

Court of Appeal File No. C65861 (M49615)
Superior Court File Nos: CV-18-00603797-0000
CV-18-00602494-0000
CV-18-00603633-0000

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

CITY OF TORONTO

Applicant
(Respondent in appeal - Responding Party)

- and -

ATTORNEY GENERAL OF ONTARIO

Respondent
(Appellant - Moving Party)

A N D B E T W E E N :

ROCCO ACHAMPONG

Applicant
(Respondent in appeal - Responding Party)

- and -

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY
GENERAL) and CITY OF TORONTO**

Respondents
(Appellants - Moving Parties)

(Title of Proceedings Continued on p.2)

**RECORD OF THE RESPONDING PARTIES, CHRIS MOISE et al.
(Motion for Stay Pending Appeal)**

AND BETWEEN :

**CHRIS MOISE, ISH ADERONMU and PRABHA KHOSLA on her own behalf
and on behalf of all members of WOMEN WIN TORONTO**

Applicants
(Respondents in appeal - Responding Parties)

- and -

**THE ATTORNEY GENERAL OF ONTARIO and THE CORPORATION OF
THE CITY OF TORONTO**

Respondent
(Appellant - Moving Party)

- AND -

**JENNIFER HOLLETT, LILY CHENG, SUSAN DEXTER,
GEOFFREY KETTEL and DYANOOSH YOUSSEFI**

Intervenors
(Respondents in appeal - Responding Parties)

**RECORD OF THE RESPONDING PARTIES, CHRIS MOISE et al.
(Motion for Stay Pending Appeal)**

GOLDBLATT PARTNERS LLP
20 Dundas Street West, Suite 1039
Toronto, ON M5G 2C2
Tel: 416-977-6070
Fax: 416-591-7333

Howard Goldblatt LS# 15964M
hgoldblatt@goldblattpartners.com
Daniel Sheppard LS# 59074H
dsheppard@goldblattpartners.com
Louis Century LS# 66582C
lcentury@goldblattpartners.com

**Lawyers for the Responding Parties
Chris Moise et al.**

TO: MINISTRY OF THE ATTORNEY GENERAL
Constitutional Law Branch
McMurtry-Scott Building
720 Bay Street
Toronto, ON M7A 2S9

Robin Basu (LSO# 32742K)
Robin.Basu@ontario.ca

Yashoda Ranganathan (LSO# 57236E)
Yashoda.Ranganathan@ontario.ca

Audra Ranalli (LSO# 72362U)
Audra.Ranalli@ontario.ca

Lawyers for the Moving Parties

AND TO: CITY OF TORONTO
26 Flr., Metro Hall, Stn. 1260
Legal Services
Toronto, ON M5V 3C6

Glenn Chu (LSO# 40392F)
Tel: 416-397-5407
Fax: 416-397-5624
Glenn.Chu@toronto.ca

Lawyers for the Responding Party, The City of Toronto

AND TO: ROCCO K. ACHAMPONG
Barrister & Solicitor
Dundas Street West, Suite 2500
Toronto, ON M5G 1Z3

Rocco Achampong (LSO# 57837J)
roccoachampong@gmail.com

Gavin Magrath (LSO# 51553A)
gavin@magraths.ca

Selwyn Pieters (LSO# 50303Q)
selwyn@SelwynPieters.com

Lawyers for the Responding Party, Rocco K. Achampong

AND TO: PALIARE ROLAND ROSENBERG ROTHSTEIN LLP

155 Wellington Street West
35th Floor
Toronto, ON M5V 3H1

Donald K. Eady (LSO #30635P)
don.eady@paliareroland.com

Caroline V. (Nini) Jones (LSO #43956J)
nini.jones@paliareroland.com

Jodi Martin (LSO# 54966V)
jodi.martin@paliareroland.com

Lawyers for the Intervenors Below, Jennifer Hollett, Lily Cheng, Susan Dexter, Geoff Kettel, and Dyanooosh Youssefi

AND TO: DLA PIPER (CANADA) LLP

Suite 6000, 1 First Canadian Place
PO Box 367, 100 King St W
Toronto, ON M5X 1E2

Derek Bell (LSO # 43420J)
derek.bell@dlapiper.com

Ashley Boyes (LSO# 74477G)
ashley.boyes@dlapiper.com

Lawyers for the Intervener Below, The Canadian Taxpayers Federation

AND TO: TORONTO DISTRICT SCHOOL BOARD

Legal Services
5050 Young Street, 5th Floor
Toronto, ON M2N 5N8

Patrick Cotter (LSO# 40809E)
Patrick.cotter@tdsb.on.ca

Lawyer for the Intervener Below, the Toronto District School Board

INDEX

Tab	Description	Page No.
VOLUME I		
1	Affidavit of Joshua Mandryk, sworn September 14, 2018	i.
2	Exhibit “A” – Email re: City of Toronto’s statement in response to J. Belobaba’s decision, dated September 10, 2018	1
3	Exhibit “B” – News release from Premier’s Office dated September 10, 2018: ‘Doug Ford Announces Action to Uphold the Better Local Government Act’	3
4	Exhibit “C” – Op-Ed by Premier Ford, published by the Toronto Sun, dated September 12, 2018, ‘FORD: Priority lies in ending Toronto’s council gridlock’	5
5	Exhibit “D” – Excerpt from Hansard containing Gilles Bisson’s Notice to the Speaker of the Legislative Assembly dated September 13, 2018	8
6	Exhibit “E” - Affidavit of Chris Moise sworn August 20, 2018	16
	a. Toronto Ward Boundary Review Map Showing the 44-ward Model	30
	b. Toronto Ward Boundary Review Map Showing the 47-ward Model	32
	c. Printouts from campaign website	34
	d. Map of the 25-ward Model imposed by Bill 5	42
7	Exhibit “F” - Affidavit of Prabha Khosla sworn August 18, 2018	45
	a. <i>Curriculum vitae</i>	62
	b. TWCA Report entitled ‘Women-friendly policies for Toronto’s Official Plan’	70
	c. Printouts from WWTO’s website	76
	d. Article from the Toronto Star on WWTO	98
8	Exhibit “G” - Affidavit of Myer Siemiatycki sworn August 21, 2018	106
	a. <i>Curriculum vitae</i>	124
	b. Toronto Ward Boundary Review Final Report, May 2016	146
9	Exhibit “H” - Affidavit of Mariana Valverde sworn August 20, 2018	214
	a. <i>Curriculum vitae</i>	
10	Exhibit “I” - Affidavit of Moya Beall sworn August 21, 2018	231
11	Exhibit “J” - Affidavit of Megann Willson sworn August 21, 2018	242
	a. City Council Decision MM44.128 dated July 23, 2018	254
	b. City of Toronto’s ‘Use of City Resources during an Election	271

Tab	Description	Page No.
	Period Policy'	
12	Exhibit "K" - Affidavit of Chiara Padovani sworn August 21, 2018	282
	a. <i>Curriculum vitae</i>	293
	b. Toronto Star article entitled 'How a Broken Jury List Makes Ontario Justice Whiter, Richer and Less Like Your Community'	298
13	Exhibit "L" - Affidavit of Jamaal Myers sworn August 21, 2018	310
	a. City of Toronto's demographic report for Ward 45	323
	b. City of Toronto's demographic reports for Ward 47	331
	c. Tweets made on Twitter under the hashtag '#ScarboroughMoves'	339
	d. 'Scarborough Moves' Platform and Information About Candidates	377
	e. Promotional poster for Lewis-Thurab and Khoshdel's joint campaign	383
14	Exhibit "M" - Affidavit of Cheryl Lewis-Thurab sworn August 21, 2018	385
15	Exhibit "N" - Affidavit of Fiona Murray affirmed August 22, 2018	392
	a. City Clerk's declarations of results	400
	b. City Clerk's 2014 election report	421
	c. Work Plan prepared by the City Clerk's Office	471
	d. Confluence calendar prepared by the City Clerk's Office	484
	e. The Ontario government's news release of July 27, 2018 announcing its intention to align Toronto's wards with the federal and provincial electoral ridings for the 2018 elections	495
	f. News releases and announcements from the 2018 election	498
	g. Printouts of the Election Services website	508
	h. Printout of the Election Services Twitter page	587
	i. Presentation slides of an information session on becoming a candidate in the 2018 municipal election held on April 7, 2018	627
	j. Presentation slides of four candidate information sessions held on June 19, June 28, July 12, and July 19, 2018	638
VOLUME II		
16	Exhibit "O" - Affidavit of Giuliana Carbone sworn August 22, 2018	662
	a. Information from the City's public website about the City's local government and the Councillor's role	681
	b. List of some of the committees and boards of the City	311
	c. Toronto-Ontario Cooperation and Consultation Agreement	

Tab	Description	Page No.
	signed January 15, 2008	692
d.	Toronto-Ontario Cooperation and Consultation Agreement signed May 10, 2011	698
e.	Toronto-Ontario Cooperation and Consultation Agreement signed May 12, 2016	703
f.	Printout of Election Services webpage posting financial limits of candidates	708
g.	List of candidates' information as of August 10, 2018	
h.	Printouts of Councillor Candidate Websites as of August 10, 2018	726 751
i.	Samples of Campaign Pamphlets	
j.	Council decision of June 11 to 13, 2013 to retain a third party Consultant to conduct the Toronto Ward Boundary Review ("TWBR")	1087 1112
k.	Council decision of June 13, 2013 to approve the TWBR work plan, civic engagement and public consultation strategy, associated staff reports, appendix and presentation	1127
l.	Round 2 Report on Civic Engagement and Public Consultation	
m.	Executive Committee decision requesting Additional Information	1172 1233
n.	Council decision approving 47-ward structure	
o.	By-law 267-2017	1251
p.	By-law 464-2017	
q.	Ontario Municipal Board Decision dated December 15, 2017	1347
r.	Decision of Divisional Court dated March 6, 2018	1352 1392

VOLUME III

17	Exhibit "P" – Affidavit of Gary Davidson sworn August 27, 2018	1396
a.	Curriculum Vitae of Dr. Gary Davidson	1419
b.	Schedule of Public Hearings of the Ontario Federal Electoral Boundaries Commission	1428
c.	2016 Population for Federal Electoral Districts in Toronto	1431
d.	Average Ward Size for Ontario Municipalities	1433
e.	Article by André Côté entitled "The Maturing Metropolis: Governance in Toronto a Decade on from Amalgamation" from the Institute on Municipal Finance and Governance, University of Toronto, March 2009	1435
f.	Excerpt from Meetings Statistics, 2009-2016, City Clerk's Office, City of Toronto	1467

Tab	Description	Page No.
18	Exhibit “Q” - Affidavit of Lily Cheng, sworn August 21, 2018	1494
	1. Maps Showing Ward 47 Municipal Boundaries and Provincial Boundaries	1506
19	Exhibit “R” – Affidavit of Dyanoosh Youssefi, sworn August 22, 2018	1509
	1. Maps of Ward 14 and new Eglinton-Lawrence Ward	1522
	2. Press Release	1525
20	Exhibit “S” – Affidavit of Rocco Achampong, sworn August 22, 2018	1528
	a. Candidate List for 2018 Municipal Election	1538
	b. 2018 Candidate’s Guide for Ontario municipal council and school board election	1540
	c. City of Toronto BY-LAW 598-2018 To confirm the composition of council, Map of the City of Toronto’s 47 Electoral Wards	1582
	d. Media Report: The Globe and Mail “Doug Ford throws Ontario elections into turmoil”	1585
	e. Ontario, News Release, Office of the Premier: The Better Local Government Act, July 27, 2018 9:35 A.M.	1595
	f. Bill 5 An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001 and the Municipal Elections Act, 1996	1600

EXHIBIT P



This is **Exhibit "P"** referred to in the affidavit of **JOSHUA MANDRYK**, sworn before me this 14th day of September, 2018.



A Commissioner, etc.



ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

CITY OF TORONTO

Applicant

- and -

ATTORNEY GENERAL OF ONTARIO

Respondent

APPLICATION UNDER Rule 14.05(3)(d), (g.1) and (h) of the *Rules of Civil Procedure*.

AFFIDAVIT OF GARY DAVIDSON, Ph.D.

(Sworn August 27, 2018)

1. I, Gary Davidson, of the Village of Bayfield, Municipality of Bluewater, in the Province of Ontario, **MAKE OATH AND SAY:**

RELEVANT EDUCATION AND PROFESSIONAL EXPERIENCE

2. I have a Ph.D. in Political Science from the University of Western Ontario and a M.A. in Geography (Planning Program) from the University of Waterloo. I am a Fellow of the Canadian Institute of Planners and am a Registered Professional Planner with the Ontario Provincial Planners Institute. I have spent over 30 years of my career in various aspects of the planning field. Before becoming an independent consultant, I was the Director of Planning and Development for Huron County.

3. In addition to the City of Toronto, I have provided expert advice in ward boundary reviews in the City of Ottawa, the municipality of Hasting Highlands, for the York Regional District School Board, the City of Vaughan, and the Toronto District School Board.

4. From 2013 through 2016, as part of a consortium of consultants, I was retained to conduct the Toronto Ward Boundary Review (the "TWBR"), and subsequently made recommendations for new municipal ward boundaries to the City Council of the City of Toronto, through its Executive Committee. In line with the City's Request for Proposals, the TWBR operated at "arms'-length" from City staff and Members of Council. While Council Members' input was sought, they did not comment on the final recommendation prior to it being made public and its presentation to the City. The TWBR team consisted of the Canadian Urban Institute, which had expertise in project management, research, civic engagement, GIS, and document design/production; Beate Bowron, an expert in public consultation, myself, an expert in effective representation; and Tom Ostler, a demographer.

5. Together with Beate Bowron, I wrote all of the TWBR project reports, except for a Background Research Report, which was completed by the Canadian Urban Institute in December 2014. While I did not write the Background Research Report, I oversaw its preparation.

6. I have been qualified as an expert witness on numerous occasions to give opinion evidence on matters of land use planning and municipal ward boundary reviews before the Ontario Municipal Board.

7. In 2017, I was qualified as an expert witness by the Ontario Municipal Board and provided opinion testimony regarding the City of Toronto's Ward Boundary Review.

8. Details of my professional experience are outlined in my resume, a true and correct copy of which is attached to this affidavit as **Exhibit "A"**.

TORONTO WARD BOUNDARY REVIEW PROCESS

9. The TWBR was a substantial undertaking, including significant public consultation, requiring sizeable financial and human resources. It began in June 2013 and ended in April 2017, that is it took close to 4 years to complete. During this time, the project received over 1000 responses to an online survey, held over 100 face-to-face meetings with Members of Toronto City Council, School Boards and other stakeholder groups, held 24 public meetings and information sessions and produced 7 substantial reports. The following reports have been made exhibits to the Affidavit of Intervenor Susan Dexter and will not be reproduced in my affidavit. I will refer to the exhibit numbers in Ms. Dexter's affidavit and to the original page numbers of each report: Ward Population Background Brief; Background Research Report, Round One Report; Options Report; Final Report; Additional Information Report; and Supplementary Report. The Round Two Report has been made **Exhibit "L"** to the Affidavit of Giuliana Carbone and will not be reproduced in my affidavit. I will refer to Ms. Carbone's affidavit and the original page numbers of the Round Two Report.

10. Throughout the project the TWBR was able to draw on the experience of an outside Advisory Panel with expertise in municipal law, business, academe, civil society research and the Ontario Municipal Board ("OMB"). The Advisory Panel provided input into the project on three occasions coinciding with project milestones.

11. The TWBR followed a respected methodology for conducting complex ward boundary reviews: analyzing the status quo; developing options; reviewing options; selecting a preferred

option; formulating a recommendation, refining the recommendation; and, bringing a final recommendation to Council. All phases of the TWBR included a meaningful consultation process and suggestions from that process were incorporated into its results.

12. The following table chronicles significant TWBR events and identifies reports that were published.

June 2013	City Council authorizes the City Manager to retain a third-party consultant to undertake a Ward Boundary Review for Toronto
November 2013 – January 2014	Request for Proposals for a Ward Boundary Review for the City of Toronto
March 2014	Project awarded to Consultant Consortium: Canadian Urban Institute; Beate Bowron Etcetera; The Davidson Group; Tom Ostler
March 2014	Launch of Project Website drawthelines.ca
June 2014	City Council approves <i>TWBR Work Plan, Civic Engagement and Public Consultation Strategy</i>
September 2014	Advisory Panel Meeting #1
October 27, 2014	Municipal Election
November 2014 (revised July 2015)	TWBR report <i>Why is Toronto Drawing New Ward Boundaries</i>
December 2014	<i>Toronto Ward Boundary Review: Background Research Report</i>
July 2014 – February 2015	Round One of Civic Engagement and Public Consultation
March 2015	<i>TWBR Round One Report on Civic Engagement + Public Consultation</i>
June 2015	Advisory Panel Meeting #2
August 2015	<i>TWBR Options Report</i> (revised October 2015)
August 2015 – November 2015	Round Two of Civic Engagement and Public Consultation
February 2016	<i>TWBR Round Two Report on Civic</i>

	<i>Engagement + Public Consultation: Feedback on the Options for New Ward Boundaries for the City of Toronto</i>
March 2016	Advisory Panel Meeting #3
May 2016	TWBR Final Report <i>New Wards for Toronto</i>
May 24, 2016	Executive Committee requests additional information/consultation on various issues
August – September 2016	Civic-Engagement and Public Consultation on additional information
October 2016	TWBR <i>Supplementary Report</i>
November 2016	City Council approves New Wards for Toronto
March 2017	City Council approves By-law 267-2017
April 2017	City Council approves amending By-law 464-2017

13. In the TWBR's first report, the "Ward Population Background Brief," revised July 2015, the TWBR explained that Toronto was drawing new ward boundaries because:

As Toronto has grown, the equity of representative democracy across wards has changed as some wards now have considerably higher populations, and some lower, than the average ward population. ...Given the population growth that has taken place since 2000, Council has initiated this current review of ward boundaries, recognizing that the growing imbalance is not conducive to effective representation for the residents of Toronto.

