

2022 Council Composition & Ward Boundary Review Municipality of North Perth

Discussion Paper F: Guiding Principles to Design Wards

If there is support for maintaining a ward system to elect Councillors in North Perth, the second phase of the C.C.W.B.R. presents another set of questions beyond the five already addressed.

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 (O.M.B.) (now known as the Ontario Land Tribunal or O.L.T.) that may be applicable, but a review of electoral arrangements in North Perth should be based primarily on North Perth's own circumstances and objectives.

Based on its experiences in conducting ward boundary reviews across Ontario, the Consultant Team will use the following guiding principles to evaluate the present ward system and to formulate alternative options:

- Representation by population (population parity);
- Municipal growth trends and projections;
- Representation of Communities of Interest; and
- Geographical and topographical features as boundaries.

Taken together, these principles will contribute to achieving the over-arching principle of effective representation, to be discussed below. The way these principles apply to North Perth will also be discussed below.

Representation by Population: A primary goal of a ward boundary 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 geography, population densities and characteristics and established communities of interest. For the North Perth 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.¹ 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.²

Population and Electoral Trends: Ward boundary reviews consider anticipated population trends to ensure the ward structure provides effective representation not only for the 2026 municipal election but beyond. Population growth is anticipated in North Perth over a three-election cycle (that is, twelve years), so wards should be designed so as 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.

Representation of Communities of Interest: Municipal electoral arrangements in Ontario are not built exclusively on the distribution of population but typically consider communities of interest and neighbourhoods within the municipality. The basic premise is that existing and future communities of interest should not be fragmented or divided between multiple wards if at all possible. Communities of interest are deemed to include geographic, social, historic, economic, and/or cultural interests. Given that the present wards in North Perth are based on the pre-amalgamation municipalities, the continuing validity and importance of those identities in contemporary North Perth will need to be evaluated.

Geographical and Topographical Features as Boundaries: Ward boundaries will be drawn impartially and with consideration for natural and man-made features within the Municipality that may 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 North Perth includes a large rural area, some attention will be paid to the geographic size and shape

¹ The concept of “optimal” population is explained in Discussion paper G.

² NOTE: This principle is based on the total population of the municipality not the number of electors, a distinction upheld in several O.M.B. decisions.



of the wards. As well, where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.

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.³ The concept of effective representation was derived from the equality provision of the *Charter of Rights and Freedoms*: the Court noted that relative parity of voting power was a prime, but not an exclusive, condition of effective 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 representing a community of interest) to create plausible and coherent electoral districts that better contribute to “effective representation” than electoral areas that are equal in population.

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.

³ *Reference re Provincial Electoral Boundaries (Sask.)* [1991], known as the Carter decision.