

**6. OTTAWA WARD BOUNDARY REVIEW 2020 – RECOMMENDATIONS
REPORT**

**EXAMEN DES LIMITES DE QUARTIERS DE LA VILLE D’OTTAWA 2020 –
RAPPORT SUR LES RECOMMANDATIONS**

COMMITTEE RECOMMENDATIONS, AS AMENDED

That City Council approve the recommendations for a new City of Ottawa ward boundary structure as set out in Document 1, to take effect for the 2022 Municipal Elections; and

- a. That the boundaries of RW-6 be amended to include the lands south of Wilhaven Drive, west of Canaan Road, north of Russell Road and east of the VIA Rail corridor and Milton Road:
- b. That the boundary between RW-13 (Beacon Hill-Cyrville) and RW-14 (Alta Vista) be adjusted to be Highway 417, St. Laurent and the Via Rail Corridor;
- c. That the parking lot bounded by Carling Avenue to the north, Prince of Wales Drive to the south, Preston Street to the east and the Trillium Line to the west, be added from RW-19 (Capital) to RW-21 (River); and
- d. That the southern boundary between RW-16 (Rideau-Rockcliffe) and RW-17 (Rideau-Vanier) be moved from McArthur Avenue to Donald Street, and the eastern boundary remain Rue de L’église but extend west on McArthur Avenue and south on Brant Street to Donald Street.

RECOMMANDATIONS DU COMITÉ, TELLE QUE MODIFIÉE

Que le Conseil municipal approuve l'entrée en vigueur à temps pour l'élection municipale de 2022 des recommandations relatives à la nouvelle structure des quartiers d'Ottawa décrite dans le Document 1, et

- a. **Que les limites du QR-6 soient modifiées pour inclure les terrains situés au sud de la promenade Wilhaven, à l'ouest du chemin Canaan, au nord du chemin Russell et à l'est du couloir ferroviaire de VIA Rail et du chemin Milton.**
- b. **Que la limite entre Beacon Hill–Cyrville (QR-13) et Alta Vista (QR-14) soit modifiée afin qu'elle corresponde à l'autoroute 417, au boulevard St-Laurent et au couloir ferroviaire de VIA Rail.**
- c. **Que le parc de stationnement délimité au nord par l'avenue Carling, au sud par la promenade Prince of Wales, à l'est par la rue Preston et à l'ouest par la Ligne Trillium de l'O-Train, fasse partie du QR-21 (Rivière) et non du QR-19 (Capitale).**
- d. **Que la limite sud entre Rideau-Rockcliffe (QR-16) et Rideau-Vanier (QR-17) soit déplacée de l'avenue McArthur à la rue Donald, et que la limite est demeure la rue de l'Église, mais soit prolongée à l'ouest sur l'avenue McArthur et au sud, de la rue Brant à la rue Donald.**

DIRECTION TO STAFF

That the Consulting Team and Staff be directed to review the population forecast for the recommended wards RW-8 and RW-9, prior to the City Council meeting of December 9, 2020, based on a division of Barrhaven at Greenbank Road, for the years 2022, 2026, 2030 and 2034 to determine if any adjustments are appropriate to the recommended Ward Boundaries.

INSTRUCTIONS AU PERSONNEL :

Que l'on demande à l'équipe de consultants et au personnel d'examiner, avant la réunion du Conseil du 9 décembre 2020, les prévisions démographiques pour 2022, 2026, 2030 et 2034 des quartiers recommandés QR-8 et QR-9 d'après la division du quartier Barrhaven au chemin Greenbank afin de déterminer s'il est nécessaire de modifier les limites de quartiers recommandées.

DOCUMENTATION/DOCUMENTATION

1. City Clerk's report, Office of the City Clerk, dated 20 November 2020 (ACS2020-OCC-GEN-0005).

Rapport du greffier municipal, Bureau du greffier municipal, daté le 20 novembre 2020 (ACS2020-OCC-GEN-0005).