(Record of the Intervenors, Jennifer Hollett, Lily Cheng, Susan Dexter, Geoffrey Kettell and Dyanoosh Youssefi, Tab C, Affidavit of Susan Dexter, sworn August 21, 2018, (hereinafter "Dexter Aff."), Exhibit 1, page 2).

14. This report explained that the City would continue to grow, that the existing ward boundaries do not achieve the voter parity component of effective representation, and that the

ward population imbalance is projected to increase in future elections unless there is change made to the status quo. (Ibid. at pp. 15-22; Maps 8, 9, 10, and 11).

TWBR'S CONSIDERATION OF FEDERAL ELECTORAL DISTRICTS ("FEDS")

15. The TWBR considered a number of options for new ward boundaries for the City of Toronto. In its initial round of public consultation, the TWBR asked members of City Council, members of the public, and members of stakeholder groups about these options, including the Federal Electoral Districts ("FEDs").

16. In the "Round One Report: Civic Engagement and Public Consultation," dated March 31, 2015, the TWBR publicly reported on interviews with Councillors and members of stakeholder groups, public meetings, and online survey results. This report primarily compiled information that we had received from the consultation process at this stage. Among other matters reported:

- a. Only 7% of survey results suggested aligning municipal ward boundaries with provincial and federal ridings (**Dexter Aff., Exhibit 3, p. 11**);
- b. Council members suggested not making federal/provincial boundaries a determining factor (**Dexter Aff., Exhibit 3, p. 2**);
- c. Although certain stakeholder groups supported municipal ward boundaries that aligned with provincial and federal boundaries (**Dexter Aff., Exhibit 3, p. 3**), they agreed in interviews that wards of this size would be too large, and instead favoured smaller wards (**Dexter Aff., Exhibit 3, p. 27**);
- d. A plurality of responses (47%) to the survey favoured increasing Toronto's current number of wards to between 54 and 75. Twenty-two percent of the

responses suggest fewer wards, with only 8% indicating 22 to 25 wards, i.e. creating one ward for each of the federal/provincial ridings (**Dexter Aff., Exhibit 3, p. 13**);

- e. Public meetings showed support for smaller wards (**Dexter Aff., Exhibit 3, p. 16**) and cautioned against aligning wards with provincial and federal ridings. (**Dexter Aff., Exhibit 3, p 19**); and
- f. During the Round One public consultation, the TWBR interviewed 53 Councillors who served the City during the 2010-2014 and 2014-2018 Council term. Only 11 Councillors supported wards that were close in size to the FEDs (ranging from 80,000 to 120,000 people). Of those, six Councillors stated they would require additional staff resources to manage the larger wards. Three Councillors rejected the idea of larger wards even with additional resources. (**Dexter Aff., Exhibit 3, pp. 21-23**).

17. On December 3, 2015, the currently existing FEDs were adopted by the Province to elect members to the Legislative Assembly of Ontario when the *Representation Act, 2015*, S.O., C. 31, Sched. 1, received royal assent.

18. In its "Options Report", published August 11, 2015, and revised on October 16, 2015, the TWBR put forward a number of options for ward boundaries based on its expert, independent analysis of the public consultation conducted in Round One. I was directly involved in finalizing the options that were presented and together with Beate Bowron, I wrote the Options Report.

19. The Options Report explained that the TWBR team considered the FEDs, but split them in half by population based on the public feedback (**Dexter Aff., Exhibit 4, p. 3**). This would

result in a 50 ward structure. The reason for splitting the FEDs was that otherwise the wards were too large. Based on the Round One public consultation, there was no appetite for wards with populations as large as the FED ridings (**Dexter Aff., Exhibit 4, p. 5**). Further, in our independent, professional opinion this did not satisfy the capacity to represent criterion of effective representation, discussed below. The TWBR team then screened out the FEDs options because it had been directed to assess options that would last for three or four election cycles, and in its analysis, the FEDs would not meet the test of effective representation over such a time period. In particular, the FEDs would not provide voter parity in 2026, the target year that the TWBR used to design the ward boundary options (**Dexter Aff., Exhibit 4, p. 4**). Even when the FEDs were split in half (by population) the TWBR team found that they would not achieve voter parity in 2026 (**Dexter Aff., Exhibit 4, p. 30**).

20. In February 2016, following a second round of public consultation on the options developed by the TWBR, the TWBR published its Round Two Report. As its subtitle suggests, the Round Two Report provided the TWBR's findings on "Feedback on the Options for New Ward Boundaries for the City of Toronto." A true and correct copy of the Round Two Report is attached to the Affidavit of Giuliana Carbone, sworn August 22, 2018, (hereinafter "**Carbone Aff.**" as **Exhibit "L"**).

21. The Round Two Report explains that FEDs were not pursued as an option primarily because the TWBR found that they would not achieve voter parity in 2026 (**Carbone Aff., Exhibit "L", p. 1**)

22. Although, the TWBR heard some support for using the FEDs at public meetings, generally those supportive agreed that the FEDs should be divided in two, creating 50 wards (Carbone Aff., Exhibit "L", p. 29).

23. From interviews with Councillors, the TWBR heard concerns about the size of wards and Councillors' capacity to represent their constituents. The TWBR reported that "Councillors are uneasy with ward sizes above 70,000." (Carbone Aff., Exhibit "L", p. 5). Based on their ranking of options, a majority of Councillors favoured wards with populations comparable to the existing ward size or smaller. (Carbone Aff., Exhibit "L", pp. 15-19).

24. In May 2016, the TWBR published its Final Report, which was also presented to City Council's Executive Committee. In the Final Report, the TWBR explained why it had chosen a 47 ward map of Council boundaries and also explained that it had not recommended the FEDs as an option because of their large size and because they would not achieve voter parity in 2026 (Dexter Aff., Exhibit 5, p. 7). The TWBR found that there was a minority of support for using the FED boundaries for the City's wards among members of the public and members of Council (Dexter Aff., Exhibit 5, p. 25) and stated that not achieving voter parity in 2026 was a key factor (Dexter Aff., Exhibit 5, p. 27).

ADDITIONAL TWBR CONSIDERATION OF FEDS

25. At its May 24, 2016 meeting, the Executive Committee directed the TWBR, among other things, to give further consideration to the FEDs. Accordingly, the TWBR conducted another round of public consultation, and issued two further reports.

26. In August 2016, the TWBR released its Additional Information Report, explaining Executive Committee's direction for the purposes of public consultation. With respect to its consideration of the FEDs, the TWBR explained that the 25 ward configuration would not achieve voter parity in 2026. Instead, the TWBR considered a 26 ward configuration, adding a ward to the City's Downtown. However, the TWBR explained that there would still be concerns with voter parity in Etobicoke-Lakeshore, due to the City's population growth (**Dexter Aff., Exhibit 7**, pp. 10-16).

27. In October 2016, the TWBR released its Supplementary Report, which reviewed the results of its additional public consultation and analysis and recommended a revised 47-ward map to the Executive Committee.

28. The Supplementary Report raised the TWBR's concerns that the FEDs would not achieve voter parity in 2026 (**Dexter Aff., Exhibit 8**, p. 6); explained that at public meetings the TWBR heard concerns about councillors' capacity to represent (**Dexter Aff., Exhibit 8**, p. 36); and that the TWBR heard concerns that the FEDs would result in too many communities of interest lumped together in one ward. The TWBR also heard feedback from Councillors (**Dexter Aff., Exhibit 8**, p. 37) and from the public (**Dexter Aff. Exhibit 8**, p. 51) that the FEDs would result in wards that were too large, in part because municipal councillors perform a different role than Members of Parliament or Members of the Legislative Assembly.

29. At its October 26, 2016 meeting, the Executive Committee adopted the TWBR's recommended 47 ward option and recommended it to City Council, which adopted it at its meeting of November 8 and 9, 2016.

30. At the November 8 and 9 City Council meeting, Council rejected motions introduced by individual councillors to adopt the 25 FEDs and to adopt the 26 wards that the TWBR had considered based on the FEDs. During the appeal of the 47-Ward Boundary system to the Ontario Municipal Board, the Board heard evidence about the TWBR's public consultation process and also heard about the public hearings that were held by the Federal Electoral Boundaries Commission. In the 2012 review of the FEDs, the Ontario Commission held two days of public hearings. One in downtown Toronto and one in North York. (A list of the Commission's public hearings, printed from its website, is attached hereto as **Exhibit "B"**.)

CARTER CRITERIA

31. The TWBR process was guided by the legal test for effective representation established by the Supreme Court of Canada in *Reference re Provincial Electoral Boundaries (Sask)*, [1991] 2 S.C.R. 158 (S.C.C.), which is commonly referred to as the "Carter" case. *Carter* has been adopted by the Ontario Municipal Board in appeals of municipal ward boundary reviews, and used as the standard by Ontario municipalities when considering new ward boundaries.

32. As the TWBR explained in its Background Research Report, the factors of effective representation guided Toronto's review of its ward boundaries. These factors include:

- a. 'Representation by Population' or voter parity, the idea that each person should get one vote and that all votes should count equally. Based on these principles, every elected official should represent generally the same number of constituents (**Dexter Aff., Exhibit 2, p. 14**)
- b. "The protection of communities of interest", which refers to recognizing settlement patterns, traditional neighbourhoods and community groupings (social,

historical, economic, religious, and political diversities). Applying this principle to a ward boundary configuration means that communities of interest should not be divided by a ward. As a rule, lines are drawn around communities, not through them. Secondly, wards should group together communities with common interests, where there is some identifiable similarity such as age, assessed value and configuration of housing, the life-stage and demographics of the residents, and municipal service provisions and amenities. It is often considered specifically to include linguistic, ethnic, or racial minorities (**Dexter Aff., Exhibit 2, p. 15**).

- c. Consideration of Present and Future Population Trends, which refers to accommodating for and balancing future increases or decreases in population to maintain a general equilibrium in representation by population (**Dexter Aff., Exhibit 2, p. 16**).
- d. Consideration of Natural and Physical Boundaries, which recognizes that natural and physical boundaries shape patterns of life in cities, so ward designs should work within these features to keep wards contiguous and group communities of interest (**Dexter Aff., Exhibit 2, p. 17**).
- e. Capacity to represent. Referring to the issue of "effective representation", in the 1992 Carter decision, Madam Justice McLachlin stated,

Ours is a representative democracy. Each citizen is entitled to be represented in government. Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative; as noted in *Dixon v. B.C. (A.G)*, [1989] 4 W.W.R. 393, at p. 413, elected representatives function in two roles- legislative and what has been termed the "ombudsman role."

This statement refers to the fact that councillors play both a legislative role (i.e. considering and establishing policies) and a constituency role (i.e. consulting with and answering to their constituents). The ratio of 'councillor to residents' is one indication of how well a councillor can perform the constituency role. A councillor has only a certain amount of time in each day to deal directly with the residents and electors and thus, the larger the population a councillor represents, the less time is available for direct contact with each constituent. (**Dexter Aff., Exhibit 2, pp. 18-19).**

33. In the Background Research Report, the TWBR explained that:

Effective representation is the overriding principle and ultimate goal of all electoral boundary reviews. It encompasses all the other principles. Effective representation aims at achieving equal representation for voters to the greatest extent possible. The primary consideration is voter parity, but it also takes into account the other criteria, such as geography, community history, community interests and minority representation. In the Carter Case and many subsequent OMB cases, the Court has cautioned that only those deviations from absolute voter parity that lead to more effective representation should be allowed.

(**Dexter Aff., Exhibit 2, pp. 17-18).**

THE EXISTING FEDS WILL NOT PROVIDE VOTER PARITY IN TORONTO IN 2026

34. As set out above and in the TWBR's reports, the FEDs did not meet the *Carter* criteria for voter parity in the TWBR because the TWBR was designing wards that would last for multiple election cycles (for example, 2018, 2022, 2026, and possibly 2030). As required by the *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c. E-3, the current FEDs are based on the population counted during the 2011 decennial census. As Toronto's population moves and grows, the current FEDs will grow out of parity. In contrast, the 47-ward system adopted by

City Council was designed to grow into parity for a target year of 2026 (Dexter Aff., Exhibit 8, Table 10, p. 46). In a fast growing city like Toronto, it is better that fast-growing wards grow into parity during their rapid growth phase, than away from parity.

CAPACITY TO REPRESENT AND MUNICIPAL WARD BOUNDARIES

35. The TWBR also had concerns about municipal councillors' capacity to represent their constituents.

36. As the TWBR explained in its Options Report, in the municipal context:

Capacity to represent is often equated with Councillors' workload. It encompasses ward size, types and breadth of concerns, ongoing growth and development, complexity of issues, etc. For example, wards with high employment, major infrastructure facilities, tourism attractions, or special areas such as the Entertainment District, generate a host of issues a Councillor has to deal with in addition to the concerns of local residents. The courts have noted that Councillors perform two functions. The first is legislative and refers to passing by-laws and considering city-wide issues. All Councillors have this role in common. The courts have referred to the second function as the 'ombudsman role', which is interpreted as a constituency role. This speaks to a Councillor's responsibility to represent the interests of a ward's residents to the city government and its administrative structure. This latter function, the constituency role, is captured by the concept of the 'capacity to represent'. This role can vary greatly depending on the issues prevalent in any given ward. There is no specific information or data set to quantify this criterion. Some data on growth pressures can be gleaned from development pipeline reports and areas that play a special role in the city's economic life are known. Wards with these types of issues can remain in the lower reaches of the voter parity range. Homogeneous, stable wards can rise to the upper end of the voter parity range.

(Dexter Aff., Exhibit 4, p. 14).

FEEDBACK ON CAPACITY TO REPRESENT IN TWBR

37. On this issue of capacity to represent, the TWBR relied on the feedback it received in its public consultation and its interviews with Councillors. As set out in its public reports, the

TWBR heard that wards with populations of approximately 61,000 each, which was the average size of the City's wards following the 2010 election, was desirable. Some Councillors had stated that even with additional resources, they would not be able to represent larger wards, with populations over 75,000 or 100,000.

38. Further, it is my experience that members of the public want to be able to communicate directly with their elected officials, and not just merely with their staff.

39. The TWBR also compared the size of wards in other municipalities in Ontario and in Canada. In its Background Research Report, the TWBR compared the size, ward structure, and population ranges of the 10 most populous cities in Canada and concluded that Toronto's average ward population is in the upper part of that range at 60,958 people per ward (*Dexter Aff.*, Exhibit 4, pp. 29-30).

THE SIZE OF THE FEDS IN TORONTO

40. I have reviewed the Elections Ontario data on the populations for the 25 FEDs covering Toronto based on the 2016 census. The average population is approximately 110,000. A true and correct copy of my analysis of this data is attached as **Exhibit "C"**. A municipal ward of over 109,000 people is nearly double the size of the 61,000 population ward that was supported in the TWBR's public consultations. It is also significantly larger than the ward populations in other cities in Ontario. Attached hereto, as **Exhibit "D"** is a chart of municipalities in Ontario, after Toronto, that updates the chart found in the TWBR's 2014 Background Research Report. The number of councillors for each municipality are those who sit on the local council, regardless of whether the municipality is also part of an upper tier or regional government. The average ward size for these cities is approximately 32,600. The average ward size for Toronto,

using the FEDs would be more than three times as large as the average ward size for these other Ontario municipalities.

THE UNIQUE ROLE OF MUNICIPAL COUNCILLORS

41. The other factor that distinguishes municipal councillors' capacity to represent from legislators at the provincial and federal levels of government is that the role of municipal councillors, and the structure of municipal governments in Canada, differs significantly from the role of provincial and federal legislators.

42. In particular, there is no Westminster System of government at the municipal level. Rather, Toronto, and other municipalities have what is known as a "strong council" system, meaning that the Mayor "has only one vote in Council and no formal authority for appointments budgeting or directing staff." André Côté, "The Maturing Metropolis: Governance in Toronto a Decade on from Amalgamation," Institute on Municipal Finance and Governance, University of Toronto, March 2009, p. 11. The full text of this article is attached hereto as **Exhibit "E"**.

43. As one scholar puts it:

This model is in sharp contrast to both the strong-executive Westminster parliament at the federal and provincial levels and the 'strong mayor' in some American cities, where power is more centralized and there is a sharp division between the executive and legislative branches. Largely through convention, prime ministers and premiers have executive authority to select their Cabinet, appoint and direct senior public servants, set budgets and dole out different forms of patronage; they also have control of the apparatus of their party, allowing them to enforce party discipline in the legislature, and ensure loyalty through the selection of candidates. Similarly, the mayors of cities like New York and Chicago operate within a party system, with significant executive powers over appointment, administration and budgets. In Chicago, the Mayor can also veto Council decisions.

(**Exhibit "E"**, p. 12).

44. Not having a party system, or a strong division between executive and legislative authority, means that councillors as part of City Council decision making have a role in appointments of high level staff and City Boards, directing City staff, setting budgets, and consulting with their colleagues on individual decisions. This is a more involved legislative role, without additional resources or support, than that of legislators at other levels of government.

