



2020 Ward Boundary Review

Town of Caledon

Discussion Paper

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Table of Contents

| | Page |
|---|-----------|
| 1. Background..... | 1 |
| 2. Setting | 1 |
| 3. Parameters for an Electoral Review..... | 3 |
| 3.1 “The Composition of Council” | 3 |
| 3.2 The Method of Election for Councillors | 7 |
| 3.3 The Method of Election for Regional Councillors | 8 |
| 3.4 Guiding Principles to Design Wards | 9 |
| 3.5 Is a Ward Boundary Review Necessary?..... | 12 |
| 3.6 A Consultation Process..... | 13 |
| 4. Population and Growth Trends | 14 |
| 4.1 Existing Population | 14 |
| 4.2 Forecast Population Growth 2021 to 2031..... | 16 |
| 5. Preliminary Evaluation of the Status Quo | 17 |
| 6. Preliminary Options | 22 |



1. Background

The Town of Caledon has retained Watson & Associates Economists Ltd. and Dr. Robert J. Williams, hereafter referred to as the Consultant Team, to conduct a comprehensive and independent Ward Boundary Review.

The primary purpose of the study is to prepare the Town of Caledon Council to make decisions on whether to maintain the existing ward structure or to adopt an alternative. Other matters that are integral to a comprehensive review are:

- Is it appropriate to consider changing the composition (size) of Council as part of the same review?
- Is it appropriate to consider dissolving the wards to elect councillors at-large (in what the *Municipal Act, 2001* calls a “general vote” system)?
- What guiding principles will be observed in the design of the wards?

This review is premised on the legitimate democratic expectation that municipal representation in Caledon will be effective, equitable, and an accurate reflection of the contemporary distribution of communities and people across the municipality.

2. Setting

The Town of Caledon was established under provincial legislation at the beginning of 1974 as a lower-tier municipality in the Regional Municipality of Peel. The new municipality was originally called the Town of Albion but re-named the Town of Caledon in late 1973 following a vote by residents. The present municipality is an amalgamation of the former townships of Albion, Caledon, and the northern half of the Township of Chinguacousy, as well as the Villages of Bolton and Caledon East. As part of the amalgamation, the former police villages of Alton, Caledon, Inglewood, and Palgrave were dissolved.

Caledon is governed by a nine-member Council, composed of a Mayor, four Regional Councillors, and four Area Councillors. The Mayor and the four Regional Councillors sit on both the Regional and Town Councils. As a result of the Ontario Municipal Board (now known as the Local Planning Appeal Tribunal (LPAT)) order of January 28, 1994 (M930087), the Town was divided into five wards, with Wards 3 and 4 represented by



one Regional and one Area Councillor.¹ The boundaries approved at that time have not been reviewed or modified.

The number and distribution of Councillors representing local municipalities on the Regional Council is determined through a process established in the *Municipal Act, 2001* s. 218. As of late October 2020, the number of seats assigned to Caledon on Peel Regional Council will remain the same for the 2022 municipal election, that is four.

There are, however, three basic and inter-connected components of an electoral system that lower-tier municipalities in Ontario such as Caledon can address under existing provincial legislation:

- a) the size of the Council of a local municipality (referred to as “the composition of council” in the *Municipal Act, 2001* s. 217 (1));
- b) the method of election for Councillors that may be “by general vote or wards or by any combination of general vote and wards” (*Municipal Act, 2001* s. 217 (1) 4); and
- c) assuming that Council will be elected by wards, the actual ward configuration, including the number of wards, the number of Councillors to be elected in each ward (what may be termed the ward magnitude) and the boundaries of the wards (as implied in the *Municipal Act, 2001* s. 222 (1)).

As noted, the wards in which Councillors are elected in Caledon have remained unchanged since 1994. Population estimates from 2016 indicate that the wards are unbalanced in population and that the overall population of the Town is expected to grow to approximately 108,000 by 2031, a 56% growth from the 2016 Census population of 68,850, primarily in the present Wards 2 and 5.² A review of Caledon’s ward boundaries is overdue and the case for a review of the wards in 2020 is undeniable.

¹ The Board order refers to a ten-member council composed of a mayor, four regional councillors and five area councillors. We have not yet been able to confirm when the council was reduced to nine members.

² Population includes the Census undercount estimated at approximately 3.5% in accordance with the Peel Region Growth Management Strategy (G.M.S.), 2016 population base for the Town of Caledon.



3. Parameters for an Electoral Review

The next section will deal with matters to be addressed in an electoral review, using the three legislated powers listed above. First of all, it is important to note that Council has the authority to decline to make changes to any or all of these features of its electoral structure and indeed is under no obligation to consider them – even in response to a petition submitted by electors related to wards (*Municipal Act 2001* s. 223).¹

The intention of this review is to provide information to assist Council in making determinations about whether to change some existing electoral arrangements and the alternatives open to it. Any decisions resulting from points a) and b) will shape the second phase of this review (part c) above.