2. Revised Ward Maps reflecting Motions (Motion Nos. FEDC 2020 3/19, 5/19, 6/19 and 7/19) approved at the Finance and Economic Development Committee meeting of 1 December 2020.

Cartes des quartiers révisées reflétant les motions (Motion Nos. CFDE 3/19, 5/19, 6/19 and 7/19) adoptées à la réunion du Comité des finances et du développement économique du 1^{er} décembre 2020.

3. Extract of draft Minutes, Finance and Economic Development Committee, 1 December 2020

Extrait de l'ébauche du procès-verbal, Comité des finances et du développement économique, le 1 décembre 2020

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
1 December 2020 / 1er décembre 2020**

**and Council
et au Conseil
9 December 2020 / 9 décembre 2020**

**Submitted on November 20, 2020
Soumis le 20 novembre 2020**

**Submitted by
Soumis par:
M. Rick O'Connor, City Clerk / Greffier municipal**

**Contact Person
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2020-OCC-GEN-0005

SUBJECT: Ottawa Ward Boundary Review 2020 – Recommendations Report

OBJET: Examen des limites de quartiers de la Ville d'Ottawa 2020 – rapport sur les recommandations

REPORT RECOMMENDATION

That the Finance and Economic Development Committee recommend that City Council approve the recommendations for a new City of Ottawa ward boundary structure as set out in Document 1, to take effect for the 2022 Municipal Elections.

RECOMMANDATION DU RAPPORT

Que le Comité des finances et du développement économique recommande au Conseil municipal d'approuver l'entrée en vigueur à temps pour l'élection municipale de 2022 des recommandations relatives à la nouvelle structure des quartiers d'Ottawa décrite dans le Document 1.

EXECUTIVE SUMMARY

On June 12, 2019, City Council considered the staff report titled, "[City of Ottawa Ward Boundary Review \(2019-2020\)](#)," and approved a process to review the City of Ottawa's ward boundaries and establish new boundaries in time for the 2022 Municipal Elections. The Council-approved ward boundary review process is aimed at addressing issues relating to "effective representation" and certain wards being outside of generally acceptable population variances. The review is meant to establish ward boundaries that could be used in at least three municipal elections (2022, 2026 and 2030) and, perhaps, a fourth municipal election in 2034. The last such major review was completed in 2005 and established the City's 23 wards.

Pursuant to Council's direction, staff retained an independent consultant team to conduct the ward boundary review in accordance with statutory requirements, common law principles and any parameters established by Council and/or the Government of Ontario. The ward boundary review process approved by Council included a two-stage broad engagement and consultation strategy with Ottawa residents, communities, key stakeholders and Members of Council to elicit input on the City's current ward boundaries and to receive feedback on ward boundary options.

The consultant team began the Ottawa Ward Boundary Review 2020 in January of this year. Following two rounds of public consultation, the second of which focused on six options for new ward boundaries, this staff report brings forward for Committee and Council consideration the consultant team's recommendations with respect to a new

ward boundary structure, as set out in the Recommendations Report attached as Document 1.

The attached Recommendations Report includes recommendations that would establish a new ward boundary structure composed of 24 wards, with 12 urban wards, nine suburban wards and three rural wards.

This transmittal staff report provides an overview of the statutory requirements relating to ward boundary reviews and information regarding the Council-approved ward boundary review process and how the Ottawa Ward Boundary Review 2020 was conducted. This report also provides administrative and financial implications arising from the ward boundary structure proposed in the Recommendations Report, as well as details regarding next steps.

Should Council approve any changes to ward boundaries, it is anticipated that staff would bring forward the required enacting by-law to the Council meeting of January 27, 2021. Following the enactment of the by-law, a period would follow in which the by-law may be appealed to the Local Planning Appeal Tribunal (LPAT), pursuant to the statutory process described in this report. Provided the LPAT issues a decision before January 1, 2022, or no notices of appeal are filed, any new ward boundaries would be in effect for the 2022 Municipal Elections.