45. Further, in contrast to other orders of government, the City of Toronto meets in closed or 'in camera' sessions under very limited circumstances. Decisions resulting from such sessions must still be made in public. Similarly, staff reports and Council deliberations are public. (Exhibit "E", p. 19). As a result of this transparent decision-making process, citizens can, and do, participate intimately in City decision-making. This also affects the role of individual, elected Councillors to effectively represent and respond to their constituents.

46. Further, councillors are intimately involved in a way that other orders of government are not, in resolving local issues:

As the order of government that sits closest to citizens, elected representatives also retain an important local role. Resolving local issues for constituents remains a priority for Councillors. ... Among Councillors, the balance between city-wide and local focus clearly varies, but it is apparent that local interests continue to play prominently even on city-wide issues.

(Exhibit "E", p. 20).

47. This analysis of Councillors' role is consistent with the public feedback the TWBR received from constituents who wanted to be able to connect directly with their elected officials, rather than staff, and felt that wards of 70,000 or 100,000 people were too large.

48. Further, Toronto is a single tier municipality, and in that way is distinguishable from most other municipal governments in Ontario. Where services are split between two tiers of

local governments, elected officials at both levels share the burden of providing services, making decisions, and responding to constituent concerns. In Toronto, there is only one councillor per ward who is primarily responsible for such local concerns.

49. Further, based on my experience working across Ontario conducting ward boundary reviews and as a land use planner, there are a number of complex issues that are unique to Toronto. For example, it is the only Ontario municipality with a subway system, it has a more diverse population than any other city in Ontario, and has far more (and more complex) land development applications than any other municipality. In interviews the TWBR conducted with individual councillors in 2014 and 2015, councillors repeatedly referred to development pressures, social housing issues, working with Business Improvement Areas, trying to respond to residents as compared to issues raised by businesses or industries. Councillors also spoke to the time and resources needed to reach specific populations, such as workers who come and go during the day, visitors who seek out entertainment in the evenings or on weekends, students, who may only live in a ward temporarily, people more reliant on community services, and immigrant communities where communication is more effective in languages other than English.

50. At the Ontario Municipal Board hearing of the appeals of the 47-ward system adopted by City Council, the Appellants' raised the issue that Toronto's large council was dysfunctional. An expert witness contended that reducing the number of wards (and thus the number of councillors) would reduce the length of council meetings because there would be fewer councillors to speak to each item. However, when presented with the City Clerk's statistics on the number of items that City Council considered, the expert agreed that even as the number of bylaws passed increased over time, there was a general downward trend in the number of days City Council met. A copy of the City Clerk's statistics for City Council is attached hereto as **Exhibit "F"**.

51. It is my professional opinion that the unique role of councillors, as well as the public feedback received by the TWBR, and comparison with ward-size in other municipalities, demonstrates that a ward size of approximately 61,000 people provides councillors with capacity to provide their constituents with effective representation, and that ward sizes of approximately 110,000 do not.

52. It is the unique role of municipal councillors that distinguishes municipal wards from provincial and federal ridings. Boundaries that create electoral districts of 110,000 may be appropriate for higher orders of government, but because Councillors have a more involved legislative role, interact more intimately with their constituents and are more involved in resolving local issues, municipal wards of such a large size would impede individual councillors' capacity to represent their constituents.

COMMUNITIES OF INTEREST AND THE TWBR

53. The TWBR's Background Research Report includes a sidebar which provides examples of communities of interest. It specifically lists: Neighbourhoods, Heritage Conservation Districts, Business Improvement Areas, and Ethno-cultural groups that live in the same area. (**Dexter Aff., Exhibit 2, p. 15**).

54. The Background Research Report, citing previous studies, explained that people who identify with communities of interest want those communities to be part of a larger electoral district to provide some representation to the views the communities represent. However, it also explained that communities of interest are difficult to define and that they have been the subject of debate in electoral boundary reviews, including the City of Ottawa's municipal ward boundary review in 2005.

55. In my experience, if a community of interest is divided by an electoral boundary, it is a problem for representation at all levels of government. When a community of interest is divided by electoral boundaries, it can mean that the community is unable to elect a representative that reflects its interests or that the community is unable to reach out to its elected representatives in a cohesive way, and that as a result, its representatives may not understand or be able to advocate for a community's needs.

TORONTO COMMUNITIES DIVIDED BY THE FEDS

56. During Toronto's ward boundary review, the TWBR team heard from the St. Lawrence neighbourhood (and Councillor McConnell) that they were concerned about their community being divided by the FEDs (**Dexter Aff., Exhibit 2, Appendix "D"**). Representatives from the St. Lawrence neighbourhood informed the TWBR that they had attended the hearings of the Federal Electoral Boundaries Commission and raised this issue. As a result, the TWBR took care not to divide the community in the recommended (and subsequently adopted) 47-ward boundary map.

57. The FEDs also divide the Toronto neighbourhoods known as Thorncliffe Park and Flemingdon Park. These neighbourhoods have large immigrant populations and are areas with lower incomes and similar needs. The TWBR heard feedback that a Muslim community in this area was divided during its public consultation (**Dexter Aff., Exhibit 2, Appendix "D"**) and also heard feedback that the communities had formed a joint residents' association. In the 47-ward model adopted by Toronto City Council, both neighbourhoods are in a single ward, Ward 33.

58. The FEDs also divide the Toronto neighbourhood of Morningside Heights. However, the TWBR considered this to be a community of interest and in the 47-ward model, it is contained in a single ward.

59. There are neighbourhoods in Toronto whose populations are too large to be represented by a single electoral district. For example, the communities of Malvern and Jane and Finch are each communities of interest, but neither the FEDs nor the TWBR's 47-ward system incorporate them into a single electoral district. The TWBR heard about Malvern being split during its public consultation (**Dexter Aff., Exhibit 2, Appendix "D"**) and heard about Jane and Finch being split during the OMB appeal of the 47-ward system adopted by City Council. The TWBR considered these divisions and balanced them against other factors of effective representation, such as voter parity and capacity to represent, articulated in *Carter*. Further, the TWBR often used major streets to draw ward boundaries. These streets might be considered physical boundaries in some cases and in other cases also represent historic electoral boundaries.

COMMUNITIES OF INTEREST SUBMERGED IN A FED

60. As stated above, the TWBR also heard concerns about too many communities of interest being combined in a single FED (**Dexter Aff., Exhibit 8, p. 36**). Combining too many communities of interest in a single electoral district puts them at risk because a specific community of interest may have its voice drowned out (or its interests and voting power diluted) among other constituencies. As a result, the candidate elected for a given electoral district (in this case a municipal ward) may not reflect the values or interests of groups of electors in the district. For example, in recent years, a number of news organizations have reported and

members of Toronto City Council have remarked on the relative lack of women and people of colour on the City Council.

61. Communities of interest which are submerged among many constituencies in a large municipal ward are more impacted than they might be when included in a large provincial or federal riding because municipalities perform different functions than higher orders of government. Municipalities often provide more services directly to communities and provide more community-oriented services (such as public safety services and social services), which are often organized around local communities of interest. As a result if a community of interest is unable to elect, or not effectively represented by an official that does not understand its needs, it may mean that community members are left without necessary public services.

62. I make this affidavit for use in these proceedings and for no other purpose.

Sworn before me at the City of Toronto,)
in the Province of Ontario, this 27th day)
of August, 2018.)



MATTHEW S. SCHUMAN)
Commissioner for Taking Affidavits, etc.)



GARY DAVIDSON

TAB A

1041



Gary Davidson

FCIP, RPP

- garybdavidson@me.com
- 519.565.5374
- 519.955.4503

6 Euphemia Street
 Bayfield, Ontario, Canada
 N0M 1G0



**Dr. Gary Davidson,
 President
 The Davidson Group Inc.**

Gary Davidson is a Fellow of the Canadian Institute of Planners (FCIP) with over 30 years of experience ranging across municipal government, provincial government, private consulting and university teaching. His experience stretches across numerous aspects of community life including: governance, community planning, climate change adaptation planning, tourism, waste management, community involvement, strategic planning, and local economic development. Gary's experience spans local, national and international assignments.

Dr. Davidson has been a speaker at numerous national and international events. His international experience, in a variety of consulting roles, spans the Caribbean, England, Western Europe, China, Guyana, South Africa, Ethiopia, The Philippines and Ukraine. Projects have focused on climate change adaptation, tourism development, public involvement and resilient cities and regions.

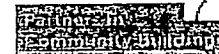
In delivering consulting services, Dr. Davidson works in partnership with Ms. Beate Bowron of Beate Bowron Etcetera Inc. Their cooperation brings together a wide range of complementary skills to serve communities and clients.

In partnership with Beate Bowron Etcetera Inc., the Canadian Urban Institute and Tom Ostler, Dr. Davidson provided expertise on effective representation and ward boundary delineation for the Toronto Ward Boundary Review, 2014 - 2016. The Toronto Ward Boundary Review included two rounds of civic engagement and public consultation, the development of options for a re-aligned ward structure and a final recommendation to Toronto City Council.

From April 2016 to January 2017 Dr. Davidson completed the Vaughan Ward Boundary Review, in partnership with Beate Bowron Etcetera and the Canadian Urban Institute. Dr.

This is Exhibit "A" referred to in the
 affidavit of Gary Davidson
 sworn before me, this 27th
 day of August, 2018.

[Signature]
 A COMMISSIONER, ETC.



1



Gary Davidson

FCP RFP

e. garybdavidson@me.com
t. 519.565.5374
c. 519.955.4503

6 Euphemia Street
Bayfield, Ontario, Canada
N0M 1G0

Davidson has also provided expert advice in ward boundary reviews in the City of Ottawa, the municipality of Hasting Highlands and for the York Regional District School Board.

Dr. Davidson served as a witness giving expert testimony, along with Ms. Bowron, in front of the Ontario Municipal Board on an appeal to the City of Ottawa's Ward Boundary Review.

Currently Dr. Davidson is working on a ward boundary review for the Toronto District School Board.

July 2017



Gary Davidson

FCIP, RPP

e. garybdavidson@me.com
t. 519.565.5374
c. 519.955.4503

6 Euphemia Street
Bayfield, Ontario, Canada
N0M 1G0

RELEVANT EXPERIENCE

CANADIAN

Toronto District School Board - TDSB Ward Boundary Review. Consultant. (Ongoing)

Hastings Highlands - Municipal Governance Structure. Consultant. (2017)

City of Vaughan - Vaughan Ward Boundary Review. Consultant. (2016 - 2017)

City of Toronto - Toronto Ward Boundary Review. Consultant. (2014 - 2016)

Ontario Ministry of Infrastructure - Internal Discussion Paper on Ontario's Land Use Planning System. Consultant. (2013)

York Region District School Board - Trustee Determination and Distribution. Consultant. (2011 - 2012)

City of Markham - Public Meetings re Markham's new Official Plan. Facilitator. (2012)

Nunavut Climate Change Partnership - Member of the Nunavut Climate Change Partnership, a cooperative project that included: The Government of Nunavut, Indian and Northern Affairs Canada, Natural Resources Canada and the Canadian Institute of Planners. The focus of the Partnership was the preparation of climate change adaptation plans in five Nunavut communities; development of a Nunavut Toolkit for use by other Arctic communities; and, a training module on climate change for the Nunavut Municipal Training Organization. (2008 - 2012)

Mayfield Park Community Association (Guelph) - Proposed Development at 716 Gordon Street, including OMB Hearing. Consultant. (2011 - 2012)

Canadian Institute of Planners/Natural Resources Canada - Member of a Task Group for a joint project between the Canadian Institute of Planners and Natural Resources Canada on "*Mainstreaming Climate Change in the Professional Planning Community*". This project carried out climate change adaptation planning in four communities in Atlantic Canada; developed and delivered training modules on climate change planning; undertook benchmarking surveys of professional planners on climate change impacts and knowledge; and held focus groups across Canada with professional planners on climate change adaptation planning. (2009 - 2013)



Gary Davidson
FCIB, RPP

e garybdavidson@me.com
t. 519.565.5374
c. 519.955.4503

6 Euphemia Street
Bayfield, Ontario, Canada
N0M 1G0

Canadian Standards Association - (Municipal Infrastructure Solutions Program), web-based training course on climate change, risk assessment and adaptation planning. Consultant/Co-developer. (2010)

Howitt Park Residents Association (Guelph) - OMB Mediation re Silvercreek Development Proposal. Consultant. (2008 - 2010)

Government of Nunavut - Climate change workshops with Innu Elders and youth in preparation for a Nunavut Climate Change Adaptation Plan. Co-facilitator. (2007 - 2008)

Canadian Institute of Planners/ Natural Resources Canada - Chair of the Steering Committee for a joint Canadian Institute of Planners / Natural Resources Canada project "*Promoting Adaptation in the Professional Planning Community*". The Steering Committee was responsible for the community adaptation planning component in communities in the Territory of Nunavut. (2007 - 2009)

City of Ottawa - Development Proposal for the Village of Manotick, including OMB Hearing. Consultant. (2007)

City of London - Conflict Resolution Workshops for Municipal Officials. Workshop Co-leader. (2007)

Canadian Urban Institute - Future Directions: Making the Most of your Municipal Environment. Co-developer/Co-leader. (2006)

City of Hamilton - Conflict Resolution Workshops for Municipal Officials. Workshop Co-leader. (2004 - 2006)

City of Ottawa - Ottawa Ward Boundary Review. Consultant, including successful defense of the OWBR at the OMB. (2004 - 2006),

Bruce County, Ontario - Agricultural Community Capacity Development Project. Consultant. (2004)

INTERNATIONAL

CARIBBEAN URBAN FORUM (BELIZE) - Adapting to Climate Change: Potential Lessons for the Caribbean. Co-presenter. (2017)



1424
1045



Gary Davidson
FCIP, RPP

e. garybdavidson@me.com
t. 519.565.5374
f. 519.955.4503

6 Euphemia Street
Bayfield, Ontario, Canada
N0M 1G0

GUYANA - Integrated Disaster Risk Management (IDRM) Guidelines for Agriculture and Environmental Management. Consultant to the Government of Guyana. (2013)

ETHIOPIA - Canadian Urban Institute International Partnership Program. International expert on climate change, waterfront planning and downtown revitalization. (2012)

THE PHILIPPINES - Canadian Urban Institute Sustainable Bioregion Initiative in the Tigum-Aganan watershed. International expert on CCA/DRRM. (2012)

THE PHILIPPINES - Canadian Urban Institute Local Governance Support Program (LGSP) for Local Economic Development (LED) in six regions. International expert in local economic development, business expansion/retention, community climate change adaptation (CCA) planning and disaster risk reduction and management (DRRM). (2011 - 2016)

GERMANY - ICLEI Resilient Cities Congress, Bonn, Mainstreaming Climate Change Adaptation in Canada: Tools in Action. Contributor. (2010)

CHINA - Canadian Institute of Planners' China Project. Planning Consultant providing professional advice to the cities of Xiamen and Fozhzhou. (2008)

THE PHILIPPINES - Canadian Urban Institute Building the Regional City. Consultant working with local planners and other municipal stakeholders to integrate existing regional and local plans and strategies. (2007)

UKRAINE - Canadian Urban Institute Regional Governance and Development Project. International strategic planning expert guiding two pilot regions through the strategic planning process through public involvement and the building of governance capacity at the regional level. (2006 - 2010)

GUYANA - Federation of Canadian Municipalities Municipal Governance and Management Program. Consultant providing advice to the country's six municipalities on financial planning and public administration. (2005)



**Gary Davidson**

ELDR, RFP

e. garybdavidson@me.com
t. 519.565.5374
c. 519.955.45036 Euphemia Street
Bayfield, Ontario, Canada
N0M 1G0**RELEVANT PUBLICATIONS****CANADIAN**

Climate Change Adaptation Planning: A Handbook for Small Canadian Communities (with Beate Bowron) (2012)

Climate Change Adaptation Planning: A Nunavut Toolkit (with Beate Bowron) (2011)

Climate Change in Nunavut: An Introduction for Municipal Officials, for use by the Nunavut Municipal Training Organization (with Beate Bowron) (2011)

Climate change training module for the Canadian Standards Association (CSA) (with Beate Bowron) (2010)

Draft Nunavut Climate Change Adaptation Plan (with Beate Bowron) (2009)

Time Out: Let's Talk Ward Boundaries (with Beate Bowron) (Municipal World, Vol. 116, No. 7, July 2006)

INTERNATIONAL

THE PHILIPPINES National Framework Strategy on Climate Change (with Beate Bowron) (2016)

THE PHILIPPINES Trainers' Handbook on Climate Change Adaptation and Disaster Risk Reduction Management in Tourism Circuit Planning (with Beate Bowron) (2014)

GUYANA Guideline for Incorporating Integrated Disaster Risk Management in Agricultural Planning (with Beate Bowron) (2013)

GUYANA Guideline for Incorporating Integrated Disaster Risk Management in Environmental Management (with Beate Bowron) (2013)

UKRAINE Planning Handbook for Strategic Planning, (with Beate Bowron and Al Vigoda), published by the Canadian Urban Institute, April 2008. Published in Ukrainian with a foreword in English.