3.1 “The Composition of Council”

Despite the long history of municipal institutions in Ontario, the premises and practices used for determining the overall composition of councils has never been satisfactorily or definitively addressed, either in legislation or regulation. There are no clear principles at play, no “standards,” and no formulas to apply. Each municipality has its own history, its own traditions and its own attributes. Furthermore, there is no established timetable to require that municipal councils review the continuing validity of the number of places at the council table.

The *Municipal Act, 2001* establishes the minimum size for the council of a local municipality in Ontario as five, “one of whom shall be the head of council” who must be elected by general vote (s. 217 (1) 1 and (1) 3). There are no references to a maximum or to an “appropriate” size associated with, for example, the population of the municipality. This absence contrasts with the provisions of regulations issued under the *Education Act* (O. Reg. 412/00) which include a detailed formula to determine both the number of trustees and their distribution across each school board’s area of jurisdiction before each regular municipal election.

As a result, the composition of local councils in Ontario varies widely and can be unconventional. Caledon Council is composed of nine members, four above the

¹ Note that by-laws in relation to council composition (s. 217) are not open to appeal to the Local Planning Appeal Tribunal (LPAT).



minimum of five, a configuration that matches the composition of the councils in municipalities such as Aurora, Bradford West Gwillimbury, and Gravenhurst. At the same time, Caledon's Council is smaller than those elected in places such as Brockville, Cornwall, Halton Hills, Huron East, Kingston, and North Bay.

Two components of Caledon Council are outside the control of the municipality: there must be a “head of council” elected by general vote (see above) and four other members are assigned to the Town by Peel Regional Council (see above). From this perspective, five of the nine members of Caledon Town Council are elected to participate in governing two municipalities since the Mayor is, in the classic Ontario regional government model, both the Head of Council in Caledon and also one of the municipality's representatives on Peel Regional Council.

This leaves four Area Councillors whose duties are devoted exclusively to governing the Town. The number of these councillors has not changed since the present ward configuration was set in 1994 when the population of the Town was just under 40,000 people; the 2016 Census of Canada reports a population of approximately 66,500 for Caledon with sizeable further population growth forecast. On this basis, there is currently one Area Councillor in Caledon for approximately every 16,625 people, up from one Area Councillor in Caledon for approximately every 10,000 people in 1994.

The status quo is the default “solution”; however, endorsing the status quo is an option, as much as would be a decision to elect any number of Area Councillors. The status quo therefore requires a rationale rather than simply being accepted because it is familiar.

The optimal size of a Council for Caledon depends on the purpose and role Council is expected to play as a decision-making and representative body. Three interconnected factors could be considered: the capacity of Council to provide effective political management, effective representation, and accountability.

Effective Political Management

A certain number of elected representatives are required to carry out the essential governmental functions of a municipality. The workload of representatives varies with each individual councillor. Part will be driven by the personal preferences and commitment of individual councillors, but a large element is a result of the range of responsibilities that the municipality provides. How much material must councillors



review and understand before participating effectively in Council decision-making? How much constituency casework is directed to councillors? What committees, agencies or other bodies do councillors participate in or chair? The size of the Council has an impact on the amount of time councillors can allocate to such formal duties and to casework, as well as to their personal, family, and non-political obligations.

Also, is it assumed that Area Councillors are expected to serve on a part-time basis? Is compensation and support consistent with that expectation? Is this reasonable if the number of constituents has grown, thereby impinging on the potential workload of Councillors? Would it be more appropriate to increase the number of (part-time) Area Councillors rather than create a situation where a small number of Area Councillors are elected to serve on a full-time basis?

Effective Representation

The heart of “effective representation” (to be discussed more fully in relation to the guiding principles for a ward system) is the conviction that councillors must be able to maintain contact with constituents. Logically, the larger the council, the smaller the individual ward and the more likely the representative can maintain such contact. Conversely, the smaller the council, the larger the ward, and the greater the challenge to deliver such representation successfully.

As noted earlier, each Area Councillor in Caledon in theory is elected to represent roughly one-quarter of the Town. Between elections, however, councillors must not only engage with residents but with community, business, and neighbourhood groups (and others) located in the ward and in some cases across the entire Town. Does the present Council composition have an impact on the capacity of councillors to act as an intermediary between residents and the Town? Note: this is not a comment on the performance of incumbent councillors, but rather a question about the reasonable expectations associated with being an elected (part-time) representative in this configuration.

Another aspect of representation relates to what will be referred to as “coherence”: wards are designed to represent communities of interest within the Town (again, to be discussed more fully in relation to the guiding principles for a ward system). Ideally, wards will include a grouping of well-defined neighbourhoods and districts that are as similar as possible. A ward system built around four Area Councillors will of necessity



include a larger and more diverse collection of neighbourhoods in each ward than a system built around a larger number of wards and Area Councillors. In the present wards, the capacity of distinctive communities of interest to be effectively represented may be hampered.