BACKGROUND

Ward Boundary Reviews in Ontario

Municipalities in Ontario must adhere to rules established for them by the provincial government. The *Municipal Act, 2001* (the Act), a piece of legislation that provides much of the foundation for governance and authority for Ontario municipalities, includes guidance in two key areas relating to Council composition and ward boundaries by establishing as follows:

1. That a municipality has authority to change the composition of its Council, subject to the following rules, as set out in Subsection 217(1) of the Act:

1. There shall be a minimum of five members, one of whom shall be the head of council.

2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
 3. The head of council shall be elected by general vote.
 4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
 5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.
- 2. That a municipality may establish and change its ward boundaries**, through a process broadly outlined in the legislation that results in Council approving a by-law to establish ward boundaries¹ [Section 222 of the Act]. That said, this authority is subject to some statutory requirements and potential appeal to the Local Planning Appeal Tribunal (LPAT). In the event of such an appeal, the Act provides that the LPAT shall hear the appeal and may make an order affirming, amending or repealing the municipality's ward boundary by-law – effectively establishing the ward boundaries that the Tribunal believes are correct.

The Act includes deadlines for when a by-law must be in effect in order for ward boundaries to be used in a municipal election [Subsections 222(8) and 222(9) of the Act]. Based on the relevant provisions, a by-law establishing new ward boundaries must be in force before January 1, 2022, in order for any ward boundary changes to be in effect for the 2022 Municipal Elections. If a by-law establishing new ward boundaries is appealed to the LPAT, the notices of appeal must be withdrawn, or the Tribunal must have issued an order to affirm or amend the by-law, before January 1, 2022. In all other cases (unless the by-law is repealed by the LPAT), the by-law would come into force for the second regular election after the by-law is passed. In other words, if a by-law establishing new ward boundaries came into force after January 1, 2022, the new boundaries would be in effect for the 2026 Municipal Elections.

¹ Details of the relevant statutory process are described in more detail in this report, as well as the staff report titled, "[City of Ottawa Ward Boundary Review \(2019-2020\)](#)," which was considered by Council on June 12, 2019, and the [Ottawa Ward Boundary Review 2020 Background](#) produced by the consultant team conducting the Ottawa Ward Boundary Review 2020.

In addition, electors may use a petition signed by 500 electors to request a change to ward boundaries [Section 223 of the Act]. If Council did not pass a by-law in accordance with the petition within 90 days of receiving the petition, any one of the petitioners may make an application to the LPAT to have the municipality divided or redivided into wards or to have the existing wards dissolved. The LPAT shall hear the application and may make an order dividing or redividing the municipality into wards or dissolving the existing wards.

The legislative provisions relating to ward boundaries are set out in Document 2. It should also be noted that the Ontario Legislature has the ultimate legislative authority to establish municipal ward boundaries and determine the size of Council².

There is no express requirement in the Act for a municipality to conduct a review of its ward boundaries at any particular time. Neither does the Act provide any statutory criteria to govern the establishment of ward boundaries. However, common law in Canada requires that the principle of “effective representation” be applied when reviewing ward boundaries, as discussed in Section 1 and Appendix A of the attached Recommendations Report (Document 1). This principle is a key matter that would be considered by the LPAT in the event of any appeal of a Council-approved by-law to establish ward boundaries.

Council’s Direction to Undertake the Ottawa Ward Boundary Review 2020

On June 12, 2019, City Council considered the staff report titled, “[City of Ottawa Ward Boundary Review \(2019-2020\)](#).” The staff report noted that the City of Ottawa’s current ward boundaries have largely been in place since the City’s last comprehensive ward boundary review was conducted by an independent consultant in 2004-2005.

Boundaries established by the 2004-2005 review were expected to meet the test of “effective representation” until 2015. The staff report described how ward populations

² The Ontario Government’s ultimate authority over municipal ward boundaries was described in more detail in the “[City of Ottawa Ward Boundary Review \(2019-2020\)](#)” staff report. That report noted the City of Toronto’s ward boundaries were ultimately subject to mandatory provincial legislation in 2018 that changed the outcome of Toronto’s earlier ward boundary review. While the Ontario Superior Court overturned the Province’s legislation, the Ontario Court of Appeal stayed the Superior Court’s ruling and the 2018 Municipal Elections in the City of Toronto proceeded in accordance with the ward boundaries established by the Province. Since the time of that report, it is noted that the Supreme Court of Canada on March 26, 2020, granted the City of Toronto leave to appeal the Ontario Court of Appeal decision in the case.

and future estimates for the City of Ottawa indicated that certain wards are, or are projected to be, outside of generally acceptable population variances.