Gary Davidson

FCIF, RPP

e. garybdavidson@me.com
t. 519.565.5374
c. 519.955.4503

6 Euphemia Street
Bayfield, Ontario, Canada
N6M 1G0

TEACHING EXPERIENCE

2015	Sessional Lecturer, University of Toronto
2009-2011	Co-Instructor, Climate Change Adaptation Planning Workshops, Nunavut and several other locations in Canada
2007-2008	Co-Instructor, Conflict Resolution Workshops in the Cities of Hamilton and London
2003-2008	Co-Instructor, Conflict Resolution Workshop, University of Toronto
1999-2006	Co-Instructor, Professional Practice Workshops, University of Guelph
1987-2002	Instructor, Exam 'B' course, Ontario Professional Planners Institute
1985-2002	Adjunct Professor, University of Waterloo
1983-1992	Adjunct Professor, University of Guelph
1979-1980	Adjunct Professor, University of Western Ontario
1969-1971	Adjunct Professor, Dalhousie University
Seminars	University of Calgary (1988); University at Wageningen (Netherlands) (1990); Institute du Mediterranean (Montpellier, France) (1990); University of Wales (Lampeter) (1990); University of Manitoba (1991) and University of Kentucky (1996)

PROFESSIONAL BACKGROUND

2002-present	President, The Davidson Group Inc.
1971-2002	Director, Department of Planning & Development, Huron County
1990-1993	Policy Advisor, Ontario Minister of Agriculture, Food and Rural Affairs (secondment)
1992-1993	Special Policy Advisor, Ontario Inter-ministerial Committee on Community Development (secondment)
1967-1971	Coordinator of Regional Planning, Department of Municipal Affairs, Province of Nova Scotia



1427
1048



Gary Davidson

FCIP, RPP

• garybdavidson@me.com
t. 519.565.5374
c. 519.955.4503

6 Euphemia Street
Bayfield, Ontario, Canada
N0M1G0

PROFESSIONAL AFFILIATIONS

Fellow, Canadian Institute of Planners
Member, Ontario Professional Planners Institute
Member, Association of Ontario Land Economists
Senior Associate, Canadian Urban Institute

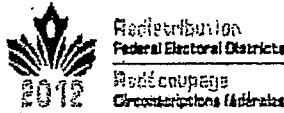
EDUCATION

Ph.D. Political Science (Public Administration), University of Western Ontario
M.A. Geography, (Planning Program), University of Waterloo
B.A. Geography, University of Toronto

JULY 2017

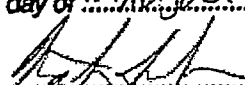


TAB B



Home: [Ontario Commission: What's Happening Now: Public Hearings](#)

1049

This is Exhibit ^{"B"}..... referred to in the affidavit of Lacy Davidson..... sworn before me, this 27th..... day of AUGUST....., 2012.....

 A COMMISSIONER, ETC.

Public Hearings – Dates and Times

The Ontario Commission held public hearings to gather opinions on the proposed boundaries and electoral district names. These hearings have now passed. Thank you for participating in the process of redrawing the electoral maps.

Schedule of Public Hearings

Location	Date	Time
Kenora, Best Western Lakeside Inn & Conference Centre, Cascade Ballroom 470 1st Avenue South	Tuesday, October 9, 2012	2:00 p.m.
Thunder Bay, Best Western Plus NorWester Hotel & Conference Centre, Pointe du Meuron Room 2080 Highway 61	Wednesday, October 10, 2012	2:00 p.m.
Sudbury, City Hall, Council Chamber Tom Davies Square, 200 Brady Street	Thursday, October 11, 2012	2:00 p.m.
New Liskeard, Riverside Place 55 Riverside Drive	Monday, October 15, 2012	1:00 p.m.
North Bay, Holiday Inn Express Hotel & Suites, Garland Room 1325 Seymour Street	Tuesday, October 16, 2012	11:00 a.m.
Barrie, City Hall, Rotunda 70 Collier Street	Wednesday, October 17, 2012	2:00 p.m.
Richmond Hill, Sheraton Parkway Toronto North Hotel & Suites, Aurora Room 600 Highway 7 East	Thursday, October 18, 2012	11:00 a.m.
Richmond Hill, Sheraton Parkway Toronto North Hotel & Suites, Aurora Room 600 Highway 7 East	Friday, October 19, 2012	10:00 a.m.
Windsor, Holiday Inn Downtown Windsor, Windsor Room 430 Ouellette Avenue	Monday, October 22, 2012	1:00 p.m.
London, Four Points by Sheraton, Kensington Room 1150 Wellington Road South	Tuesday, October 23, 2012	1:00 p.m.
Cambridge, City Hall, Council Chambers 46 Dickson Street	Wednesday, October 24, 2012	11:00 a.m.
Hamilton, Crowne Plaza Hamilton Hotel & Conference Centre, Pavilion A Room 150 King Street East	Thursday, October 25, 2012	11:00 a.m.
Hamilton, Courtyard by Marriott Hamilton Hotel, Hamilton Boardroom 1224 Upper James Street	Friday, October 26, 2012	10:00 a.m.
Niagara Falls, City Hall, Council Chambers 4310 Queen Street	Monday, October 29, 2012	1:00 p.m.
Oakville, Holiday Inn & Suites 2525 Wyecroft Road	Tuesday, October 30, 2012	1:00 p.m.

Mississauga, Central Library, Classroom No. 3 301 Burnhamthorpe Road West	Wednesday, October 31, 2012	10:00 a.m.
Brampton, Fairfield Inn & Suites by Marriott, Bramalea Room 150 Westcreek Boulevard	Thursday, November 1, 2012	10:00 a.m.
Brampton, Fairfield Inn & Suites by Marriott, Bramalea Room 150 Westcreek Boulevard	Friday, November 2, 2012	10:00 a.m.
Ottawa, Hampton Inn & Conference Centre 200 Coventry Road	Monday, November 5, 2012	10:00 a.m.
Ottawa, Hampton Inn & Conference Centre 200 Coventry Road	Tuesday, November 6, 2012	10:00 a.m.
Kingston, Radisson Hotel Kingston Harbourfront, St. Laurent Room 1 Johnson Street	Wednesday, November 7, 2012	10:00 a.m.
Belleville, Holiday Inn Express Hotel & Suites, Don Ross Meeting Rooms A and B 291 North Front Street	Thursday, November 8, 2012	11:00 a.m.
Belleville, Holiday Inn Express Hotel & Suites, Don Ross Meeting Rooms A and B 291 North Front Street	Friday, November 9, 2012	10:00 a.m.
Cobourg, Best Western Plus Cobourg Inn & Convention Centre Ballroom B 930 Burnham Street	Monday, November 12, 2012	1:00 p.m.
Oshawa, Quality Hotel & Conference Centre, Guild West Room 1011 Bloor Street East	Tuesday, November 13, 2012	11:00 a.m.
Toronto, North York Civic Centre 5100 Yonge Street	Wednesday, November 14, 2012	10:00 a.m.
Toronto, Metro Hall 55 John Street	Thursday, November 15, 2012	11:30 a.m.
Sault Ste. Marie, Delta Sault Ste. Marie Waterfront Hotel 208 St. Mary's River Drive, Thompson Suites A and B	Monday, November 19, 2012	9:30 a.m.
Cambridge, City Hall Council Chambers 46 Dickson Street	Tuesday, November 20, 2012	9:30 a.m.
Hamilton, Courtyard Marriott Hotel 1221 Upper James Street	Tuesday, November 20, 2012	2:00 p.m.
Oakville, Holiday Inn & Suites 2525 Wyecroft Road	Wednesday, November 21, 2012	9:30 a.m.

TAB C

2018 Provincial Ridings

Riding Name	2016 Pop'n	Above/below Average	# of people above or below average	% Variance
Beaches-East York	109,465	Above	201	+0.18%
Davenport	108,475	Below	-789	-0.72%
Don Valley East	94,575	Below	-14,689	-13.44%
Don Valley North	110,080	Above	816	+0.75%
Don Valley West	102,510	Below	-6,754	-6.18%
Eglinton-Lawrence	114,400	Above	5,136	+4.70%
Etobicoke Centre	118,020	Above	8,756	+8.01%
Etobicoke-Lakeshore	129,080	Above	19,816	+18.14%
Etobicoke North	118,045	Above	8,781	+8.04%
Humber River-Black Creek	108,035	Below	-1,229	-1.12%
Parkdale-High Park	108,805	Below	-459	-0.42%
Scarborough-Agincourt	105,540	Below	-3,724	-3.41%
Scarborough Centre	112,600	Above	3,336	+3.05%
Scarborough-Guildwood	102,390	Below	-6,874	-6.29%
Scarborough North	98,805	Below	-10,459	-9.57%
Scarborough-Rouge Park	102,275	Below	-6,989	-6.40%
Scarborough Southwest	110,280	Above	1,016	+0.93%
Spadina-Fort York	115,510	Above	6,246	+5.72%
Toronto Centre	103,805	Below	-5,459	-5.00%
Toronto-Danforth	106,880	Below	-2,384	-2.18%
Toronto-St. Paul's	107,900	Below	-1,364	-1.25%
University-Rosedale	104,315	Below	-4,949	-4.53%
Willowdale	118,805	Above	9,541	+8.73%
York Centre	104,320	Below	-4,944	-4.52%
York South-Weston	116,690	Above	7,426	+6.80%

TOTALS 2,731,605

Notes:

- 1) Average riding size is 109,264
- 2) Range is from 94,575 to 129,080 or 34,505
- 3) There are 11 ridings above the average and 14 below the average

This is Exhibit ¹¹ C referred to in the affidavit of Gary Davidson sworn before me, this 27th day of AUGUST, 2018.

[Signature]
A COMMISSIONER, ETC.

TAB D

COMPARISONS WITH OTHER CITIES

Excerpted from TWBR Research Report (December 2014) plus updates from official city websites and Stats Can

Ontario Municipalities Updated with Stats. Can. Data for 2016 (Table Adjusted)

Municipality	Population as of 2011	Comments
1. Barrie	136,063 (SC rev.) 141,434 (2016)	<ul style="list-style-type: none"> • Council approved the re-division of the existing 10 ward boundaries into 10 new wards. • 14,143 per Councillor (average)
2. Brampton	523,906 593,638 (2016)	<ul style="list-style-type: none"> • Council approved redistribution of the existing 10 wards, and to maintain a representative structure of 1 City Councillor and 1 Regional Councillor per 2 wards. • 59,363 per Councillor (average)
3. London	365,715 383,824 (2016)	<ul style="list-style-type: none"> • 14 Wards; 27,416 per Councillor (average)
4. Hamilton	519,949 536,917 (2016)	<ul style="list-style-type: none"> • 15 Wards (recent WBR); 35,794 per Councillor (average)
5. Kitchener	219,153 233,222 (2016)	<ul style="list-style-type: none"> • Council structure was reviewed as part of the process, with an additional 4 councillors added. • 10 Wards; 23,322 per Councillor (average)
6. Kingston	114,928 (SC rev.) 123,792 (2016)	<ul style="list-style-type: none"> • Council approved by-law in conformity with OMB amendments, to redistribute 9 of the 12 wards. • 12 Districts; 10,316 per Councillor (average)
7. Markham	301,709 328,966 (2016)	<ul style="list-style-type: none"> • Council approved the re-division of the 8 wards; no changes to Council composition (deemed a separate matter). • 8 Councillors plus 4 Regional Councillors = 12; 27,414 per Councillor (average)
8. Oakville	182,520 193,832 (2016)	<ul style="list-style-type: none"> • Council voted to maintain the status quo (6 ward system, with one Councillor and one Regional Councillor/Ward) • 12 Councillors, 16,153 per Councillor (average)
9. Ottawa	883,391 934,243 (2016)	<ul style="list-style-type: none"> • 2005, Council approved the adoption of a 23-ward system • 40,619 per Councillor (average)
10. Vaughan	288,301 306,233 (2016)	<ul style="list-style-type: none"> • 3 Regional Councillors and 5 Local Councillors = 8 Councillors • 38,279 per Councillor (average)
11. Mississauga	713,443 721,599 (2016)	<ul style="list-style-type: none"> • 11 Wards; 65,600 per Councillor (average)

This is Exhibit "D" referred to in the affidavit of Gary Davidson sworn before me, this 27th day of August, 2018.

[Signature]
A COMMISSIONER, ETC.

TAB E

INSTITUTE ON MUNICIPAL FINANCE AND GOVERNANCE

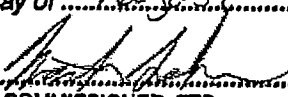
The Maturing Metropolis

Governance in Toronto a Decade on from Amalgamation

André Côté

March 2009

Alan Broadbent Fellowship in Municipal Finance and Governance

This is Exhibit ^{"E"}..... referred to in the
 affidavit of Gary Davidson.....
 sworn before me, this 27th.....
 day of AUGUST....., 2018.....


 A COMMISSIONER, ETC.

Summary

Amalgamation was not recommended by experts, it was spurned by residents, and it largely failed to meet its primary objective of increased efficiency. Yet, it unleashed a tidal wave of reform that continues to be felt a decade on. The growing complexity of governing the 'Megacity' – now North America's 5th largest – forced a significant reshaping of Toronto's system of government. But there has been little appraisal of these reforms, and it remains unclear whether the City and its residents are better off today. The central question then is: on balance, have the changes of the past decade produced a maturing metropolis – one that can now represent residents more effectively, representatively and accountably?

The paper evaluates this question using four governance criteria: (1) effectiveness and responsiveness, (2) consensus oriented, (3) transparency, accountability, and participation, and (4) maturity. There is now more capacity at City Hall to act *effectively and responsively*, both because of the *City of Toronto Act's* new powers and a series of governance reforms. While these reforms have created conflict between the Mayor and Council, the new stronger (if not 'strong') Mayor model retains important elements of the old *consensus-oriented* model. The Mayor is more capable of pursuing the citywide agenda for which he claims accountability to Torontonians. But Council remains the supreme legislative body, with Councillors continuing to play a large role in policy development, appointments and administrative oversight, and local issues. As well, the Toronto Public Service remains equipped to support Council and deliver quality services. But, further changes to empower the Mayor or create political parties could upset this balance.

Governance processes remain relatively *transparent and accessible, if perhaps less participatory*. The one-tier structure is clearer for citizens, policymaking processes are quite open, new accountability mechanisms have been created, and a range of civil society groups are playing an increasingly influential role. Yet, City Hall appears further from citizens today, with authority more centralized and services less responsive to community needs. There are also fewer community councils, though Councillors now have more constituents. The abysmal voter turnout might be a reflection of this distance from residents.

A decade on though, it appears as though amalgamation, though unwelcome at the time, has inadvertently helped produce an empowered and increasingly *mature* local government. The Province has willingly entered into a new, more reciprocal relationship with the City of Toronto. The *City of Toronto Act's* permissive powers have endowed City Hall with greater scope for action and status as a mature order of government. A distinctive governance model has also emerged that appears more transparent, accessible and consensus-driven than the other orders of government, while empowering the Mayor to lead on city-wide issues. The City does face pressing challenges, particularly in addressing its fiscal responsibilities and in better engaging citizens and communities. But while the new City remains in its formative years, Toronto does indeed appear to be a 'maturing metropolis'.

Acknowledgements

Many thanks to Professor Enid Slack, Mr. Tobias Novogrodsky, and Mr. Jay Paleja for their support in helping to shape the project, and for their feedback on the paper. I would also like to thank all of those individuals who generously contributed their time and insights as part of the interview process.

Introduction

To borrow from writer John Lorinc (2006), Toronto is in many ways becoming Canada's 'new city'. Amalgamation in the late 1990s unleashed a tidal wave of reform that continues to be felt a decade on. A growing awareness of the complexity of governing the 'Megacity' – now North America's fifth largest – forced a significant reshaping of Toronto's system of government. The groundbreaking *City of Toronto Act* has gone even further, providing powers and allowing the City to undertake reforms that, among other things, delegate smaller issues and allow the Mayor to lead on bigger ones. But it is by no means clear that the City and its residents are better off for these reforms. On the one hand, the larger City seems to have more control over its destiny and more capacity to plan for the future. On the other, City Hall appears further removed from citizens, and remains firmly under the thumb of the Province with regard to fiscal matters. The central question then is, have the changes of the last decade produced a maturing metropolis – one that now represents residents more effectively, representatively and accountably?

In the simplest terms, governance can be described as "the process by which we collectively solve our problems and meet our society's needs." (Osborne 1992, 24) While the term has been attributed neo-liberal connotations by some (Lightbody 2006, 547), the notion of a governance system is used here simply to imply that this collective problem solving is undertaken not just by elected officials and professional administrators, but through a range of interactions among actors inside and outside of government.¹ In the City of Toronto context, governance is essentially about identifying the appropriate balance of conflicting priorities or interests in creating policies. Common conflicts can pit city-wide plans against community interests, efficiency against accountability, higher spending against lower taxes, political maneuvering against citizen participation, or diverse Council perspectives against a Mayor's agenda. In examining governance systems, the institutional structures and procedures matter; but so do other factors, such as the abilities and agendas of the actors trying to affect change, local traditions and political culture, the policy challenges, and relations with other governments.

Over the past decade, Toronto's governance model has evolved into something of a hybrid, blending a traditional Canadian municipal structure with elements of executive-driven parliamentary or strong mayor models in the US. This evolution has significantly altered the roles, responsibilities and relationships among the Mayor, Council, City Staff and local residents. But while these dramatic changes have unfolded rapidly, there has been little analysis of how the different actors within the local governance system have actually been responding. This is disquieting as these institutions are sensitive and closely integrated – with reforms to one producing reactions in the others. For instance, how have reforms to empower the Mayor affected Council? What has been the impact of the changing political dynamic on a Public Service already in flux? Or, how have interactions between actors at City Hall and citizens and civil society groups changed in the context of the larger city?