Accountability

Municipal councillors are not only “political managers” of the municipal corporation but are accountable for their decisions through an election. An effective democratic electoral system should provide voters with an adequate range of opportunities to select municipal legislators: if, as the adage has it, municipal government is “closest to the people,” the number of representatives subject to public accountability for their actions is a key indicator of how close or remote the council is to the community.

With a municipal Council of nine members in a Town of more than 66,500 (excluding the Census undercount¹) people in 2016 (and four members who are dealing exclusively with Town issues) the question of whether that size of Council can offer such close connections should be addressed.

Other considerations:

- At present, a majority decision of Council requires five votes.
- A majority of members of Caledon Council serve on two municipal Councils, thus reducing the time they can devote to governing the Town itself.
- Council size can impact the degree of debate and discussion and ensure that diverse perspectives are heard before decisions are taken.

The legislative authority to determine the number of Area Councillors (*Municipal Act, 2001* s. 217) rests with the municipal Council and is distinct from the determination of the method by which they are to be elected. A fundamental question for an electoral review in Caledon must be whether a Council of this size – based on the Area and Regional components – is appropriate to govern an increasingly complex municipality that is approaching 90,000 people.

¹ The Census undercount represents the net number of permanent residents who are missed (i.e. over-coverage less under-coverage) during Census enumeration in accordance with Statistics Canada.



3.2 The Method of Election for Councillors

As in the previous discussion, the *Municipal Act, 2001* offers no guidance on the question of whether a municipality should elect its Councillors “by general vote or wards or by any combination of general vote and wards.” In addition, there is no consistency across Ontario municipalities: some municipalities with small populations use wards (such as the Townships of Zorra (8,000) and Georgian Bay (2,300)) while some municipalities with larger populations (such as Niagara Falls (85,000) and Sarnia (75,000)) do not. A handful use a mixed ward-general vote system (most notably Thunder Bay) as permitted under the *Municipal Act, 2001*.

The Town of Caledon was established in 1974 with a ward system. The wards in which Councillors are elected in Caledon have remained unchanged since 1994. This is the status quo – the default “solution” – that was originally ordered by the Ontario Municipal Board. Again, the status quo requires a rationale rather than simply being accepted because it is familiar.

There is no definitively “better” system; rather, there is a system that best matches contemporary Caledon. For example:

| A general vote system would be most appropriate if . . . | A ward system would be most appropriate if . . . |
|--|---|
| <ul style="list-style-type: none">• Caledon is (or should be) considered one political community.• councillors are expected to place the well-being of the entire Town ahead of the well-being of its particular parts.• members of the public are prepared to approach any Councillor for assistance.• electors want more choices. | <ul style="list-style-type: none">• Caledon is composed of a number of distinctive political communities.• councillors should be mindful of the impact of Town-wide decisions on particular communities within the municipality.• members of the public prefer to approach a Councillor who has some connection to their neighbourhood or community.• electors want clear choices. |

It is primarily because of the presence of several distinct and/or historically important settlements and neighbourhoods in Caledon such as Mono Mills, Palgrave, Belfountain,



Inglewood, Alton, and Bolton that this review should proceed on the supposition that Caledon's Council will continue to be elected in wards as a way to ensure that the voices of the Town's particular localities are found around the Council table.

Of course, if the alternative of dissolving the wards to elect the Area Councillors is widely supported in the public consultations, the Consultant Team would share that information with Council along with the reasons why residents support it.

3.3 The Method of Election for Regional Councillors

The present practice of electing a Regional Councillor and an Area Councillor in the same ward is not mandatory. It is the conventional practice in the more urbanized municipalities in Durham and in Halton Region that the number of wards is linked directly to the number of Regional Councillors. In some other parts of Ontario, however, Regional Councillors are elected by general vote (for example in the cities within York and Waterloo Regions) while lower-tier councillors are elected in wards.

In Caledon this practice means that, for at least the next election, the ward system would need to provide for an equitable arrangement to elect four Regional Councillors presumably based on wards used to elect Area Councillors. If Regional Councillors were elected by general vote and Area Councillors in wards, however, an adjustment of the number of Area Councillors could be addressed on its own merits (see above) without being constrained by the number of Regional Councillors. In Peel Region, the arrangement is further complicated by the fact that all members of Mississauga and Brampton City Councils serve on both the Regional and Area Councils. In 2004 there was an agreement brokered by the Province that included a provision that Caledon would reduce the size of its Council to five members so that each councillor would "represent taxpayers at both the area and regional levels" like Mississauga and Brampton, but this reduction did not occur.¹

A Regional Council has the authority under the *Municipal Act, 2001* s. 218 (1) 5 to determine the method of election of councillors ("by general vote or wards or by any combination of general vote and wards") where members of a council of the upper-tier municipality are "directly elected to the upper-tier council and not to the council of a

¹ In the Matter of a Facilitation conducted by the Honourable George W. Adams, December 10, 2004.



lower-tier municipality.”¹ This is, of course, not the situation in Caledon since Councillors serve on both Councils. As discussed earlier, however, under the *Municipal Act, 2001* s. 217 (1) 4, local councils have the authority to determine how the members of such a council are to be elected (“other than the head of council, [they] shall be elected by general vote or wards or by any combination of general vote and wards”). This section of the Act does not appear to distinguish between councillors elected to the lower-tier council and those elected to the upper-tier council.