The staff report proposed a ward boundary review process that is meant to establish boundaries that could be used in at least three municipal elections (2022, 2026 and 2030) and, perhaps, a fourth municipal election in 2034. Council approved the following report recommendations, as amended by the Finance and Economic Development Committee (FEDCO)³:

That Council:

- 1. Direct staff to undertake a Request for Proposal (RFP) process to retain an independent consultant to conduct a comprehensive ward boundary review for the City of Ottawa, as described in this report and consistent with the Terms of Reference herein;**
- 2. Approve that temporary annual funding, equivalent to one Full-time Equivalent (FTE), be provided to support any Member whose ward population size is projected to be larger than the average ward population size by more than 33 per cent during the 2018-2022 Term of Council, as an interim measure until a new ward boundary by-law comes into force, as described in this report;**
- 3. Direct the City Clerk and Solicitor to send a letter to the Premier of Ontario and the Ontario Minister of Municipal Affairs and Housing to advise of any Council decisions with respect to a comprehensive ward boundary review for the City of Ottawa, as described in this report;**
- 4. Approve that the City Clerk and Solicitor's letter to the Premier of Ontario and the Ontario Minister of Municipal Affairs also specifies that Council intends for the ward boundary review to be conducted on the basis of retaining the current number of wards, being 23, each represented by a single elected Member, in addition to a Mayor elected by general vote, as set out in By-law No. 2005-534; and**
- 5. Approve that the Terms of Reference for the City of Ottawa's 2019-2020 comprehensive ward boundary review be amended to direct the**

³ FEDCO amended the ward boundary review staff report on [June 4, 2019](#), through Motion No. 5/1.

independent consultant to bring forward ward boundary options that retain the existing Council composition, as described in this motion, and pending any feedback received from the Ontario Government in response to the City Clerk and Solicitor's letter.

The ward boundary review process approved by Council included a two-stage broad engagement and consultation strategy with Ottawa residents, stakeholders and Members of Council, including the former and current Ward 19 – Cumberland Councillors, to elicit input on Ottawa's current ward boundaries and to receive feedback on ward boundary options.

Actions undertaken by Staff pursuant to Council's Direction of June 12, 2019

Correspondence between the City Clerk and the Province of Ontario

Pursuant to Recommendation 3 of the ward boundary review staff report approved by Council on June 12, 2019, the City Clerk issued a letter dated June 19, 2019, to the Premier of Ontario and the Ontario Minister of Municipal Affairs and Housing. The letter advised of Council's decisions with respect to a comprehensive ward boundary review for the City of Ottawa. Other provincial party leaders and local Members of Provincial Parliament were copied on the City Clerk's letter, as had been outlined in the Council-approved staff report.

In accordance with Recommendation 4 of the staff report, as amended, the City Clerk's letter also specified that Council intends for the ward boundary review to be conducted on the basis of retaining the current number of wards, being 23, each represented by a single elected Member, in addition to a Mayor elected by general vote. The Ontario Minister of Municipal Affairs and Housing issued a letter dated July 22, 2019, in response to the City Clerk's letter. The letters are attached as Documents 3 and 4.

Retaining an Independent Consultant to Conduct the Ottawa Ward Boundary Review 2020

In accordance with Recommendation 1 of the Council-approved ward boundary review staff report, staff on September 13, 2019, issued a Request for Proposal (RFP) to retain an independent consultant to conduct a comprehensive ward boundary review for the City of Ottawa.