The paper addresses these and other questions by focusing on those four pillars – the Mayor, Council, the Toronto Public Service, and Citizens and Civil Society. It will begin with an overview of pre-

¹ Including media, business and labour interests, civil society groups and NGOs, ratepayers' associations and community groups, and of course citizens.

amalgamation governance in Metro Toronto, followed by a brief outline of the debate that produced the Megacity. The core of the paper will use four criteria to examine the reforms of the post-amalgamation period and impacts they have had on the pillars, as well as the interactions and reverberations between them. Conclusions about where the last decade has taken the City of Toronto are informed by research and a series of not-for-attribution interviews (see Annex 1). The paper will attempt to establish that while amalgamation was neither favoured by expert opinion nor desired by citizens, it has nevertheless produced a maturing City that has greater powers, a stronger voice, and more capacity to govern effectively and accountably. Moreover, Toronto's experience over the last decade has helped unleash a vigorous conversation about the importance and influence of cities within the Canadian federation.

Historical Context

From the Post-War Period to the 1990s

The post-war period, with the dramatic population growth and corresponding servicing difficulties it entailed, produced significant challenges for the City of Toronto and the surrounding municipalities. The economic and social consequences of the growth resulted in higher costs for social services, and tremendous strain in financing needed capital projects such as water and sewage treatment facilities, housing, public transportation and roads, and the construction of new schools. Toronto's stronger tax base and less acute infrastructure needs than its suburban neighbours also produced regional equity concerns in the delivery of these services.

In response to these challenges, the Province introduced the *Metropolitan Toronto Act* in 1953, producing a federated form of government that included Toronto and the 12 surrounding municipalities. This two-tier structure placed responsibility for major regional functions such as assessment, planning, borrowing, water and sewage, and metropolitan roads with the upper tier Regional Municipality of Metropolitan Toronto, while leaving the 13 lower tier municipalities with their original borders and responsibility for an array of shared and locally-oriented services. A decade later, in 1967, the structure was modified through the consolidation of the 13 municipalities into 6, and the transfer of some lower tier responsibilities such as waste disposal, police and social assistance to the Metro tier.

While the model has been described as being extremely successful in its early years in addressing the servicing and coordination problems the region faced and balancing regional and local interests, its effectiveness began to decline through the 1960s. Its diminishing success has been attributed to a number of factors, including less forceful leadership following the departure of Metro Chair Fred Gardiner in 1961, and the majority position of suburban representatives on the Metro Council after 1967 who largely eschewed both urban and regional concerns. By the 1970's, growth outside Metro's borders in the Greater Toronto Area (GTA) made Metro's regional planning function increasingly irrelevant. Perhaps the most significant factor, however, was the indirect election of Metro Councillors, and its effect in undermining Metro's regional planning capacity. (Tindal 2004, 106-8; Slack, 2007, 27-8; Sancton 2005, 321)

The upper tier wielded considerable power, yet Metro council was composed of indirectly elected individuals from lower tier councils. Because direct accountability lay only with ward constituents, re-election was largely contingent on advocacy for local interests and performance at the lower tier council. This arrangement produced a parochialism that undermined regional objectives and created conflict over regional services, and hindered transparency and accountability to citizens for Metro responsibilities. (Tindal 2004, 108) Wichern suggests that the two-tier system gradually became a "major problem rather than providing an adequate policymaking framework within which to solve regional problems." (2004, 39)

Reforms in 1988 attempted to rectify some of these issues. With the exception of the 6 lower tier mayors, Metro Councillors were elected directly and no longer served on lower councils. The Province also created the Office of the Greater Toronto Area (OGTA), reporting directly to a provincial Cabinet minister, to improve the coordination of growth in the GTA. The absence of a legislative mandate left the OGTA with no teeth to impose policy or drive consensus, however, though its creation did contribute to the fulsome debate about GTA governance that took shape during the 1990s.

The 1990s and the Creation of the Megacity

While the reforms in 1988 sought to improve both responsiveness to Metro issues and increase GTA-wide planning capacity, many were of the view that these fixes were too little, too late. With a population approaching five million and an increasingly integrated and interdependent regional economy, the structure of GTA municipal governments – comprising 30 lower tier municipalities and 5 upper tier regional municipalities² – no longer made practical sense. Critical policies and services increasingly crossed municipal boundaries, including transit, land-use planning, coordination of police and emergency services, and economic development. In addition to the coordination challenges the region faced, there were also inefficiencies and inequities: some municipalities had less capacity to fund and deliver services; others could free ride off services delivered by a neighbour. (Slack 2007, 29)

By the mid-1990s, there was an eagerness at the provincial level to move ahead with more ambitious municipal restructuring. Two expert panels were convened to study the issue: the *Task Force on the GTA* Chaired by Anne Golden was appointed by the NDP government, and the *Who Does What Panel* (WDWP) was convened by the newly elected Conservatives to examine provincial/municipal roles and responsibilities across the province. Guided by the belief that a GTA-wide approach was needed, both essentially agreed upon a series of recommendations to establish an indirectly elected or appointed GTA-wide coordinating body, to eliminate upper tier municipalities and consolidate the lower tiers into stronger cities with increased responsibilities, and to position Toronto as the urban core of the region. The WDWP proposed a Greater Toronto Services Board (GTSB) to perform the regional coordination function.³ (Who Does What 1996, 35-9)

² They were the regional municipalities of Metro Toronto, Durham, Halton, Peel and York.

³ Composed of appointed members with representation based on population, and with no taxing authority, the GTSB would focus on: transit, highways and regional roads; waste, sewers and water; hydro distribution; police coordination; and regional social and infrastructure planning.

Despite these recommendations, the provincial Conservative government instead pushed through the *City of Toronto Act (1997)* to amalgamate Metro and the six municipalities into a single-tier City of Toronto. The Province did also create a Greater Toronto Services Board to coordinate across the GTA, but provided it with legislative authority only for regional transit. This structural reorganization was accompanied by property tax reform, and a program of Local Service Realignment that uploaded education funding to the Province while downloading significant costs and responsibility for social housing, public health and other social services onto municipalities.

Sancton suggests that the provincial rationale for this form of restructuring was not entirely clear. Greater coherence, global competitiveness, and an ideological inclination towards smaller government were factors. Publicly, however, amalgamation was touted for the efficiencies it was expected to produce by reducing staffing and service duplication. (2000, 118-20) Regardless, the amalgamation program was extremely unpopular. The Province's unilateral decision was taken in the face of intense political opposition, protest by civil society groups, and public resistance. Three quarters of voters rejected the merger in non-binding referenda held in the six municipalities. A primary complaint was that the larger City would reduce local identity and access to local government. (Slack 2000, 14-5)

In hindsight, amalgamation largely failed to achieve stated provincial objectives. It is highly unlikely that amalgamation produced the economic efficiencies that were predicted. While the simultaneous downloading and property tax reform made the financial impacts of amalgamation impossible to gauge, the significant transition cost and upwards harmonization of service and staffing levels likely led to cost increases. There is a silver lining: this upwards harmonization of services and the sharing of the tax base has produced greater equity. (Sancton 2000, 135; Slack 2000, 29) Yet, as the governance experts predicted, amalgamation did little to address the growing challenges of service coordination across the GTA. Moreover, the downloading of soft services – in spite of WDWP recommendations opposing such a move – provided expensive new responsibilities without the commensurate revenue generating tools, creating what many today see as a municipal fiscal imbalance with the province. (Sancton 2005, 325)

Evaluating Governance Reform in the Megacity and Its Implications a Decade On

The Evaluation Criteria

Several criteria exist in academic and other literature to evaluate the design of governance structures, but there was little to draw in developing standards to examine how a governance system is functioning. As such, the following criteria were created as a composite, borrowing from a range of sources. (Slack 2007, 8-13; OECD 2000, 8; Toronto 2003, 2-3; Who Does What 1996, 24-5; Governing Toronto Advisory Panel 2005, 3) Considerations in crafting the list included Toronto's tradition of local governance, the contemporary context for Canadian municipalities, and the nature of the new challenges the City faces.

The paper explores whether Toronto's system of governance has become *more*:

- *Effective and Responsive* at City Hall with better organizational capacity to govern, deliver services, and address the challenges of the Megacity;

- *Consensus Oriented* in distributing power and mediating interests among political and administrative actors to reach compromise in the best interests of the City;
- *Transparent, Accountable and Participatory*, with understandable structures, open processes, and means to engage citizens and civil society and involve them in decision-making; and
- *Mature* in the scope of its powers, and in the City's willingness to act autonomously, take ownership over its responsibilities, and use its voice to further the interests of its citizens.

Is Toronto More Effective and Responsive Today?

Though Toronto remains a creature of the Province under the *Constitution Act 1867*, the legislative unshackling that has occurred over the past decade has been significant. After amalgamation, the City's legislative framework was based largely around the stipulations and regulations contained in the *Municipal Act* and *City of Toronto Act (1997)*.⁴ The 1997 *City of Toronto Act* provided some Toronto-specific provisions, but it was the "one size fits all" *Municipal Act*, applying to all Ontario municipalities, that largely set the terms and conditions under which the City government could act. It created a prescriptive legislative environment, allowing municipalities to act only if explicitly granted the authority to do so by provincial legislation. It also severely constrained fiscal decision-making by limiting taxing powers and prohibiting municipal borrowing to cover operating expenses (or running deficits).

This began to change substantively with reforms to the *Municipal Act* in 2003. The reformed Act provided municipalities with "natural person powers" such as those of a business corporation to enter into contracts, hire and dismiss employees, delegate administrative responsibility and perform a host of other tasks. In addition to setting out a list of specific municipal powers, the reforms also provided municipalities with authority to act within ten specific jurisdictional spheres, including highways, transportation, and waste management.⁵ The reforms were a step forward, but the City of Toronto still remained constrained in a number of ways. Firstly, the City lacked the ability to sub-delegate legislative decision-making. This meant that even the decisions taken by Councillors at Community Council sessions had to be approved by full Council. Secondly, while the amended *Municipal Act* provided municipalities with the capacity to restructure their councils, a provision in the 1997 *City of Toronto Act* actually continued to prohibit Toronto from doing so. (City of Toronto 2003, 12-4)

A more dramatic leap forward came in the form of the *City of Toronto Act 2006 (COTA)*. The Act represented a fundamental shift in the traditional relationship between the City and the Province, replacing the *prescriptive* framework with broad *permissive* powers for the City of Toronto in ten deliberately vague jurisdictional areas. Rather than requiring specific empowering legislation to act, the City could suddenly do whatever it saw fit provided there was no conflict with provincial interests or legislation. The Act recognized the City of Toronto as a mature order of government and provided the

⁴ Chapter 27 of the Toronto Municipal Code also lays out Council procedures established by Council.

⁵ The ten were: highways; transportation systems (other than highways); waste management; public utilities; culture, parks, recreation and heritage; drainage and flood control; structures (including fencing and signs); parking; animals; and economic development services.

authority to negotiate directly with the federal government. COTA also granted authority over City Hall governance structures, provided more planning powers, and allowed for increased delegation. Lastly, it granted new fiscal tools, though it did not provide the authority to levy significant revenue generators such as income or sales taxes.

At the time, Phillip Abrahams, the City of Toronto's chief negotiator with the Province, described COTA as "a dramatic, refreshing and exciting 21st century departure from institutional arrangements based in 19th century Canada." It is a critical component in a "New Deal for Toronto" that is about getting a better alignment of resources and responsibilities. (2005) COTA was important both symbolically in recognizing the role and responsibilities of the City of Toronto, and practically in providing more autonomy in the way the City can govern. It contained many of the elements of the Toronto Charter advocated by Jane Jacobs and Alan Broadbent in the late 1990s. (Boudreau 2006, 39)

Summary of Reforms, 1998-Present

The chart below summarizes the governance changes from 1998 to the present.

	Post Amalgamation 1998-2000	2000-2006 ⁵	2006-Present
Mayoralty Structure and Role	<ul style="list-style-type: none"> • elected at-large (city-wide) • one vote in Council • CEO of municipality • member of all committees (though does not participate in all); • Chair of: <ul style="list-style-type: none"> ○ Council meetings ○ Policy and Finance, Nominating and Striking⁷ Committees • provides leadership to Council • represents city at official functions • signatory on all bylaws 		Mayor empowered to: <ul style="list-style-type: none"> • Chair Executive Committee • Appoint Deputy Mayor/Standing Committee Chairs • Provide multi-year, city-wide vision and identify priority issues at Council • speak for City nationally and abroad/negotiate with other orders of government
Council Structure and Role	<ul style="list-style-type: none"> • elected by ward • one vote each in Council • acts by bylaw, has legislative and administrative responsibilities • determines policies, programs, service levels • oversees staff implementation 	<ul style="list-style-type: none"> • ward boundaries reshaped to reflect fed/prov ridings • two Councillors elected from each of the 22 wards 	
Council Size	58 including Mayor (were 106 elected officials in 6 municipalities under Metro)	45 including Mayor	45 including Mayor

⁷ Mayor also recommends appointments to the Striking Committee.
 in late 2000.

	Post Amalgamation 1998-2000	2000-2006	2006-Present
Term Length	3 years	3 years	4 years
Standing Committees	<ul style="list-style-type: none"> • Six Standing Committees⁸ (9-12 members) • Budget Advisory, Striking, Nominating and Audit Committees 	<ul style="list-style-type: none"> • Seven Standing Policy Committees⁹ • Budget, Striking, Civic Appointments, Audit, Affordable Housing, and Employee and Labour Relations Committees 	<ul style="list-style-type: none"> • Executive Committee to take city-wide view and coordinate Council policy agenda¹⁰
Community Councils	<ul style="list-style-type: none"> • 6 Community Councils • boundaries reflecting six former municipalities • Councillors sit on Community Council that their ward sits within • address local issues and make recommendations for Council approval • provide forum for local citizen participation 	<ul style="list-style-type: none"> • Boundaries changed • only Etobicoke and Scarborough reflect old borders¹¹ 	<ul style="list-style-type: none"> • 4 Community Councils¹² • delegated legislative authority for routine local matters
Administrative Structure	<ul style="list-style-type: none"> • 6 departments headed by Commissioners reporting to the Chief Administrative Officer (CAO) • City Clerk's Office responsible for Council processes and a range of administrative and service delivery functions • Agencies, Boards and Commissions (ABCs) streamlined (i.e. Police, TTC, TEDCO, etc.) 		<ul style="list-style-type: none"> • 3 departments headed by Deputy City Managers reporting to City Manager

⁸ Policy and Finance; Administration; Planning and Transport; Economic Development and Parks; Works; and Community Services.

⁹ Community Development and Recreation; Economic Development; Public Works and Infrastructure; General Government; Parks and Environment; Planning and Growth Management; Licensing and Standards.

¹⁰ Composed of: Mayor as Chair, Deputy Mayor as Vice Chair, Chairs of the Standing Committees, four other Councillors (not on another Committee/do not Chair ABC)

¹¹ Etobicoke; Humber York; Midtown; North York; Scarborough; and Toronto – East York.

¹² Etobicoke-York; North York; Scarborough; Toronto and East York.

	Post Amalgamation 1998-2000	2000-2006	2006-Present
Accountability Mechanisms		<ul style="list-style-type: none"> • Auditor General and Internal Audit (2002) • Integrity Commissioner (2004) 	<ul style="list-style-type: none"> • Lobbyist Registry with Registrar (2006) • Ombudsman (2008)

To enable the municipality to take advantage of CQTAs new powers and prepare for its responsibilities, Council passed bylaws in 2006 that significantly reformed both Council procedures and governance structures. Council terms were lengthened from three to four years to allow more time for policymaking and less electioneering. An improved Council meeting calendar was created in an attempt to improve capacity to focus on bigger issues, with decision-making authority for routine, local issues delegated to community councils. An Executive Committee was also created to provide strategic leadership for Council, with responsibilities including agenda management, governance issues, budgeting and fiscal policy, and intergovernmental relations. At the same time, seven standing policy committees were created to flatten the committee structure and divide work into major policy areas (Council committee structure). In addition, the appointment power for the Standing Committee Chairs and the Deputy Mayor was delegated to the Mayor by Council. A Council Speaker position was created to remove from the Mayor the responsibility of neutral chairmanship of Council meetings.

Though the reforms were broadly intended to improve the effectiveness and responsiveness of Council, the priority was increasing the capacity of the Mayor to lead on a city-wide mandate. A significant amount of power was consequently shifted to the Mayor. Firstly, the Executive Committee chaired by the Mayor now represents the policymaking hub in the committee system and can set the agenda for Council. Because the Standing Committee Chairs and Deputy Mayor sit on Executive, the appointment powers granted to the Mayor provide a *de facto* ability to select its membership, and to thereby reward allies and maintain a measure of loyalty. Secondly, the Mayor's agenda-setting powers have been increased significantly, whether through Executive, the authority to identify priority issues in Council, or the capacity the new Speaker position provides for the Mayor to defend his or her agenda on the Council floor. Yet, while much power shifted to the Mayor, Council did retain appointment power for community council Chairs and senior officials such as the City Manager.