Historically, a change of this kind (from electing Regional Councillors by ward to electing them by general vote or vice versa) has only been implemented by the Province; it has not been implemented within any Region on its own initiative and the legislation is not clear. There is also no case law on how “representation” is to be understood in such a context. With no precedents to turn to, the idea probably cannot be considered as part of this review, although it would be a way to address some of the constraints associated with requiring four wards to elect Caledon’s Regional Councillors.

3.4 Guiding Principles to Design Wards

Caledon Council has established guiding principles and other directions for this electoral review and the reason is simple: provincial legislation is silent on the matters that could be considered by a municipality when establishing or modifying its electoral 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 LPAT) that may be applicable, but a review of electoral arrangements in Caledon should be based on Caledon’s own circumstances and objectives.

As indicated in a staff report adopted by Council in February 2020 (Staff Report 2020-0007), relevant Court and tribunal decisions “have established a set of guiding

¹ Under section 218 (2) (b), an upper-tier council has the power to change “the method of selecting members of the council” but this refers to “having members directly elected to the upper-tier council and not to the council of a lower-tier municipality, members elected to serve on both the upper-tier and lower-tier councils or members elected to the lower-tier councils and appointed to the upper-tier council by the lower-tier municipalities, or a combination of methods of election.”



principles that have become the unwritten standard of boundary reviews in Ontario” (page 2). In the Caledon ward boundary review these include:

- Effective Representation;
- Representation by Population;
- Protection of Communities of Interest;
- Future Population Trends; and
- Physical and Natural Boundaries.

Effective Representation

When defining effective representation as the right protected by the Charter, the Supreme Court of Canada¹ 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 (listed below) are all subject to the overriding principle of “effective representation” as enunciated by the Supreme Court so as 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 equal in population.

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 to 33 percent are generally accepted as the maximum variance to achieve voter parity.

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



- 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.

Protection 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 Town's diversity. 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.

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 Town. Ward boundary reviews should take into consideration anticipated changes in population of a period of twelve 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.



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 create pre-existing boundaries which naturally divide Town 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.

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. Any deviation from the specific principles must be justified by other Carter decision criteria in a manner that is more supportive of effective representation.

3.5 Is a Ward Boundary Review Necessary?

The objective of a ward boundary review is to conduct a comprehensive review of Caledon's electoral arrangements to develop an effective and equitable system of representation. By their nature, electoral maps inevitably have a limited lifespan since they are intended to capture the distribution of the municipality's population at a specific time. As the population grows and is redistributed within the municipality, the "fit" is less plausible.

Caledon's present ward design dates from a time when the municipality's population was fewer than 40,000. Today the population is close to 90,000 and projected growth could take that number close to 110,000 within the next ten years. As the community changes, so must the electoral arrangements, more than ever when there are perceptible and inequitable discrepancies in the population of existing wards.

A necessary step in a ward boundary review is to assess the extent to which the existing wards meet the guiding principles for a ward system approved by Council (see previous section). The status quo will therefore be subject to the same "tests" as any alternative designs (population parity, recognition of communities of interest, the



incorporation of natural boundaries and the capacity to maintain population parity over time) to identify strengths and weaknesses.

The claim that residents are “familiar with” certain arrangements and that change may be disruptive (since new ward boundaries may cause confusion among electors, for example) are often the main defenses of the status quo. While some aspects of the current wards may continue to be valid, ward boundaries are, as just noted, actually temporary groupings of a set of communities and neighbourhoods for the purpose of electing municipal representatives. Prolonging their use for the sake of “convenience” or leaving them unexamined because of indifference in the face of demonstrable weaknesses is not justifiable.

3.6 A Consultation Process

Before 2006, the *Municipal Act, 2001* required a Council to hold a public meeting before adopting a by-law to modify its ward boundaries. Today that is no longer a legislated requirement, but a municipal electoral system must be subject to a public consultation process to ensure the legitimacy of the recommendations placed before Council. This expectation has been affirmed in a number of Ontario Municipal Board decisions.