Further to Council's adoption of Budget 2020, Beate Bowron Etcetera Inc., in association with The Davidson Group and Hemson Consulting Ltd., was selected as the successful proponent for the ward boundary review. The consultant team, led by Beate Bowron, was responsible for conducting the ward boundary review, including broad engagement and consultation with members of the public, Members of Council, and key stakeholders, and developing ward boundary options and recommendations for Council's consideration. The team will also act as an expert witness at the LPAT and Ontario Divisional Court, if necessary.

Undertaking the Ottawa Ward Boundary Review 2020

The Ottawa Ward Boundary Review 2020 began in January 2020. In March 2020, the consultant team began Round One of public consultation, pursuant to the Council-approved ward boundary review process.

Public Consultation – Round One

Round One collected opinions about Ottawa's current ward boundaries between March 4, 2020, and April 3, 2020. It included consultation with Members of Council, residents and stakeholders including social, community and healthcare advisory and support groups, community association representatives and business improvement areas, the four area school boards, post-secondary institutions and agricultural societies.

Public consultation opportunities were widely advertised through public service announcements; the City's social media channels; Members' communications; bus, digital billboards and community newspaper ads; posters placed in Client Service Centres, recreation facilities and libraries; and targeted invitations to stakeholders. Opportunities to provide input included a dedicated website and email address, an online survey and guestbook, one-on-one meetings between the consultant team and all Members of Council and two public meetings.

The approach to some in-person events planned for Round One of public consultation had to be changed due to the quickly evolving COVID-19 pandemic, subsequent actions of the federal, provincial and municipal governments, and health-related requirements. This included the need for people to maintain physical distance from each other and limitations on in-person gatherings.

Specifically, while two in-person meetings were held in early March, seven additional in-person public consultation meetings and three stakeholder sessions scheduled between March 24, 2020, and April 1, 2020, could not proceed as planned. In addition, some of the consultation meetings between the consultant team and individual Members of Council were conducted by way of telephone, rather than in person. In the absence of the remaining in-person public and stakeholder meetings, residents and stakeholders were strongly encouraged to complete the online survey, submit input through the guestbook, or provide written input.

A total of 483 individuals and groups from all current wards participated in Round One, which the consultant team advised is a significant number during the input phase of a ward boundary review.

Options Report and Supplementary Report

Following Round One of public consultation, the consultant team brought forward the Options Report that was considered by Council on July 15, 2020, through the report titled, "[Ottawa Ward Boundary Review 2020 – Options Report](#)." Comments received during Round One of public consultation were summarized in Appendix B of the Options Report.

The Options Report provided five options for realigning Ottawa's wards, including as follows:

- Option 1, which would increase the number of wards to 25, with 13 urban wards, nine suburban wards and three rural wards.
- Option 2, which would increase the number of wards to 24, with 12 urban wards, nine suburban wards and three rural wards.
- Option 3, which would maintain the current number of wards, 23, and included 11 urban wards, nine suburban wards and three rural wards.
- Option 4, which would also maintain the number of wards at 23. It also included 11 urban wards, nine suburban wards and three rural wards. The boundaries for each ward are different than those in Option 3.
- Option 5, which would reduce the number of wards to 17, with nine urban wards, six suburban wards and two rural wards.

During its meeting of July 15, 2020, Council requested the development of a sixth option, based on certain criteria, as set out in Motion No. 37/10 as follows:

BE IT RESOLVED THAT the Ward Boundary Review consultant team be requested to develop a sixth option for inclusion in the second round of public consultation, developed on the basis of the following criteria:

- 1. Addressing, on a priority basis, the three (3) wards projected to be significantly in excess of the average ward population and outside the acceptable population variance in 2026, namely Barrhaven, Cumberland and Gloucester South Nepean;**
- 2. Giving consideration to the 2002 OMB ruling and the 1991 Supreme Court of Canada ruling, which recognized and protected rural and other communities of interest with a view to minimizing, whenever possible, the impact of significant changes to established ward boundaries and communities of interest;**
- 3. Addressing the impact of significant changes to established ward boundaries and communities of interest, particularly in the urban area as defined in the Options Report;**
- 4. Giving consideration to ensuring that geographically proximate and similar communities of interest are located within the same ward;**
- 5. Giving consideration to the June 2019 Council direction seeking to maintain the current number of wards.**

Pursuant to the above-noted motion, the consultant team developed a [Supplementary Report](#) that included a sixth option. The Supplementary Report was provided to City Council by way of a memorandum issued by the City Clerk on behalf of the consultant team on August 17, 2020, and was made available on the public project webpage on ottawa.ca that same day.