These reforms are moving the City of Toronto towards a unique, hybrid model of municipal government. Traditionally, the legislative and executive functions of Canadian municipalities have been fused within Council. As a legislative body, Council passes bylaws; the executive role then ensures the execution of those bylaws by appointing senior administrative officials, and directing and supervising the administration of policies and programs. In big cities, a professional City Manager – often a Chief Administrative Officer – is appointed by Council to lead the non-partisan administration. Meanwhile, the Head of Council, or Mayor, can exercise influence through the high political visibility that comes with at-large election, but has largely ceremonial powers. The Mayor represents the City publicly and signs for appointments, budgeting or

directing staff. Canadian cities have consequently been seen to employ a 'strong Council' model. (Tindal 2006, 259-60, 263)

This model is in sharp contrast to both the strong-executive Westminster parliament at the federal and provincial levels and the 'strong mayor' in some American cities, where power is more centralized and there is a sharp division between the executive and legislative branches. Largely through convention, prime ministers and premiers have executive authority to select their Cabinet, appoint and direct senior public servants, set budgets and dole out different forms of patronage; they also have control of the apparatus of their party, allowing them to enforce party discipline in the legislature, and ensure loyalty through the selection of candidates. Similarly, the mayors of cities like New York and Chicago operate within a party system, with significant executive powers over appointments, administration and budgets. In Chicago, the Mayor can also veto Council decisions. (City of Toronto 2003, 82-3)

While there remains no formal executive-legislative divide in the Toronto model and the Mayor has nothing approaching formal strong mayor powers, the Council governance reforms have represented a shift in this direction. Council has granted the Mayor a 'Cabinet-light' body in the form of Executive Committee, and powers similar to the Mayors' of Montreal and Winnipeg in identifying its membership. (City of Toronto 2003, 77, 81) Moreover, conventions are also evolving at City Hall. Mayor Miller has positioned his 2006 election platform as the city-wide mandate to guide Council over the four year term, and to be implemented by Staff. This has created a measure of medium-term policy coherence that might not have existed previously, and has tightened links between the Mayor's office and the City Manager. The influence the Mayor has in selecting the City Manager is another empowering convention that will be explored later.

Though the shift towards greater mayoral executive authority could certainly have negative ramifications for local governance writ large, there is good reason to believe that it will produce a more coherent and decisive form of government. According to Lightbody, the development of the Canadian municipal model in the 19th century was rooted in the belief that municipalities – then small towns, facing no large scale policy challenges – delivered services, and thus had no need for partisan, ministerial government or political parties that would only increase inefficiency and graft. Today, however, he suggests that the traditional model – absent the executive coherence of a strong Mayor or the partisanship of political parties – offers the weakest structure for big cities in addressing complex and contentious policy issues in coordination with a large administrative bureaucracy. This consensus-driven model offers less direct accountability for decisions, and poorer capacity for coordination. (2006, 107-9) While the interviews elicited a variety of perspectives about the implications of the reforms for the system, there was consensus that the model had in fact evolved into a hybrid form, that it offered greater decision-making capacity, and that the Mayoralty's powers were now more in line with the public's expectations of the position.

While the Toronto Public Service (TPS) has been in constant flux over the past decade, there have also been significant reforms to balance service delivery challenges with improved policy capacity for the scaled-up City. There can be no understating the enormity of the task of integrating the operations and services of the seven municipalities after amalgamation. It entailed the creation of a new administrative

and reporting structure, the implementation of new information systems, and the consolidation of 'back office' corporate services, real estate portfolios and other functions. Services had to be integrated without interruption, incorporating newly downloaded responsibilities. HR policies and classifications had to be harmonized, collective agreements renegotiated, and a massive, cascading hiring process was required to replenish the ranks. Staff also faced a range of other pressing challenges including managing the acquisition of Toronto Hydro, preparing for Y2K, and playing a role in intergovernmental partnerships. (City of Toronto 2000)

For Staff, the City Manager described the hallmarks of the first post-amalgamation Council term as "enormous change and uncertainty." (City of Toronto 1999, 2) The administrative amalgamation had to be undertaken without any comparable models to rely on and amid fiscal restraint resulting from newly elected Mayor Lastman's promised property tax freeze. Yet, despite reports of poor morale, fatigue and aversion to innovation among some staff, (Wichern 2004, 42) polling conducted in 2000 suggests that a majority of the public either some improvement or no change in service levels and the quality of government. (Stewart 2006, 208-9) There were bumps in the road, such as the labour disruption in 2002 and the MFP computer leasing scandal. A decade on, there also remain some outstanding issues such as the harmonization of job classifications and regulations between the former municipalities. (City of Toronto 2008b, 8) But most interviewees agreed that the TPS performed as well as could have been expected during the tumultuous period.

More recently, in 2005, the administrative structure was again reorganized. It was realigned from six, commissioner-led departments under the City Manager to a three pillar model with each led by a Deputy City Manager. The City Manager's Office also took on a greater role in agenda management, as well as in intergovernmental relations. The intention was to simplify the structure and group services – the softer social services, the harder infrastructure and planning services, and the corporate and financial services – to allow for better horizontal coordination, improved services and public access. (City of Toronto 2008a) Yet, one area of concern with the new model expressed in some of the interviews was the marginalized status of the City Planning department. Given the centrality of planning to the City's core functionality, requiring the Chief Planner to report through a Deputy City Manager was seen as providing too little authority and profile for an already under-resourced department.

While measures of Staff performance are difficult to come by, service levels have remained relatively high – though some costs have as well. Using 2006 data, the Ontario Municipal Benchmarking Initiative (OMBI) study compares 15 Ontario single- and upper-tier municipalities in 16 service areas. Per capita costs are higher in Toronto for EMS, fire, housing, winter road maintenance, parks, tax administration, and water infrastructure. At the same time, Toronto boasts the best EMS response time, the lowest rate of fire injuries or fatalities, more parkland, high library usage, the best conditioned roads, efficient water use, good tax administration and rapid social assistance case management. Waste diversion rates are in line with other municipalities, though disposal and diversion costs are high. Most notably, Toronto has more than double the public transit service levels and five times the ridership of any other municipality, and extremely low costs per trip. It is important to bear in mind though that the Toronto context is

clearly unique; the megacity has a population that is three times larger and denser than any other single-tier municipality in the Province, with a greater social service burden. (OMBI 2008, 16-90)

Nevertheless, the TPS faces a number of challenges. Staffing is an area of particular concern. The demographic picture is foreboding, as TPS employees average 46 years of age (53 for senior management) and the past decade saw little hiring. (City of Toronto 2008b, 8) A biting recent article in *Toronto Life* magazine attributes much of this looming crisis to the practice of 'gapping' – a cost-control measure whereby positions are left semi-permanently vacant – suggesting that it has damaged policy capacity and Staff morale, particularly in hard-hit areas like City Planning. (Preville 2008) Moreover, 2009 will see the City enter into challenging collective bargaining negotiations with public sector unions under difficult fiscal circumstances. Public servants also face increasing scrutiny through access to information provisions, from the media and by accountability officers such as the Auditor General and Ombudsman. Some of those interviewed expressed other concerns about the City Administration, such as a lack of connection to 'on the ground' issues, a need for better coordination across the three pillars, and the need to develop policy capacity commensurate with Staff's already strong service-delivery.

Overall, it remains an open question whether the City of Toronto is today more effective in creating policies and delivering services, and more responsive in its decision-making. What is clear is that the permissive powers and unique status statutorily endowed by COTA allows City Hall to act more autonomously, and to reshape governance structures to suit a larger scaled city. While empowering the Mayor does create contentious repercussions, Council's governance reforms have provided the tools to create a more coherent policy agenda and a stronger city-wide focus, while unburdening Council by delegating time-consuming local transactional issues. A smaller Council – reduced from 58 to 45 in 2000 – has also made it less unwieldy. After initially implementing the fundamental administrative, governance and service delivery reforms brought on by amalgamation, the TPS has reorganized to both accommodate the new Council governance arrangements and the more professional, policy-oriented role it has to play. Overall, the City of Toronto does look better positioned to address the challenges of governing the Megacity, though, as some of those interviewed pointed out, it is a long-term process of adjustment that is only just beginning.

Is Toronto More Consensus-Oriented Today?

Though the 2006 governance reforms were affirmed by Council, the Mayor's new powers have come at the expense of some Council influence. Halfway through his mandate, Mayor Miller has moved forward with a number of the items in his *Toronto 2010* agenda on issues ranging from gun crime, waste disposal and transit to priority neighbourhoods, affordable housing and Tower Renewal. (Miller 2006, 3-19) His priority issues have led Executive Committee and Council meetings. He has played an active intergovernmental and international role, notably through the Provincial-Municipal Fiscal Review process and as Chair of the C40 Clinton Climate Initiative. Also the removal of Councillor Brian Ashton from Executive Committee during the summer of 2007 for refusing to support new taxation measures is an example of the Mayor's newfound political levers being used to influence Council. (Inside Toronto 2007) While nobody would suggest that the governance structure alone is responsible for this active leadership, Miller appears to have embraced his new powers and used them to some effect.

By contrast, there have been signs that Council has been on the defensive. During the summer of 2007, a bitter battle emerged over the Mayor's land transfer and vehicle registration taxes, pitting Miller and his allies against a sizeable faction of Councillors that opposed both the taxes and the Mayor's imposition of them. (Toronto Star 2007) There has also been resistance to the increasing scrutiny of the new coterie of accountability officers required by COTA. Council slashed the lobbyist registry budget as it was being implemented. It also refused to endorse the recommendation of Integrity Commissioner David Mullen to sanction a member of Council for violating the Councillor Code of Conduct. In addition, some Councillors that have made clear their opposition to the Mayor's agenda have taken to attending Executive Committee meetings and using their privilege to question deputations and committee members.

The clash over the appropriate balance of power between the Mayor and Council has been crystallized by the debate over further expanding the Mayor's powers. A number of Councillors objected to recommendations made by the Mayor's Fiscal Review Panel and elsewhere that the Mayor should be empowered to appoint and dismiss the City Manager, and that the Mayor and Executive Committee should be assigned a professional staff and allowed to set their agenda in private. (Mayor's Fiscal Review Panel 2008, 60-1) These reforms would no doubt contribute to the consolidation of the Mayor's executive authority, and create a more Cabinet-like Executive Committee. Councillors were particularly aggrieved by the absence of Council agency in the debate, as the reforms would require provincial legislation that the Mayor could ask for directly. In late 2008, Councillor Karen Stintz – who does not sit on Executive Committee – expressed her concerns in a letter to the Mayor that questioned both the absence of a process for debating the new powers, and the need for “checks and balances” and a “redefined role for Council” such reforms would require. (Stintz 2008; Toronto Star 2008a)

While Miller later claimed to have “moved on” from this discussion over new powers, the frequent flare-ups have in many ways been a reflection of the larger rebalancing that is occurring. (National Post 2008a) This was a focal point in the interviews. The Mayor was seen by some as having taken advantage of the uncertainty that has followed the implementation of the 2006 governance reforms – as well as the vague definitions of the Mayor's powers and the role of Executive Committee – to institutionalize his mandate and consolidate control over the agenda. The ability to defer agenda items at Executive, as well as the changes to the Council Procedures Bylaw, have muffled opponents and kept their issues off the Council agenda. Moreover, accountability for decisions has become increasingly opaque as Council supremacy collides with growing Mayoral influence. Others disagreed, however, suggesting that politics and horse trading remain at the heart of the system. There will always be a marginalized opposition that opposes the Mayor, whether for ideological or political reasons. But on the Council floor, little has changed; the Mayor, like any other Councillor, must go from individual to individual to “find the votes” and build consensus.

This debate also has major implications for the Administration. The influence of Staff has grown in certain ways in recent years, though their relationships remain uncertain. The City Manager's and Clerk's Offices have retained significant control over the management of the Council agenda and the diversion

as the policymaking role of the City continues to grow, and have the ability to shape debate through the options they provide to Council. As Lightbody puts it, administrative "power is rooted in expertise and control over information flow." (2006, 148) If information is power, as one interviewee maintained, Councillors are also at a disadvantage, given their small staffs, the large volume of issues before Council and the need to balance their legislative and constituency roles. Yet, for Staff, responding in a public arena to questions during politically charged Committee and Council sessions can make 'speaking truth to power' challenging, particularly as issues skirt the hazy line between politics and administration.

The September 2008 appointment of City Manager Joe Pennachetti was another flash point in this discourse around accountability, the Mayor's powers and the politics-administration dichotomy. While Council ratified the appointment, the vote followed contentious debate in the Council chamber. The issue was less the candidate than the Mayor's control of the process, as he had foregone an open search and recommended the appointment both publicly and in a report to Executive Committee. (Toronto Star 2008b; City of Toronto 2008c) Many suggested that this further muddies accountability, as the City Manager technically reports to Council though the Mayor exercised significant influence in the appointment and relies increasingly on the City Manager to implement his agenda.

While the proposal to empower the Mayor to hire and fire the City Manager was not included in the governance reform package, a majority of those interviewed recommended it as a positive step. Some did see the issue as a 'red herring', pointing out that Lastman and pre-amalgamation Mayors have traditionally had great influence in selecting the City Manager. Yet, most proposed that the change would provide clearer lines of accountability and better reflect the reality of the Mayor-City Manager relationship. Fears that direct accountability to the Mayor would politicize the bureaucracy were overdone, as there would be no practical change from the present environment; in fact, Staff might actually be more insulated from the messy political realm, as they would no longer technically report to 45 members of Council. A potential repercussion would be diminished contact between Staff and Councillors – one of the unique elements of the municipal model. But it was reported that there is presently only limited contact on policy issues anyways, though there is more on transactional ward issues.

Discussions around the creation of political parties have also sprung up. A group of opposition Councillors used the mid-term realignment of committee appointments in late 2008 as an opportunity to suggest that the Mayor had effectively created an "NDP Caucus" on the left. The contention was partly grounded in an accusation that the Mayor had sent a memo about the City's waste disposal system to only a select group of allied Councillors. (National Post 2008b) Yet, the roots of the debate again rest in the governance reforms. The appointment powers and creation of Executive changed the Council dynamic by providing the Mayor with the carrots and sticks to secure and maintain more coherent alliances. Parties are thus seen by some as a means of creating a more organized opposition to the Mayor's congealing faction. Their existence in Canada's other largest cities – Vancouver and Montreal – is also seen as evidence of their legitimacy at the municipal level.

The interviews produced little consensus on the desirability or feasibility of parties at City Hall. Some were unequivocal in their belief that parties do not belong at the municipal level, as they would

undermine the messiness of local democracy and reduce transparency and public involvement. With parties come party leaders, riding nominations or candidate slates, fundraising implications and some form of discipline in Council – all of which could further alienate voters and reduce Councillor responsiveness. Others expressed uncertainty about whether party politics would improve the system, or whether formal party mechanisms similar to what exists federally or provincially could be created.

A third group firmly believed parties were necessary and coming, though rationales differed. One view was that the practical requirements of governing the Megacity will inevitably necessitate a shift to parties as an organizing agent as at the federal and provincial levels. Another was that Council's consensus model was no longer working, and that parties were needed to organize the opposition and counterbalance the Mayor's influence. Concerns about the reduced capacity of Councillors to represent constituents were downplayed; the Council model would not require the level of discipline of a parliamentary model where the governing party needs to hold the confidence of the House.

On the whole, the case for introducing parties at City Hall is by no means clear. Firstly, claims of the implicit creation of a Mayoral party are not unique to Toronto. In Winnipeg, the incumbent Mayor Sam Katz was accused of fielding a party slate by supporting and campaigning for other candidates during the 2006 elections. ([Wordpress.com 2006](#)) Secondly, far from exemplifying the benefits of parties, the federal and provincial models have seen them contribute to the centralization of power and the marginalization of MP's. At the federal level, Donald Savoie asserts that – other than the small group in Cabinet – MP's are largely without any significant influence on platforms or policy, have virtually no direct contact with public servants, and are allowed few free votes. "Some government MPs have access to power," he writes, "while the rest have access only to levers of influence." (2003, 179) Others suggest that parties themselves are in a state of decline, with weakened on the ground organizing and outreach capacity, broken fundraising models, and little capacity to produce or harness new policy ideas. ([Fox 2005](#), 3-4)

Lastly, and most importantly, the absence of parties forces Councillors to reach consensus, balancing conscience, political aspirations and ward or constituent needs. The system will naturally produce factions, but formalized parties can only introduce a constraint on Councillor autonomy and thus representativeness. In addition, while there is a group of Councillors that tends to vote with the Mayor, factions on Council remain fluid. Executive Committee accounts for only 13 votes, far less than the 23 needed for a Council majority. In addition to the opposition group that generally contests the Mayor's agenda, many Councillors are part of the unaligned 'mushy middle'. Far from being the product of formal, structural controls, allegiances vary by issue, and reflect a blend of ideological kinship, ward-specific implications, and old-fashioned brokerage politics. As the Toronto Star's Royson James recently remarked, "The genius of municipal government is that the mayor – the only member of Toronto council elected city-wide – is called upon to manage a disparate bunch through bullying, subterfuge, lobbying, compromise, patronage and force of personality." ([Toronto Star 2008c](#))

Along these lines, there is much to suggest that the shift from a 'strong Council' to an empowered (if not strong) Mayor has produced a distribution of powers that better balances consensus-building with the capacity for effectiveness. While the Mayor is now more capable of pushing the city-wide mandate he

claims accountability to Torontonians for, he continues to possess just one vote in Council. Councillors retain the ability to influence policy through committees and the right to amend or reject the Mayor's initiatives on the Council floor. Councillors also play a more important local decision-making role through Community Councils, scrutinize and vote on the budget, appoint senior officials and provide administrative oversight, and sit on a range of boards and advisory bodies such as the TTC and Police Services. Meanwhile, the Toronto Public Service remains well positioned to support and shape these decision-making processes, if somewhat confused about how to relate to the Mayor and Council.