The Consultant Team is committed to undertaking public engagement activities under Caledon’s established protocols and policies. The goal is both informing residents about the review (including the key factors that are being considered) and gathering informed evaluations from residents about the existing system and alternative designs. In the light of restrictions related to the COVID-19 pandemic, however, public engagement activities have been modified into virtual events. Details of the process are found at: www.caledon.ca/wbr.

The initial public engagement sessions are intended to inform the public on the ward boundary review process, the composition of council and the guiding principles adopted for the project. Those who participate will have an opportunity to provide input on potential changes to the arrangements for electing Council and the priority to be attached to the various guiding principles.

It is important to be clear that a ward boundary review is not a popularity contest to see which alternative “wins” and that the integrity of the review and the recommendations



made to Council are not inherently compromised if the consultations take a different form or even if there is a low level of public participation in the consultations.

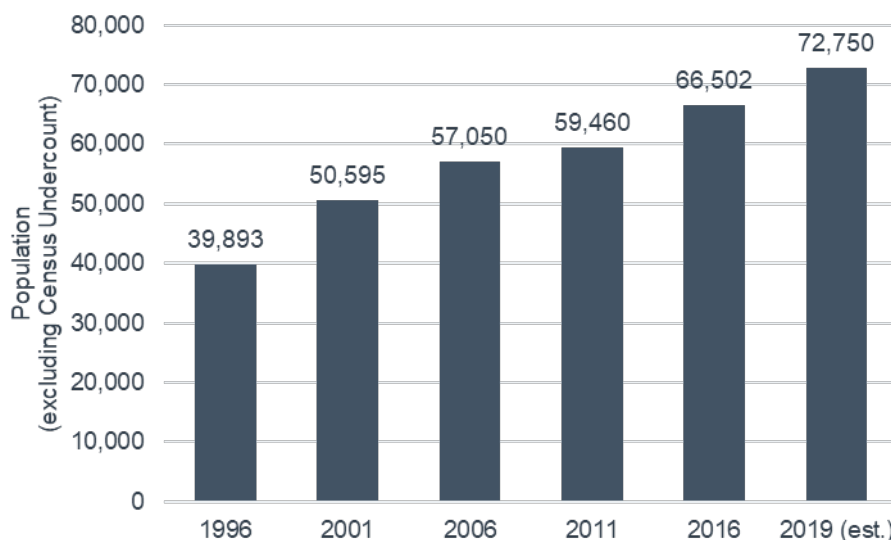
One important consequence of conducting an effective and independent review is that residents will be well-informed about the conduct of the entire review and should be satisfied with its integrity and with the decision eventually reached by Council. As a result, there should be no incentive to appeal a by-law to LPAT under s. 222 (4) of the *Municipal Act, 2001*.

4. Population and Growth Trends

4.1 Existing Population

Since the current ward configuration was established in 1974, the Town has seen some significant population growth and will continue to see this growth over the next ten years and beyond. In 1996, the population of Caledon was less than 40,000 and in 2019 the population was estimated at 72,750¹ (excluding Census undercount), a growth of over 80%, as shown in Figure 1.

Figure 1: Town of Caledon Historical Population, 1996 to 2019



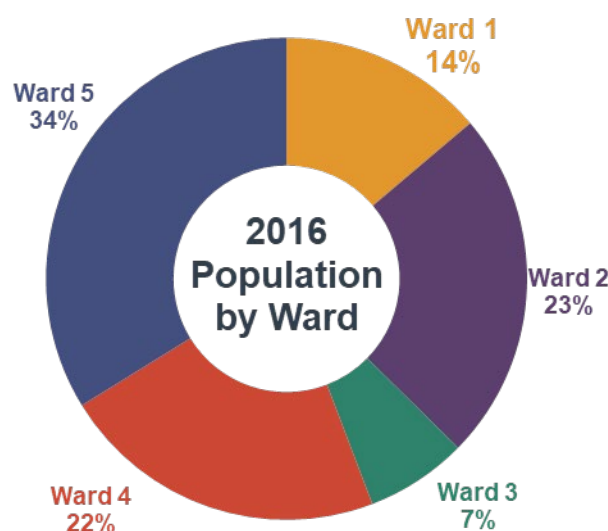
¹ Source: Town of Caledon 2019 Development Charges Background Study.



For some time, Caledon has been based on what has been called a “tri-nodal configuration”: Bolton, Mayfield West, and Caledon East have been designated as the significant population growth areas. There are also several smaller population centres such as Palgrave, Caledon Village, and Mono Mills and a number of even smaller centres, known in Caledon as the mill villages. One of Caledon’s distinctive features, however, is the extensive rural area that includes portions of the Oak Ridges Moraine, the Niagara Escarpment, and the Greenbelt which will remain largely undeveloped. The two largest urban settlement areas of Bolton and Mayfield West – both along the southern boundary of the Town – have been separated geographically but the intervening area is shrinking.