As described in the Supplementary Report, the consultant team considered the five criteria provided by Council and determined that Criterion 5, with respect to consideration of the June 2019 Council direction seeking to maintain the current number of wards, was incompatible with Criteria 1 to 4. Therefore, the option included in the Supplementary Report was as follows:

- Option 6, which would increase the number of wards to 24, with 12 urban wards, nine suburban wards and three rural wards. It minimizes ward boundary changes.

Public Consultation – Round Two

Following Council’s consideration of the Options Report and the subsequent development and release of the Supplementary Report, Round Two of public consultation began in August 2020.

Round Two ran from August 19, 2020, to September 25, 2020, and collected feedback on the five options proposed in the Options Report and the sixth option proposed in the Supplementary Report.

Much like the Round One consultation, Round Two included consultation with Members of Council, residents and stakeholders. Public consultation opportunities were widely advertised through public service announcements; the City’s social media channels; Members’ communications; bus, digital and community newspaper ads; targeted invitations to more than 225 stakeholder groups and associations; invitations to individuals who requested project updates; and inclusion in the City’s “Rural Connections” newsletter.

As gathering restrictions continued due to the COVID-19 pandemic, public consultation meetings for Round Two were conducted virtually through Zoom. Six public meetings were held, with three sessions dedicated to a citywide focus, and one session each with a rural, urban and suburban focus. In addition, three stakeholder sessions were held, which included representatives from community associations, business improvement areas, school boards and advocacy groups.

Residents were also encouraged to complete a survey available through ottawa.ca or, for those with limited or no access to a computer, by requesting a paper copy of the survey and supporting documentation, including relevant maps. A prepaid return envelope was also included.

In total, 2,150 surveys, 238 submissions and comments by email and telephone, and 16 guestbook entries were submitted during Round Two, in addition to 137 individuals and groups participating in the public meetings.

Recommendations Report

In accordance with the Council-approved ward boundary review process, the consultant team has provided the Recommendations Report attached to this report as Document 1.

The Discussion section of this staff report provides a summary of the consultant team's recommendations, as well as administrative and financial implications and next steps in the ward boundary review process.

DISCUSSION

The Ottawa Ward Boundary Review 2020 Recommendations Report provided by the Consultant Team

The Recommendations Report attached as Document 1 sets out the consultant team's recommended realignment of Ottawa's ward boundary structure that would take effect for the 2022 Municipal Elections.

As described in the Recommendations Report, the recommended realignment is a modified version of Option 6 as outlined in the Background section of this report, with changes that incorporate feedback received during Round Two of public consultation.

Section 6.2 of the Recommendations Report states that "all six options were designed to achieve effective representation. Option 6 was favoured by both the public and Members of Council and became the preferred option. Several suggestions for boundary changes to Option 6 have been incorporated into the recommended ward boundary configuration."

Therefore, the ward boundary structure recommended by the consultant team would increase the number of wards to 24, with 12 urban wards, nine suburban wards and three rural wards. The proposed structure is described in more detail in Document 1.

Administrative and Financial Implications arising from the Recommendations Report

Staff reviewed the Recommendations Report and can advise that the overall proposal to establish an additional ward would result in various one-time and ongoing costs. These include:

- One-time capital fit-up adjustments required at City Hall to accommodate an office for one additional Member of Council within the current Councillors' Office Area are estimated at a total cost of \$100,000 in direct costs.
- Constituency Services Budget associated with one additional Member beginning in 2022-2023 is estimated to be \$275,000 annually.
- Benefits for Councillors' Assistants associated with one additional Member beginning in 2022-2023 are estimated to be \$72,000 annually.
- Remuneration and benefits associated with one additional Member beginning in 2022-2023 are estimated to be \$145,000 annually.