The issues of the further enhancement of the Mayor's powers and the creation of political parties continue to percolate. The rationales for both are questionable. While empowering the Mayor to hire and fire the City Manager might indeed produce clearer accountability, the other recommendations to increase the Cabinet-like characteristics of Executive Committee could actually destabilize the hybrid system and shift it too far towards a "strong executive" Westminster model. Taken together, they would entrench a hierarchy among Councillors and undermine the principle of transparency that distinguishes municipal government. At the same time, the absence of political parties in the system requires that decisions be hashed out based upon the diverse interests of the 45 actors on the Council floor – surely a marker of a healthy democratic process. Lastly, as many of the interviewees suggested, it takes time for such reforms to take hold, and for institutional cultures and norms to adapt. While evaluation and tinkering will no doubt be necessary, drastic reforms should not be made in haste.

Is Toronto More Transparent, Accountable and Participatory Today?

Shifting focus to the fourth pillar, there are two major considerations when assessing the interactions and influence of citizens and civil society within the City's governance system. The first is the accessibility, clarity and accountability of institutions, information and decision-making processes for citizens and outsider actors looking in at City Hall. The second are the participatory mechanisms and norms that compel politicians and administrators at City Hall to reach out and engage citizens, communities and outside organizations. These outside-in and inside-out interactions are significant both in ensuring efficient and equitable service-delivery, and in involving external actors in policymaking.

A decade after amalgamation, the results on these two fronts appear mixed. At the most fundamental level, the sheer scale of the amalgamated City has distanced citizens and civil society from government, elected representatives and decision-making processes. On a more practical level, the recent shift from six to four community councils – each now encompassing over half a million citizens – provides less citizen access and local focus. Despite much discussion of citizen engagement, the results of City initiatives over the past decade have also been mixed. At the same time, there are many reasons to believe that the City of Toronto remains a more coherent, accountable and participatory order of government than its federal or provincial counterparts. Moreover, some factors suggest that the City of Toronto's accessibility has improved in certain respects over the past ten years.

To begin with, the amalgamated City of Toronto is unquestionably a more coherent and clear institutional structure for citizens than was two-tier Metro. The Mayor is elected at-large and is thus seen as accountable to all Torontonians for delivering on his or her policy platform. While there might

remain confusion around the provincial-municipal division of labour – particularly around social services – all local programs and services are delivered by the same local government. No longer are responsibilities split between the upper- and lower-tier municipalities. Policy, service delivery, tax and budget decisions are all taken by one Council. Within City Hall, the 2006 reforms to the committee structure provide more clarity about the policy spheres they address. Likewise, the reorganization of the TPS from a six department model into one with three pillars seems more citizen-friendly.

The municipal policymaking structure also remains quite transparent. All meetings of committees and Council, and all votes, must legally be open to the public. Committee and Council order paper is made available, as are relevant staff reports. Citizens can watch first hand as policy and politics intermingle on the Council floor to produce consensus. Important votes are also generally recorded, and thus available for public scrutiny. An online calendar provides schedules and tracks meeting progress in real-time. Some issues requiring confidentiality including personal matters, labour relations, City investments, legal concerns, or those relating to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) are addressed in closed sessions – or ‘in camera’; but votes resulting from closed meetings must still be help in open session. Despite the move to a strengthened Mayor model, maintaining this level of transparency was a major priority. (Toronto 2003, 13-4)

This is in stark contrast to the other orders of government. Federal and provincial decisions are largely taken behind closed Cabinet doors, with Ministers and staff bound by the principle of Cabinet secrecy. Policy briefs that outline options are not made public. Deliberations between politicians and public servants are also confidential, with decision details only revealed in tabled legislation or through press release. The consequence of such a system is that the debate that does occur in public tends to be highly partisan and political in nature. Votes are taken openly in Parliament. But question period, for instance, serves much more as political theatre than venue for thoughtful policymaking. Though each model has its benefits, the open municipal decision-making process unquestionably offers more transparency.

Deputations before committees and community councils represent another unique municipal mechanism to allow for citizen participation. The open access it provides does at times produce procedural headaches. The June 2008 Executive Committee meeting, for instance, produced a full day of deputations regarding anti-hand gun measures. The perception also remains in some quarters that deputations often serve as a forum for the influencing of the Councillors by interest groups and corporate lobbyists. Yet, if governance is essentially about balancing an array of public and private interests, one could argue that it is preferable for those interests to be expressed publicly than behind closed doors. Regardless, deputations do remain a significant participatory avenue.

Institutional accountability mechanisms have also been created to ensure ethical conduct, responsiveness, and oversight. The Auditor General position and an internal audit function were created following the MFP computer leasing scandal in the early 2000’s to monitor the administration of finances. In 2004, an Integrity Commissioner position was created to ensure the compliance of members of Council and some ABCs with an ethical code of conduct. A lobbyist registry has since been created, as has an ombudsman to investigate citizen complaints. All are required by COTA, representing

accountability safeguards to balance the City's newfound autonomy. A Councillor expense policy was also introduced in 2008. Implementation of the new policies has proven challenging, particularly the fostering of public awareness and a sense of their legitimacy among Councillors and staff. But Toronto is now unique among Canadian cities in possessing this array of accountability mechanisms.

Whether a reflection of the City's accessibility or not, the last decade has seen the emergence of a number of civil society groups that have forged links between government, the business community, and local interests. Launched in 2002, the Toronto City Summit Alliance (TCSA) has sought to shed greater light on GTA-wide economic and social issues. The Maytree Foundation and the Toronto Region Immigrant Employment Council (TRIEC) have focused on the place of newcomers in the City. The United Way of Greater Toronto and the Toronto Community Foundation have also made their voices increasingly heard in policy discussions, while also supporting an array of smaller local organizations. While some suggest that the focus has too often been on economic ends rather than social or participatory objectives, (Boudreau 2006, 37) these civil society groups have unquestionably added a valuable element to Toronto's governance realm.

Efforts at City Hall to connect directly with citizens have perhaps proven less successful. Throughout the decade, Staff have introduced a number of citizen engagement policies. After amalgamation, a Civic Engagement Initiative was launched that aimed to enhance accessibility and collaborative decision-making, and to build community capacity and citizen participation. A decade on, the success of City programs to fulfill these objectives has been mixed at best. The Governing Toronto Advisory Panel reported in 2005 that while the City offers a variety of participatory opportunities,¹³ it lacks a clear definition of engagement. Moreover, City programs are dispersed, often episodic, inflexible, lack measures of success and often engage the 'usual suspects'. The report also suggests that changes to the mechanics of the deputation process are needed to ensure more civility and attention from Councillors. (Robinson 2005, 3-9) Two years into his mandate, the Mayor has not yet followed through on his commitment to create a Civic Engagement Office, though the new 311 service to field citizen queries about City programs and services promises to be a useful innovation.

As the order of government that sits closest to citizens, elected representatives also retain an important local role. Resolving local issues for constituents remains a major priority for Councillors. Despite the governance reforms aimed at increasing the city-wide perspective, continued ward election ensure that they remain firmly accountable to their constituents. Among Councillors, the balance between city-wide and local focus clearly varies, but it is apparent that local interests continue to play prominently even on city-wide issues. An example was the divide among downtown and periphery Councillors about the proposal to examine the removal of the eastern section of the Gardiner Expressway in July 2008, as the opening of the waterfront was seen to be in conflict with commuter access. (City of Toronto 2008d, 15)

Yet, the role of Councillors as participatory agents was also a matter of dispute during the interviews. Some saw the new city as a far cry from the 'golden age' of the Metro period, when Councillors knew

¹³ Grant programs and capacity building exercises for community groups; public consultations on policy issues; access to Committee and Council sessions; appointment to a range of boards or advisory bodies; participation in City recreation or culture events like Nuit Blanche; and other forms of voluntarism.

their constituents, and conducted business in a more orderly fashion. The larger wards and the increased number of residents per Councillor were commonly cited as factors that limit representativeness and citizen participation. In addition, for Councillors already faced with a heavy workload, low voter turnout and the ease of reelection for incumbents was seen as a major disincentive to engaging constituents. However, a sizable group had far less romantic recollections of how open and accessible Metro government was. Then as now, Councillor decorum was often in short supply, debates were prone to histrionics, and outside interests tried to work behind the scenes to influence Council.

Indeed, the interviews produced a diversity of opinion about where the City of Toronto stands today in both ensuring access and providing outward engagement. Some did see general improvements in the transparency and clarity of the model, accessibility to policy processes, and accountability. The City was also recognized as actively consulting citizens through development meetings or budget outreach, though attracting participants beyond the usual suspects or those with a narrow range of interests has proven difficult. A larger cohort, however, painted a less rosy picture. Many lamented the perceived centralization of policymaking since amalgamation, and the resulting standardization of policies and protocols. Amalgamation was described in one instance as having created an "idea killing bureaucracy." This has been reflected in the desire to harmonize basic policies, whether for garbage bins or snow clearance, despite the fact that needs differ dramatically between communities. Other byproducts have included an unwillingness to experiment locally, customize policies for communities, or actively involve citizens in policymaking.

A number of recommendations were provided to both further enhance accessibility, and to better encourage citizen participation. The city could better employ electronic tools to inform and engage citizens, in particular an improved website. A greater emphasis was also needed to connect with immigrant communities. Notably, nearly half of the interviewees recommended reforms to community council structures as a means to increase local responsiveness and participation, with recommendations focused on increasing their number significantly – potentially from four to eight. This was seen as an important means to decentralize some decision-making down into communities.

Electoral reform was another significant theme running through many interviews. Improvements to the electoral system could make incumbents more vulnerable, increase voter turnout and community participation, and create greater diversity in Council. A number of reforms were offered: increasing the number of Councillors to reduce the constituent-to-representative ratio; fundraising reforms to require Councillors to seek contributions locally; a mixed electoral system, with wards and a city-wide list, to increase diversity by including those who cannot access to the resources to get elected in a ward-based system; or, interestingly, attempting to boost voter turnout and interest in municipal government by providing renters with an estimate of their property tax bill to link their private interests with public affairs.

On the whole, some progress has been made over the past decade in ensuring a significant role for citizens and civil society in City governance. Comparatively, the City remains a more transparent and accountable structure than other orders of government. Councillors continue to mix their legislative and constituency roles. Civil society groups such as the TCSA and TRIEC have sprung up and contributed to

the policymaking landscape. Accountability mechanisms have been created to allow for scrutiny of Councillor conduct and the administration of public resources and services. Yet, authority appears more centralized and City Hall further from citizens today. Service harmonization has in some cases come at the expense of community needs. Despite some delegation of legislative authority to community councils, their number has been reduced. Voter turnout, one of the few measures of participation, fell during the 2006 municipal elections from almost 700,000 voters in 2003 to below 600,000. Representing around 40% of eligible electors, this is well below turnout rates for federal or provincial elections. (CBC News 2006) All in all, while the inward-oriented means of accessibility remain, there is progress to be made in encouraging City Hall's outward orientation in engaging citizens and communities.

Is Toronto More Mature Today?

Assessing the maturity of the City of Toronto is essentially about determining whether it has become more autonomous and willing to take control of its destiny. It is less about the constituent parts – the four pillars – than about how the whole has been responding. Over the past decade, the new City has gradually become more assertive in pursuing its interests in a number of ways. The most obvious example was the City's engagement of the Province on questions of governance, and its petitioning of Premier McGuinty in 2003 to open negotiations about renewing the *City of Toronto Act*. (Joint Ontario-Toronto 2005, 3) The decision to withdraw from the Association of Municipalities of Ontario (AMO) in 2004 further demonstrated recognition that Toronto's interests were unique from those of other municipalities, and that a stronger voice was needed. The Mayor and Council's willingness in 2007 to push through contentious new taxes also demonstrated a readiness to take a politically difficult decision in order to take responsibility for the City's finances.

While COTA provided Toronto with formal, legislative recognition as an order of government and the right to enter into intergovernmental negotiations, the City's confidence on the national and international stage had nevertheless been growing since amalgamation. In the late 1990s, the City demonstrated leadership in bringing national attention to the issue of homelessness. Toronto bid on the 2008 Olympics, though it lost out to Beijing. Mayor Miller has also advocated for cities nationally through the Federation of Canadian Municipalities and other venues such as the Big City Mayors' Caucus, and represented Toronto globally as Chair of the C40 Climate Initiative.

On the fiscal front, Toronto has not yet been able to secure for itself the fiscal capacity and flexibility it desires. The City's finances remain overly reliant on the property tax and user fees. COTA, despite unlocking some new taxation and revenue generating tools, did not grant access to major forms of taxation such as income or sales taxes that ebb and flow with the business cycle. Even so, some progress has been made. The gas tax revenues that were provided as part of the federal New Deal for Cities and Communities, which were advocated for by big cities to help address the municipal infrastructure deficit, continue to flow years later and under a new government. The provincial government agreed to upload the Ontario Disability Support Benefit and the Ontario Drug Benefit at the urging of Toronto and other municipalities. Most recently, the Provincial-Municipal Fiscal Review process resulted in the uploading of Ontario Works welfare funding and court security costs by 2018.

As each of these developments exemplify, Toronto's autonomy and voice remain contingent upon the benevolence and trust of the Province. Since amalgamation, there has been a clear willingness on behalf of provincial governments – particularly the Liberal government – to treat the relationship with Toronto as more of a partnership than had existed previously. Far from a being a unilateral act meted out by the Province, COTA was painstakingly negotiated over the course of two years by a Joint Ontario-Toronto Task Force convened by Premier McGuinty and Mayor Miller. (Joint Ontario-Toronto 2005, 3) The Provincial-Municipal Fiscal Review similarly entailed a tripartite negotiation between the Province, AMO and the City of Toronto. As the outcome of the Fiscal Review makes clear, however, the negotiations are not among equal partners. Though the recession that was setting in promised to significantly increase Toronto's social assistance costs in the short-term, the ten year phase-in for welfare cost uploading clearly suggests that provincial fiscal and political expediency trumped municipal need. (Government of Ontario 2008, 2)

There has also been less willingness on the part of the Province to cede control over regional planning issues. The Greater Toronto Service Board, established in 1998 primarily to address regional transit issues, featured significant municipal representation but lasted only until 2001. Despite producing the internationally recognized Greenbelt and Greater Golden Horseshoe Growth Plan, the Smart Growth Panel that emerged shortly thereafter is a wholly provincial entity. Metrolinx, a new regional transportation planning body, does feature municipal representation on its board. But as Sancton points out, the Ontario experience reflects the inclination among other provincial governments to "consolidate their roles as the real strategic authorities for Canada's city-regions." (2005, 325) Furthermore, no GTA-wide institutional mechanism yet exists to coordinate regional planning and service delivery.

It is also worth noting that there are issues on which the City has not been able to shed its supplicant mindset. In October 2008, Councillors on the North York Community Council voted 7 to 2 to rename a street "OMB Folly" to lampoon a decision taken by the Ontario Municipal Board, a quasi-judicial provincial planning appeal body. (Toronto Star 2008d) City officials have been consistent in their criticism of the OMB, a body they see as overbearing, unaccountable and prone to supporting developers. Yet, the City has thus far refused to demonstrate to the Province its capacity to arbitrate local planning disputes by using powers granted in COTA to create its own appeal body for minor issues. Calls to the federal government for a ban on hand guns and as part of the "one cent now" campaign demonstrate a similar desire to look for easy, politically saleable solutions.

Despite these immature outbursts, the interviews produced a resounding – if not quite unanimous – consensus that the City has indeed matured since amalgamation. Better intergovernmental relations, a more professional Staff and stronger Mayoral leadership were cited as examples. As was the City's stronger voice nationally and internationally, progress on environmental issues such as recycling and water infrastructure, and the willingness to reach difficult decisions in Council on matters such as the 2007 land transfer tax or the 2009 capital budget.

But there were many caveats. Most prominent was the need to address the fiscal capacity question to . . . and responsibilities. COTA, it was dryly remarked, provided the "toilet without the plunger." Another was to take better advantage of the

powers conferred by COTA, and to make more proactive use of the Planning Act. This could include creating an appeal Committee of Adjustment to begin to take responsibility for some decisions away from the OMB. A third was the need to pay greater attention to improving core service areas such as public transit. Finally, the City must do better in engaging and empowering citizens, particularly around community issues.

A minority did express uncertainty about the proposition that Toronto has matured. In one instance the past decade was described as a "Benjamin Button situation" – or, unclear whether the City was moving forward or backwards. Another argued that the City has been continually unwilling to take ownership of its fiscal problems, as reserves have irresponsibly been drained to cover operating expenses, unfunded employee liabilities have increased, and debt financing represents an ever-increasing annual expense. Though most expressed some reservations about past success and identified critical areas for future improvement, this cynicism was not widely shared.

Taking stock, the last decade has been a remarkable one for the City of Toronto, if for nothing else than the pace and scope of change over that time. But while this notion of maturity is admittedly subjective, there is much to suggest that Toronto has in fact been growing up. Granted more autonomy by the Province, the City has also more assertively pursued its interests and sought out further powers. The negotiation of COTA demonstrated a shifting mindset on both sides of the bargaining table. Eight years after having unilaterally imposed a massively unpopular amalgamation on Metro Toronto, the Province declared the new City to be a mature order of government in its own right, and provided it with the permissive powers to better manage its affairs. Challenges remain, notably the absence of adequate fiscal tools. But the new powers and recast relationships had been pushed for by a City that, despite its growing pains, clearly embraced the stronger voice it suddenly possessed.

