

Legislative Provisions for Ward Boundary Reviews

The *Municipal Act, 2001* (the Act) includes provisions relating to the following:

- **A municipality may change the composition of its Council:** Subsection 217(1) authorizes a municipality to change the composition of its council, subject to the following rules:
 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.
- **A municipality may establish and change its ward boundaries:** Subsection 222(1) states that a municipality is authorized to “divide or redivide the municipality into wards or to dissolve the existing wards.”
- **A municipality is required to provide public notice of a Council-approved ward boundary by-law:** Subsection 222(3) provides that a municipality is required to give public notice that a ward boundary by-law has been passed within 15 days after the by-law is passed. The notice must specify the last date for filing a notice of appeal.
- **A Council-approved ward boundary by-law may be appealed to the Local Planning Appeal Tribunal:** Subsection 222(4) states that within 45 days of the ward boundary by-law being passed, it may be appealed to the Local Planning Appeal Tribunal (LPAT) by “the Minister or any other person or agency.” The appeal is made by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections. The municipality is required to forward any notices of appeal to the LPAT within 15

days after the last day for filing the notice [Subsection 222(5)]. Subsection 222(7) provides that the LPAT shall hear the appeal and may make an order affirming, amending or repealing the by-law – effectively establishing the ward boundaries it believes are correct.

- **The timing for new ward boundaries to come into force, which depends on when Council approves the ward boundary by-law:** Subsection 222(8) provides that a by-law to establish ward boundaries comes into force for the following election if the by-law is passed before January 1 of an election year and no notices of appeal are filed, or if any notices of appeal are withdrawn prior to January 1 of the election year, or if notices of appeal are filed and the LPAT issues an order to affirm or amend the by-law before January 1 of the election year. In all other cases, except when a by-law is repealed by the Tribunal, the by-law comes into force for the second regular election after the by-law is passed.

Therefore, in order for any ward boundary changes to be in effect for the 2022 Municipal Elections, any by-law establishing new ward boundaries must be in force before January 1, 2022. Specifically, if the 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 that date.

- **Electors may use a petition to request a change to ward boundaries, and if Council does not pass a by-law, an application to change ward boundaries may be made to the Local Planning Appeal Tribunal:** Under Subsection 223(1), electors¹ in a municipality may at any time “present a petition to the council asking the council to pass a by-law dividing or redividing the municipality into wards or dissolving the existing wards.”

The petition requires the signatures of one per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less. Since one per cent of electors in the City of Ottawa would be 6,339 electors, a petition to Ottawa City Council asking for a ward boundary review would require 500 elector signatures.

¹ For the purposes of this subsection of the *Municipal Act, 2001*, the term “elector” means a person “whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding a petition being presented to council ...”

If Council did not pass a by-law in accordance with the submitted petition within 90 days of receiving the petition, Subsection 223(4) provides that “any of the electors who signed the petition may apply to the Local Planning Appeal Tribunal to have the municipality divided or redivided into wards or to have the existing wards dissolved.”

The cost of such an application to the LPAT is \$300. The Tribunal is required to hear the application, and may make an order “dividing or redividing the municipality into wards or dissolving the existing wards” [Subsection 223(5)].

Similar to the timelines under which a ward boundary by-law comes into force, the order of the LPAT with respect to a petition application would take effect for the following election if the order is made prior to January 1 of an election year (e.g. before January 1, 2022). The order of the Tribunal would be effective for the subsequent election if the order is made on or after January 1 of an election year but before Voting Day (e.g. on or after January 1, 2022).