In total, there is an estimated one-time cost of \$100,000 as well as ongoing costs estimated to be \$492,000 annually. Staff note that matters related to a Members' Constituency Services Budget, such as the Traffic Calming program, are outside the scope of a ward boundary review and are established separately through the annual budget approval process.

Next Steps in the Ottawa Ward Boundary Review 2020

Enactment of ward boundary by-law

Further to Council's consideration of the Recommendations Report, any approved changes to ward boundaries would be enacted by way of by-law. Should ward boundary changes be approved at the Council meeting of December 9, 2020, it is anticipated that the enacting by-law would be brought forward to the Council meeting of January 27, 2021.

If Council does not change ward boundaries and enact the related by-law to take effect for the 2022 Municipal Elections, staff are of the opinion the City may be vulnerable to a petition process as described in the Background section of this report. Specifically, an elector may use a petition signed by 500 electors to request a change to ward boundaries. If Council did not pass a by-law in accordance with the petition within 90

days of receiving the petition, any one of the petitioners may make an application to the Local Planning Appeal Tribunal (LPAT) to have the municipality divided or redivided into wards or to have the existing wards dissolved. The LPAT shall hear the application and may make an order dividing or redividing the municipality into wards or dissolving the existing wards.

Statutory appeal period if ward boundary by-law is enacted

Should Council enact a by-law to change ward boundaries, there would be a 45-day period in which notices of appeal for the LPAT – setting out the objections to the by-law and the reasons in support of the objections – could be filed with the City. The City would be required to provide public notice specifying the last date for filing a notice of appeal within 15 calendar days after Council enacted the by-law.

Within 15 calendar days after the last day for filing a notice of appeal for the LPAT, the City would be required to forward any notices of appeal to the LPAT. The City is also required to provide any other information or material that the LPAT requires in connection with the appeal.

The LPAT would hear the appeal and may make an order affirming, amending or repealing the by-law.

In the event of an appeal, provided that any decision made by the LPAT occurs before January 1, 2022, it is anticipated that the new ward boundaries would be in effect for the October 2022 Municipal Elections. If the LPAT decision occurs after January 1, 2022 (and did not repeal the by-law), any new ward boundaries would come into force for the 2026 Municipal Elections.

A decision on LPAT is subject to appeal, with leave of the Court, to Divisional Court. Provided that the LPAT has issued an order before January 1, 2022, it would continue to be possible for the new ward boundaries to come into effect if leave to appeal is not granted or the appeal is dismissed. Should leave to appeal be sought, Legal Services would seek to have such dealt with on an expedited basis.

Staff estimate the cost of a typical appeal to the LPAT to be approximately \$15,000 to \$75,000, depending on the nature and potential complexity of the proceedings. For the City of Toronto, consultant costs to support an Ontario Municipal Board (LPAT predecessor) appeal and a subsequent court appeal relating to its ward boundary

review were approximately \$100,000. Toronto's legal services to defend the Ontario Municipal Board appeal and court appeal were covered through municipal in-house lawyers, and a similar approach would follow in Ottawa.

Further to the potential events described above, the current projected timeline for the Ottawa Ward Boundary Review 2020, should Council enact a by-law to change ward boundaries, is as follows:

Task	Provision of the <i>Municipal Act, 2001, if applicable</i>	Responsible	Date
Final report to Council with recommendations	N/A	Consultant team	December 9, 2020
Enacting by-law	ss. 222(1)	City Clerk	January 27, 2021
Give notice to the public that the by-law has passed (within 15 days of by-law being enacted) and prepare for LPAT appeals	ss. 222(3)	City Clerk	February 11, 2021
45-day Appeal Period ends/Last day for notice(s) of appeal to be received	ss. 222(4)	City Clerk	March 15, 2021
Notice(s) of appeal to be forwarded to the LPAT by the City (within 15 days of the last day for filing a notice of appeal)	ss. 222(5)	City Clerk	March 30, 2021
Expected LPAT decision that may affirm, amend or repeal the by-law (anticipated within approximately six to 10	ss. 222(7)	LPAT	Q3 2021/Q4 2021

months)			
2022 Municipal Elections			October 2022

RURAL IMPLICATIONS

As described in the Recommendations Report attached as Document 1, the consultant team recommends that three rural wards be included in the City of Ottawa’s ward structure. The proposed ward structure would combine rural Cumberland with Osgoode. The Recommendations Report considers several suggestions to alleviate related concerns raised by residents of both Osgoode and Cumberland Wards.