2016 population figures show an imbalance of population within the current ward structure. Approximately one-third of the population of Caledon resides within Ward 5, and close to 30% in Ward 3/4 but less than 15% in Ward 1 as shown in Figure 2. This population distribution, when compared to the Optimal 4-ward size of 17,213 (see section 5) shows that Ward 5 is outside the range at a 1.35 variance, while Ward 1 is outside the range on the lower end at 0.55 variance.

Figure 2: 2016 Population Distribution by Ward





4.2 Forecast Population Growth 2021 to 2031

The Consultant Team working on this review will prepare a population forecast extending out three electoral periods from early 2021 to early 2031. This review will look at historical building activity to develop a 2021 base population estimate by community and at a sub-geographic unit (S.G.U.). The Consultant Team will review active development applications, site plans of subdivisions within the Town to help inform and prepare accurate and credible population estimates.

It is anticipated that the Town of Caledon will grow by more than 55% over the next ten-year horizon, bringing the population to approximately 108,000 persons by 2031. Similar to recent trends, a majority of this population growth (approximately 70%) is expected to occur within the urban communities of Mayfield West (Ward 2) and Bolton (Ward 4).

Some residents may question the relevance and validity of future population growth as the basis for wards in 2020. This is a legitimate question since, for example, the determination of constituency boundaries for the House of Commons is always about “catching up.” The allocation of seats and the relevance of constituency boundaries is evaluated after each Census and, where there have been population changes, adjustments are made. In Ontario, however, municipalities only review the suitability of their representative bodies on a discretionary basis, meaning that councils may choose to keep the same wards in place indefinitely and the principle of “one person, one vote,” which anticipates that each person’s vote would be weighted equally, is eroded.

One of the ways to keep wards in sync with population changes – in addition to establishing a policy to review boundaries on a pre-determined cycle – is to design the wards with an eye to the future. In this Caledon Ward Boundary Review, that horizon will be population forecasts for a ten-year period (that is after two elections, in 2022 and 2026, and ahead of the third scheduled municipal election in 2030). As discussed above (and in the guiding principles), anticipated population trends over that time can be determined with some confidence and will be applied in the designs. In other words, a new set of wards can be adopted that are not out-of-date the day after they are approved.

The “representation by population” guiding principle directs the Consultant Team to seek population parity in wards for the next election; that is, to move from boundaries



that were established in 1994 to boundaries built around the population distribution in 2020. It is important to note that even the 1994 Ontario Municipal Board decision did “not meet the generally accepted representation by population criteria” since the Board’s recommendation “very closely align[ed] itself with the communities of interest,” that is “the historic boundaries” of the pre-amalgamation municipalities. Given that Caledon is expected to grow significantly over the next decade, however, some preliminary ward options will also be developed that place a higher priority on this future development than on achieving population parity based on 2020 figures. They would, in other words, reflect the change in population from 1994 out to 2030. It is important to note that in the Ontario Municipal Board Toronto ward boundary decision in 2017 that endorsed a 47-ward plan,¹ a majority of the Board ruled that the by-law adopted by Council, built on correcting “the current population imbalance” but growing into parity “based on the anticipated further development in specific areas in the City,” was an acceptable approach. In the words of the City’s primary review consultant, “it is more appropriate to allow wards to grow towards voter parity than away from voter parity.”²

5. Preliminary Evaluation of the Status Quo

Whether or not a ward system can be considered successful involves evaluating how well it provides “fair and effective representation for all constituents.” Before using the guiding principles to develop alternatives to the current system, then, it is appropriate to apply the same guiding principles to the current system to determine whether it is actually still viable and, if not, what shortcomings need to be considered in designing alternatives.

Representation by Population

One goal of this review is to design a system of representation that achieves relative parity in the population of the wards now, with some degree of variation acceptable in light of population densities and demographic factors across the Town. The indicator of success in a ward design is the extent to which all the individual wards approach an “optimal” size. Based on the Town’s overall 2016 population (68,850 including the Census undercount) and a four-ward system, the optimal population size for a ward would be 17,213.

¹ Later overridden in July 2018 through the *Better Local Government Act, 2018*.

² Ontario Municipal Board case MM170033 (December 15, 2017), para. 27.



Optimal size can be understood as a mid-point on a scale where the term “optimal” (O) describes a ward with a population within 5% on either side of the calculated optimal size. The classification “below/above optimal” (O+ or O-) is applied to a ward with a population between 6% and 25% on either side of the optimal size. A ward that is labelled “outside the range” (OR+ or OR-) indicates that its population is greater than 25% above or below the optimal ward size. The adoption of a 25% maximum variation is based on federal redistribution legislation but is widely used in municipalities like Caledon where there are urban concentrations as well as many smaller settlements and extensive rural territory with significant residential developments expected in the future.

As illustrated in Figure 3, the 2016 population data, excluding the Census undercount, suggests that one of the wards (Ward 5) is beyond the upper end of the defined range of variation, while another (Ward 1) is below the lower range of variation. None of the wards can be classified as “optimal.”

