Discussion Paper E:
Guiding Principles to Design Wards

Working on the sound assumption that a ward system to elect councillors should be maintained in Loyalist Township, 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 Loyalist Township should be based primarily on the Township's own circumstances and objectives.

Drawing from its experiences in conducting ward boundary reviews across Ontario, the Consultant Team will use five guiding principles to evaluate the present ward system in Loyalist Township and to formulate alternative options. A list of principles was included in the request for proposal for this review; the following list is slightly different in format than what was set out therein, but not in content.

The Consultant Team will apply the following principles:

- **Representation by Population**: Consider representation by population so that every councillor is generally representing an equal number of constituents within their respective wards. Given the geography and varying population densities and characteristics of the municipality, a degree of variation is acceptable.
- **Municipal Growth Trends and Projections**: Accommodate for and balance future increases or decreases in population growth/decline to maintain a general equilibrium in representation by population. Develop a ward structure that will accommodate growth and population shifts for a minimum of three municipal elections (2026, 2030, and 2034) and beyond, if feasible.

- **Geographic and Topographic Boundaries**: Utilize geographical and topographical features to provide boundaries for wards. Consider areas that form a natural boundary within the Township.
- **Communities of Interest**: Consider traditional neighbourhoods, settlement patterns, and community groupings in specific geographic locations. Where possible, ward boundaries should not fragment a community.
- **Effective Representation**: Consider an over-arching principle of effective representation as described by the Supreme Court of Canada in its decision on the Carter case.[1]

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. In other words, the principles articulated in this list contribute to achieving the over-arching principle of ensuring effective representation and will be discussed below as they apply to Loyalist Township.

Representation by Population

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 Loyalist Township ward boundary review, variances of between plus or minus 25 per cent of what is called the "optimal" ward population are generally accepted as the maximum variance to achieve voter parity.[2] 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).[3]

Municipal Growth Trends and Projections

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 the Township, specifically over a three-election cycle (that is, twelve years). To meet this principle, wards should be designed to keep the population of the wards in reasonable parity over

[1] *Reference re Provincial Electoral Boundaries (Sask.) [1991]*, known as the Carter decision.
[2] The concept of "optimal" population is explained in Discussion Paper F.
[3] 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.

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.

Geographic and Topographic Boundaries

Ward boundaries will be drawn impartially and with consideration for natural and human-made 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 Loyalist Township 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 identifiabl

Communities of Interest

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.

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 (see note 1). 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, however, noted 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.

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 F

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

- Discussion Paper A – The Loyalist Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- Discussion Paper C – The Component Parts of the Loyalist Township Council
- Discussion Paper D – The Method of Election for Councillors
- Discussion Paper E – Guiding Principles to Design Wards
- Discussion Paper F – Is a Ward Boundary Review Necessary?