities of interest within the Township.
- Consideration of present and future population trends.
- Consideration of physical features as natural boundaries. The Ward boundaries should be coherent and contiguous in shape. The natural features used for Ward boundary delineation should be recognizable, such as visible capital structures such as roads, highways, or the natural environment, such as rivers and significant topographical land formations, such as mountains, hills, valleys.
- Consideration of representation by population. To the extent possible, given the geography and varying population densities in the settlement areas, consideration should be given to representation by population.”^[3]

^[2] Reference re *Provincial Electoral Boundaries (Sask.)* [1991], known as the Carter decision.

^[3] Township of Springwater, Clerk’s Report “Ward Boundary Review,” December 3, 2012. The report refers to the Ontario Municipal Board decision *Osgoode Rural Communities Association et al. v. Ottawa (City)* [2003].



Drawing from its experiences in conducting ward boundary reviews across Ontario, the Consultant Team will use five guiding principles set out in a report to Springwater Council (Program Change 2024) to evaluate the present ward system in Springwater and to formulate alternative options, albeit in a slightly different way than set out above and as presented at the Introductory Council Workshop on May 1, 2024. In any case, the principle articulated in the preamble to this list (effective representation) will be considered an over-arching principle that is achieved by meeting the other principles, in the language of the 2005 list, “as far as is practicable.” In other words, the principle of effective representation is considered more a result than a condition to be met and assessed independently, as is the case with the other principles. To repeat, taken together, the articulated principles included in the Program Change 2024 document contribute to achieving the over-arching principle of ensuring effective representation and will be discussed below as they apply to Springwater.

Representation by Population (Population Parity): Normally a primary – but not exclusive – goal of any electoral review is the achievement of population parity; that is, to the extent possible, residents should be equally represented and wards should have reasonably equal population totals. A degree of population variation, however, is acceptable in recognition of varied population densities and characteristics and the distribution of established communities of interest across the municipality. For the Springwater Ward Boundary Review, variances of between plus or minus 25 percent of what is called the “optimal” ward population are generally accepted as the maximum variance to achieve voter parity.^[4] 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 (see Discussion Paper B).^[5]

Population and Electoral Trends: Ward boundary reviews consider population trends in a dynamic way; that is, the review takes account of changes that can be measured since the present wards were established, but also accounts for anticipated population growth in Springwater, specifically over a three-election cycle (that is, twelve years). As a result, wards should be designed to keep the population of the wards in reasonable parity over that time. 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.

Means of Communication and Accessibility: This is one of two principles that encourages a ward system in which each ward includes a plausible group of

^[4] The concept of “optimal” population is explained in Discussion Paper F.

^[5] NOTE: This principle is based on the total population of the municipality not the number of electors, a distinction upheld originally in several Ontario Municipal Board decisions.



neighbourhoods or settlements that can be grouped in a way that reflects their physical or social connections to one another through the social, educational, religious, commercial, or other institutions located in the ward. Such a ward could include different and meaningful interests (for example, rural and urban communities) but where there are regular interactions between and among those interests, ideally arranged around one or more recognized population clusters.

Geographical and Topographical Features: Ward boundaries will be drawn impartially and with consideration for natural and manufactured features within the Township that may already serve as effective internal boundaries. Such features should be leveraged since they may naturally divide municipal residents from one another and may facilitate the effective representation of the ward’s residents. Since Springwater includes a large rural area, some attention will be paid to the geographic size and shape of the wards. As well, where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable. As the 2005 list of criteria phrased it: “Unnecessary irregularities or sinuosities should be avoided.”

Community or Diversity of Interests: Acceptable municipal electoral arrangements in Ontario typically consider communities of interest and neighbourhoods within the municipality as shaping the relationship between residents with each other and with the municipal government. In this context, the “communities of interest” principle is deemed to include residential and commercial clusters but also geographic, social, historical, economic, and/or cultural factors, including the identifiable rural and agricultural component of the Township. The basic premise is that existing and future communities of interest should not be fragmented or divided between multiple wards if at all possible.

Ensuring Effective Representation: The specific principles listed above are all subject to the overriding principle of effective representation as enunciated by the Supreme Court of Canada.^[6] The concept of effective representation was derived from the equality provision of the *Charter of Rights and Freedoms* related to the right to vote and, by extension, the right to be represented equitably in the deliberations of government. The Court noted, however, that relative parity of voting power was a prime, but not an exclusive, condition of representation since other factors – such as those summarized above – contribute to the achievement of effective representation. It may be necessary to place a higher priority on principles other than population parity (such as respecting a community of interest) to create plausible and coherent electoral districts that better contribute to effective representation rather than electoral areas that are drawn simply to achieve population parity.

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



Overview: 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 E

Discussion Papers will be available to residents, each addressing one of the topics to be considered in this review:

- Discussion Paper A – The Springwater Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- Discussion Paper C – The Component Parts of the Innisfil Council
- Discussion Paper D – Guiding Principles to Design Wards
- Discussion Paper E – Why a Ward Boundary Review?