Figure 3: Population by Ward

| Ward | 2016 Population ¹ | Variance | |
|------|------------------------------|----------|------|
| 1 | 9,160 | 0.55 | OR - |
| 2 | 15,585 | 0.94 | O - |
| 3/4 | 19,100 | 1.15 | O + |
| 5 | 22,380 | 1.35 | OR + |

¹ Population excludes the net Census undercount of approximately 3.5%

Source: 2016 Region of Peel Ward Profiles (<https://www.peelregion.ca/planning-maps/wardprofiles/>)

Communities of Interest

Electoral districts in Canada are not traditionally considered to be merely arithmetic divisions of the electorate designed to achieve parity of voting power. Rather, they are part of a system “which gives due weight to voter parity but admits other considerations where necessary” (Carter decision, page 35). One of the customary other considerations is “community of interest.” The rationale is that electoral districts should,



as far as possible, be cohesive units and areas with common interests related to representation.

In the municipal context “community of interest” is frequently linked to “neighbourhoods” since the neighbourhood is the most identifiable geographic point in most people’s lives; it is where they live. More importantly, the responsibilities of the municipality are also closely associated with where people live: roads and their maintenance, the utilities that are connected to or associated with their dwelling, and the myriad of social, cultural, environmental, and recreational services are often based on residential communities. Even municipal taxation is inextricably linked to one’s dwelling. Identifying such communities of interest recognizes that geographic location brings shared perspectives that should be reflected in the municipal representational process.

In most municipalities there are more communities of interest or neighbourhoods than there are electoral districts, so wards will of necessity have to be created by grouping together such building blocks for the purposes of representation. This principle addresses two perspectives: what is divided by ward boundaries and what is joined together. Alternative ward configurations will therefore be assessed in terms of how successfully they separate or aggregate certain communities of interest into plausible units of representation. The first priority is that communities ought not to be divided internally; as a rule, lines are drawn around communities, not through them. Secondly, as far as possible wards should group together communities with common interests.

When the present wards were approved by the Ontario Municipal Board in 1994, all the urban area of Bolton was within Ward 5; today a number of neighbourhoods (such as Harvest Moon) that are part of the fabric of Bolton are located in Ward 4, thereby adding a significant urban component to what has been a predominantly rural ward. Population growth in Mayfield West has changed the predominantly rural character of Ward 2. All told, the population in the urban settlement area of Caledon is grouped in a fashion that makes it difficult to claim that three of the wards constitute coherent electoral units.

Future Population Trends

The population in the present Wards 3/4 and 5 together amount to two-thirds of Caledon's total population and with an estimated 35% of growth to occur within Bolton that will further impede meeting the population parity principle over the next decade. This is similar to what will occur in Ward 2 as it is already close to population parity in



2016 (92% variance) but is also expected to receive approximately 35% of population growth over the ten-year planning horizon. The development over the next decade within Bolton and Mayfield West will push the population of Wards 2 and 4 beyond parity while leaving Wards 1 and 3 below parity.

Physical and Natural Boundaries

Ward boundaries in Caledon were deliberately based on the boundaries of the pre-amalgamation municipalities and were largely maintained in the 1994 Ontario Municipal Board order. At that time, the Board chair referred to “the traditional geographic boundaries that are well-known to all of the citizens in the area” and that “appear to have significant meaning for those who appeared before the board.” These lines may still have historical significance to long-time residents but are increasingly obscure to the large number of residents who are new to Caledon.

One of the significant physical boundary lines (Airport Road) essentially bisects the municipality into eastern and western sectors except that the boundary ‘swings’ around two settlement areas (Caledon East and Mono Mills). The present boundary between Wards 1 and 2 follows Olde Base Line Road so is reasonably identifiable, but the two wards include territory on both sides of the multi-lane Highway 10 (Hurontario Street).