CONSULTATION

Consultation for the Ottawa Ward Boundary Review 2020 was conducted as described in this report and the attached Recommendations Report. Specifically, Round Two of public consultation collected feedback about the six options for realigning Ottawa’s ward boundaries. This included consultation with Members of Council, residents and stakeholders through public meetings, email, and an online survey and guestbook through the Engage Ottawa platform.

In total, 3,024 residents and groups participated in Rounds One and Two of the public consultation process. This includes 483 individuals and groups who participated in Round One and 2,541 individuals and groups who participated in Round Two, through public meetings, surveys, email and telephone submissions and guestbook entries.

In addition to the Ward Boundary Review Options Report being before the Finance and Economic Development Committee and City Council on July 7, 2020, and July 15, 2020, respectively, Members of Council met individually with the consultant team during each round of the consultation process. Some Members, particularly those in more impacted wards, had additional meetings with the consultant team.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a citywide report.

LEGAL IMPLICATIONS

The process for the adoption, notice and appeal of a Ward Boundaries By-law is as set out in the report. The test by which a Ward Boundaries By-law is assessed, that being effective representation, is also as set out in this report.

Should a Ward Boundaries By-law be adopted and one or more appeals be filed, Legal Services will approach the Local Planning Appeal Tribunal for an earliest possible hearing date.

RISK MANAGEMENT IMPLICATIONS

As noted above, if Council does not change its ward boundaries and enact the related by-law to take effect for the 2022 Municipal Elections, staff are of the opinion the City may be vulnerable to a petition process as described in the Background section of this report. Specifically, an elector may use a petition signed by 500 electors to request a change to ward boundaries. If Council did not pass a by-law in accordance with the petition within 90 days of receiving the petition, any one of the petitioners may make an application to the Local Planning Appeal Tribunal (LPAT) to have the municipality divided or redivided into wards or to have the existing wards dissolved. The LPAT shall hear the application and may make an order dividing or redividing the municipality into wards or dissolving the existing wards.

FINANCIAL IMPLICATIONS

The financial implications are outlined in this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

The Ottawa Ward Boundary Review 2020 is not a specific action connected to the Term of Council Priorities. That said, the review relates to the priority of “Service Excellence Through Innovation: Deliver quality bilingual services that are innovative and continuously improve to meet the needs of individuals and diverse communities.”

SUPPORTING DOCUMENTATION

Document 1 – Ottawa Ward Boundary Review 2020 – Recommended Ward Boundaries – Final Report (Prepared by Beate Bowron Etcetera, Hemson Consulting Ltd., and The Davidson Group)

Document 2 – Legislative Provisions for Ward Boundary Reviews

Document 3 – Letter from City Clerk to the Premier of Ontario and Minister of Municipal Affairs and Housing

Document 4 – Letter from Minister of Municipal Affairs and Housing to City Clerk

DISPOSITION

If Council approves changes to ward boundaries, staff will draft the required enacting by-law to be brought forward to the Council meeting of January 27, 2021.

Should Council enact the ward boundary by-law, staff will undertake the required statutory steps described in this report, including providing public notice, receiving any notices of appeal, and forwarding said notices of appeal to the LPAT. Legal Services would defend any LPAT and/or court appeal relating to the enacting by-law.

Further to any decisions of the LPAT made before January 1, 2022, if applicable, staff would prepare to undertake the 2022 Municipal Elections and administer the 2022-2026 Term of Council under the new ward boundary structure, as described in this report.