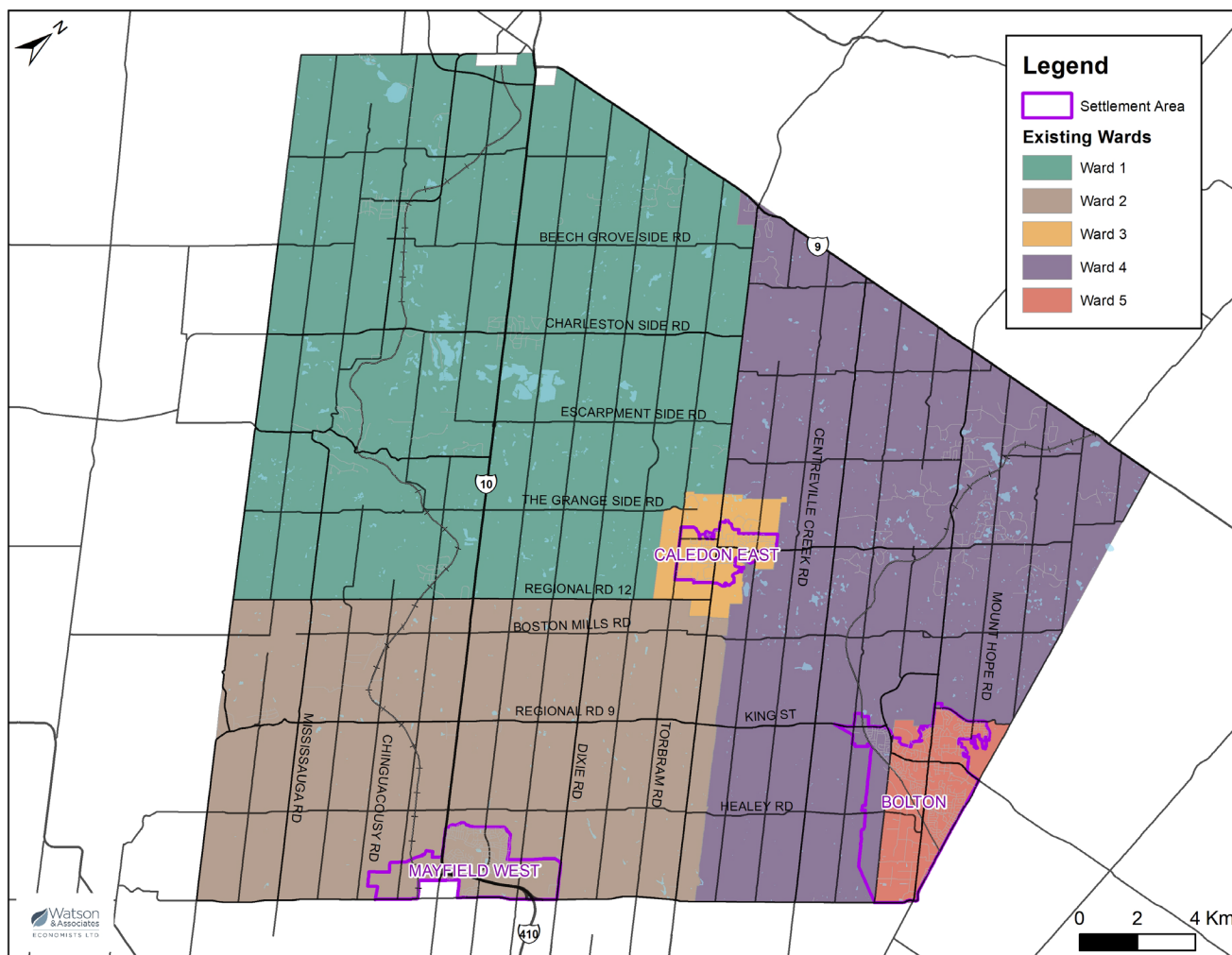
Effective Representation

As noted earlier, effective representation is not based on the performance of incumbent Councillors. It is, rather, a concept that is premised on the on-going relationship between residents and elected officials – not just on the way the resident is “counted” on election day, although that is an important component of a fair system of representation. Are the individual wards each plausible and coherent units of representation? Are they drawn in such a way that representatives can readily play the role expected of them? Do they provide equitable (that is, fair) access to councillors for all residents of the municipality?

The combination of accelerating population imbalances, the mix of neighbourhoods and communities within the wards, and the extreme range of population disparity between Wards 1 and 5 suggests that the present wards in Caledon do not contribute to effective representation. One significant factor underpinning these undeniable limitations is the challenge of reflecting the increasing complexity of the Town in only four wards.



Figure 4: Existing Ward Map





Summary

The current system largely fails to meet the ward boundary review principles and cannot be said to serve the residents of the Town of Caledon well.

| Principle | Does the Current Ward Structure Meet the Respective Principle? | Comment |
|---------------------------------|--|---|
| Representation by Population | No | Two wards are outside the acceptable range of variation. |
| Communities of Interest | No | Three of the wards are not coherent electoral units because of spillover of urban population; limited natural, social, or economic connections within them. |
| Future Population Trends | No | One ward is outside the acceptable range of variation and one ward is below optimal. |
| Physical and Natural Boundaries | Largely successful | Most markers used as boundaries of the wards are straightforward with some exceptions. |
| Effective Representation | No | Effective representation is hindered by uneven population distribution and inclusion of rural residents in wards with a predominantly urban population. |

6. Preliminary Options

The combination of anticipated growth in Mayfield West, and the relative stability of the rural area, calls for a thorough reconsideration of wards in Caledon. There are, however, several ways to address this challenge, depending primarily on which of the guiding principles is given the greatest priority. The next step in this review is to seek contributions from residents about the strengths and weaknesses of the ward system and to gain some sense of which principles should be given priority in the design of a modified ward system.