Conclusions – The Maturing Metropolis Ten Years On and Into the Future

Amalgamation was not recommended in the form it took, it was spurned by residents, and it largely failed to meet its primary objective of increased efficiency. The Province created a City that has been described as both "too big and too small" – too big to be responsive to citizens and too small to adequately address economic and service delivery issues across the GTA. (Slack 2007, 38) To make matters worse, amalgamation was coupled with a downloading of costs and services from the Province without commensurate revenue generating capacity, further skewing the relationship between responsibilities and available resources. As a remedy for what ailed Toronto, Bish described amalgamation as a "nineteenth-century solution to 21st century problems." (2001, 26)

Nonetheless, a decade on, it is apparent that the ill-begotten reform has inadvertently produced an empowered and increasingly mature local government. Though the Province retains the upper hand, it has willingly entered into a new, more reciprocal relationship with the City of Toronto. The *City of Toronto Act's* permissive powers have endowed City Hall with greater scope for action. It has also produced a distinctive governance model that appears more transparent, accessible and consensus-driven than the other orders of government. Recent governance reforms to empower the Mayor have sought to balance these attributes with greater effectiveness and responsiveness on city-wide issues.

In some important respects, the City of Toronto has more maturing to do. It continues to lack the fiscal flexibility it needs and faces a significant infrastructure deficit. Provincial involvement in areas such as planning and property tax regulation limits municipal autonomy. The improved city-wide focus must be balanced with new means of involving citizens and communities. It has also proven difficult for the City to abandon the supplicant role it was well acquainted with. Lastly, it must reconcile that new governance reforms cannot be taken hastily. But the momentum produced over the past decade has firmly oriented Toronto towards more autonomy and ability to control its destiny, not less.

Taken in the aggregate, the interviews in many ways situated the City's growing maturity as part of a narrative. The changes over the decade were less the result of specific actions than the product of the path dependency amalgamation created. As an unprecedentedly large municipal government emerged, the Province had little idea of the political force it was creating. The scale of the municipality increased, as did the scope of local issues and the complexity of decision-making. Increasingly, the challenges faced by the new City evolved from the local to the city-wide, from service-delivery to policymaking. On the one hand, the growing complexity created a provincial desire to retreat from its oversight role by delegating authority and responsibilities. On the other, it challenged assumptions about how municipal government works, such as the authority of the Mayoralty and the balance between local and city-wide issues. All of this has required the City to reorganize itself to function in this new world, a process that -- let there be no doubt -- remains in its infancy.

A bigger question is, could this evolution that Toronto is undergoing usher in a new era for municipalities in the Canadian federation? Provinces across the country have been steadily if slowly empowering their municipalities in response to the growing complexity of urban governance. In this respect, Toronto is not unique. Yet, its standing as the largest and most influential city does provide Toronto with the unique opportunity to lead the discussion about creating a more relevant rationalization of municipal roles and powers. This is much needed in an urbanized country that strangely maintains a system that constitutionally marginalizes cities. As John Lorinc puts it, municipal governments need to operate in conditions that compel local elected representatives, officials and citizens to behave accountably and responsively: "As with teenagers, the only way to encourage responsible, mature behavior is to offer up a measure of trust." (Lorinc 2006, 208-9)

Bibliography

Abrahams, Philip (2006). "Comments and Implications for Toronto." Speech based upon final staff report of the Joint Task Force to Review the City of Toronto Act.

Big City Mayors' Caucus (June 2006). "Our Cities, Our Future: Addressing the fiscal imbalance in Canada's cities today."

Bish, Robert L. (March 2001). "Local Government Amalgamation: Discredited Nineteenth Century Ideals Alive in the 21st Century." *The Urban Papers. Commentary* 150. Toronto: CD Howe Institute.

Boudreau, Julie Anne, Pierre Hamel, Bernard Jouve and Roger Keil (2006). "Comparing Metropolitan Governance: The Cases of Montreal and Toronto." *Progress and Planning* 66, p. 7-59.

CBC News (14 November 2006). Online. <http://www.cbc.ca/canada/toronto/story/2006/11/14/turnout-toronto.html>.

City of Toronto (2008b). "Toronto Public Service People Plan 2008-2011." City Manager's Office.

City of Toronto (November 2008a). "City of Toronto Administrative Structure," online <http://www.toronto.ca/divisions/index.htm>

City of Toronto (November 2008). "Demographics." Online <http://www.toronto.ca/demographics/index.htm>.

City of Toronto (September 2008c). "Appointment of the City Manager." Mayor's Report to Executive Committee. Online <http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-14990.pdf>.

City of Toronto (17 July 2008d). "Council Minutes." Online <http://www.toronto.ca/legdocs/mmis/2008/cc/minutes/2008-07-15-cc23-mn.pdf>.

City of Toronto (29 June 2006). "Implementation of a New Council Governance Model for the Next Term of Council." Policy and Finance Committee Report 5 Clause 1. City Clerk.

City of Toronto (April 2003). "City of Toronto Council Governance Review – Discussion Paper." Strategic and Corporate Policy. Chief Administrator's Office.

City of Toronto (December 2000). "Building the New City of Toronto: January 1998-December 2000." Three year status report on amalgamation. Office of the Chief Administrative Officer.

City of Toronto (July 1999). "Building the New City of Toronto." CAO's Midterm Report to the Mayor and Members of Council. Office of the Chief Administrative Officer.

Feldman, Lionel D. and Katherine A. Graham (November 2005). "Background Paper – Discussion Paper on Selected Urban Governance Models and Practices." Governing Toronto Advisory Panel. City of Toronto.

Fox, Graham (November 2005). "Rethinking Electoral Parties." Public Policy Forum and Crossing Boundaries National Council, pp. 24.

Governing Toronto Advisory Panel (November 2005). "The City we Want – the Government we Need." The Report of the Governing Toronto Advisory Panel. City of Toronto.

Government of Ontario, Association of Municipalities of Ontario and City of Toronto (2008). "Provincial-Municipal Fiscal and Service Delivery Review – Facing the Future Together."

Inside Toronto Blog (3 August 2007). "Ashton's Off the Executive Committee." Online <http://www.blogs.insidetoronto.com/cityhall/general/ashtons-off-the-executive-committee/>.

Joint Ontario-City of Toronto Task Force to Review the City of Toronto Act and Other Legislation. (May 2005). "Staff Progress Report." Government of Ontario and City of Toronto.

Lightbody, James (2006). *City Politics, Canada*. Peterborough, Ontario: Broadview Press, pp. 576.

Lorinc, John (2006). *The New City: How the Crisis in Canada's Urban Centres is Reshaping the Nation*. Toronto: Penguin Canada, pp. 378.

Mayor's Fiscal Review Panel (21 February 2008). "Blueprint for Fiscal Stability and Economic Prosperity – a Call to Action." City of Toronto.

Miller, David (2006). "Toronto 2010: Mayor David Miller's Vision of a Great City." City of Toronto.

Municipality of Metropolitan Toronto (5 June 1997). "An Overview of Decision Making Structures in Major Cities across Canada." Corporate Policy and Planning Division. Metro Chief Administrator's Office.

National Post (1 December 2008a). "Critics Accuse Miller of Creating De Facto Party System." Allison Hanes. *Hall Monitor*.

National Post (6 December 2008b). "Mayor's foes take step to unite." Allison Hanes. *Hall Monitor*.

Ontario Municipal CAOs Benchmarking Initiative (November 2007). "2006 Performance Benchmarking Report." Online <http://www.ombi.ca/docs/newsinfo.asp?track=vi&itemtype=1&itemid=159>.

Organization for Economic Cooperation and Development (October 2000). "The Reform of Metropolitan Governance." Policy Brief.

Osborne, David and Ted Gaebler (1992). *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. Reading MA: Addison-Wesley Publishing Company, pp. 403.

Preville, Philip (January 2008). "Hall of Shame." *Toronto Life*.

Robinson, Pamela (November 2005). "Civic Engagement and the City of Toronto: Review and Reflection on Current Practices and Future Approaches." Background Paper. Governing Toronto Advisory Panel. City of Toronto.

Sancton, Andrew (2006). "The Governance of Metropolitan Areas in Canada." *Public Administration and Development* 25, pp. 317-27.

Sancton, Andrew (2000). *Merger Mania: the assault on local government*. Westmount, Quebec: Price Patterson Ltd., pp. 183.

Savoie, Donald (2003). *Breaking the Bargain: Public Servants, Ministers and Parliament*. Toronto: University of Toronto Press, pp. 337.

Schwartz, Harvey (September 2003). "The Relevance of Toronto's New Governance Structure for the 21st Century." Presented at International Conference on Structural Reform and the Transformation of Organizations and Business, Cambridge, UK.

Slack, Enid (2005). "Easing the Fiscal Restraints: New Revenue Tools in the City of Toronto Act."

Slack, Enid (August 2007). "Managing the Coordination of Service Delivery in Metropolitan Cities: The Role of Metropolitan Governance." Urban Development Unit. The World Bank.

Slack, Enid (Spring 2000). "A Preliminary Assessment of the New City of Toronto." *Canadian Journal of Regional Science* XXIII: 1, 13-29.

Stewart, Kennedy (2006). "Why Insulate New Institutions?" in Eran Razin and Patrick J. Smith eds. *Metropolitan Governing: Canadian Cases, Comparative Lessons*. Jerusalem: Hebrew University Press, pp. 316.

Stintz, Karen (16 October 2008). Letter to Mayor David Miller about Increased Powers of the Office of the Mayor.

Tindal, Richard C. and Susan Nobes Tindal (2004). *Local Government in Canada*. Sixth Edition. Scarborough, Ontario: Nelson, pp. 416.

Toronto Mayor's Economic Competitiveness Advisory Committee (January 2008). "Agenda for Prosperity." City of Toronto.

Toronto Star (2 December 2008c). "Partisanship gums up key debate." Royson James. Online <http://www.thestar.com/article/546864>.

Toronto Star (8 October 2008d). "It's street revenge on developer." Paul Maloney. Online <http://www.thestar.com/News/GTA/article/513835>.

Toronto Star (25 September 2008b). "Pennachetti new city manager." Donovan Vincent. Online <http://www.thestar.com/News/GTA/article/505594>.

Toronto Star (11 June 2008a). "Council picture less than perfect." Online <http://www.thestar.com/News/GTA/article/440895>.

Toronto Star (17 July 2007). "Miller suffers tax plan defeat." Online <http://www.thestar.com/News/article/236628>.

Keil, Roger (December 2000). "Governance Restructuring in Los Angeles and Toronto: Amalgamation or Secession?" *International Journal of Urban and Regional Research* V. 24.4, pp. 758-81.

Who Does What Panel (December 1996). "Report on the Who Does What Panel." Government of Ontario.

Wichern, Phillip H. (2004). "Metropolitan Governance in Canada: the 1990's," in *Metropolitan Governance without Metropolitan Government?* Ed. D. Phares. Aldershot, England: Ashgate, pp. 34-54.

Wordpress.com (10 October 2006). "Winnipeg's Civic Electoral Parties, or Dissenting Voices Welcome?" Blog. Online <http://undeterminedurbanity.wordpress.com/2006/10/10/winnipeg-civic-electoral-parties/>.

Annex 1 – Interviews (conducted between January 14 and February 9, 2009)

Phillip Abrahams,
Manager, Intergovernmental Relations,
City Manager's Office, City of Toronto

Councillor Brian Ashton,
Ward 36 Scarborough Southwest

John Barber,
Globe and Mail Newspaper

Paul Bedford,
Board of Directors, Metrolinx,
Former Chief City Planner, City of Toronto

Alan Broadbent,
Chairman and CEO, Avana Capital Corporation

Councillor Shelley Carroll,
Ward 33 Don Valley East

Stuart Green,
Deputy Director of Communications,
Office of the Mayor, City of Toronto

John Lorinc
Writer and Journalist

Lynda Taschereau,
Manager, Corporate and Strategic Policy,
City Manager's Office, City of Toronto

Councillor Karen Stintz,
Ward 16 Eglinton Lawrence

Councillor Adam Vaughan,
Ward 20 Trinity-Spadina

Interview Questions

1. **The Mayor and Council** - Have the post-COTA governance reforms been an improvement?
 - a. Is the new model a Hybrid between strong-Council municipal/strong-Exec fed-prov models?
 - b. On balance, has the new distribution of powers allowed City Hall to govern more effectively?
 - c. Are the proposed reforms to further empower the Mayor needed, or do they go too far?
 - d. Political parties – are they coming? Would they be a good development?

2. **City Staff** – How would you evaluate Staff performance over the decade, and the present state of the Administration?
 - a. re: implementing amalgamation/post-COTA reforms; relationships with Council and the Mayor; responsiveness and effectiveness in supporting Council decision-making; public services and civic engagement; etc.

3. **The Public** – Is the City of Toronto more or less accessible, accountable and participatory today?
 - a. Do you agree that the governance model is now more clear, accessible and consensus-driven?

b. Are there adequate means of citizen participation?

4. **Maturity** – is the City of Toronto a more mature order of government than a decade ago? Why?

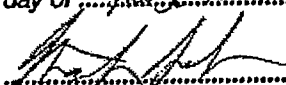
a. Where has progress been made?

b. What maturing still needs to occur?

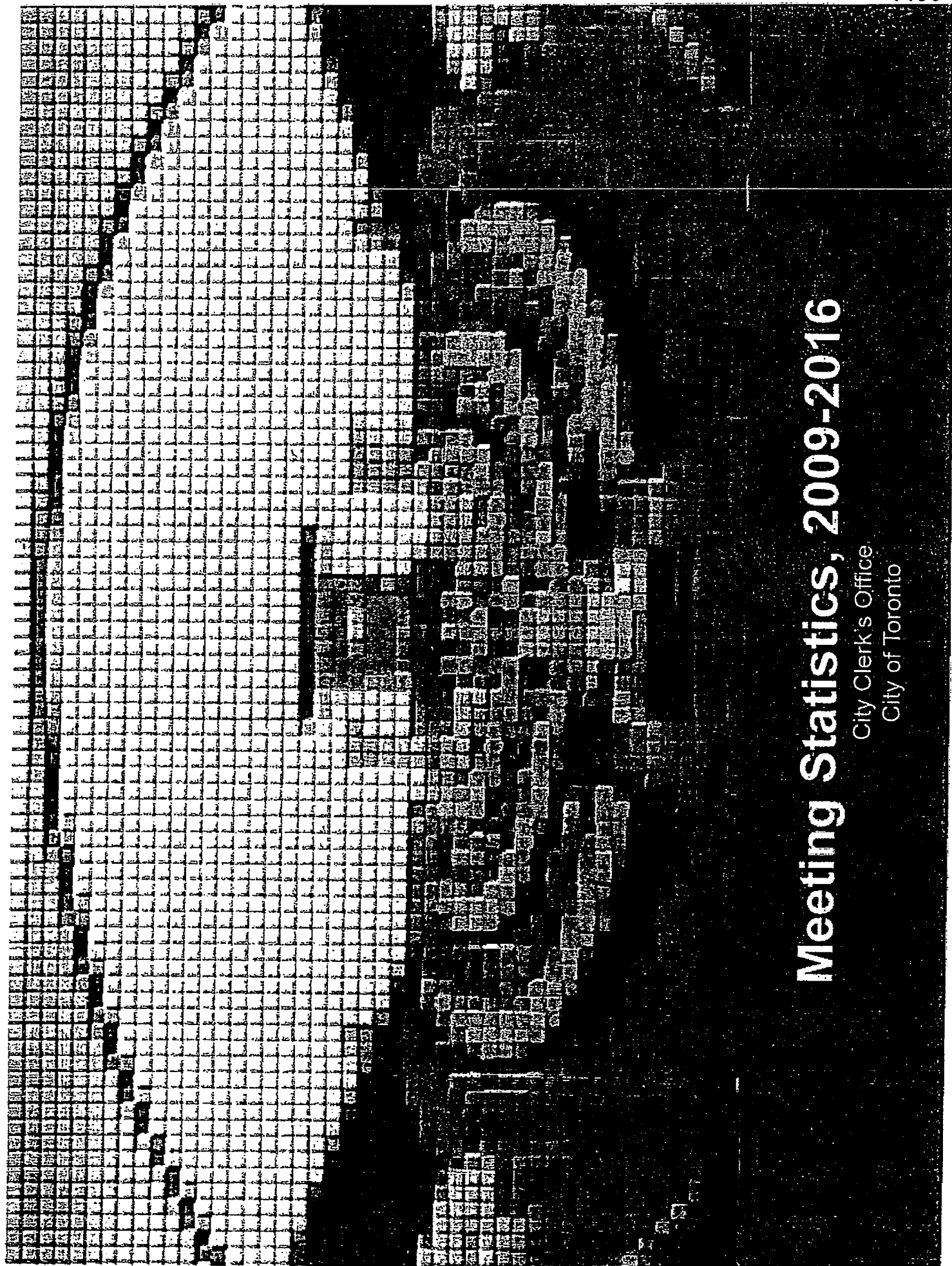
TAB F

1084

EXHIBIT "F"

This is Exhibit ^{"F"}..... referred to in the
 affidavit of Gary Davidson.....
 sworn before me, this 27th.....
 day of AUGUST....., 2018.


 A COMMISSIONER, ETC.



Meeting Statistics, 2009-2016

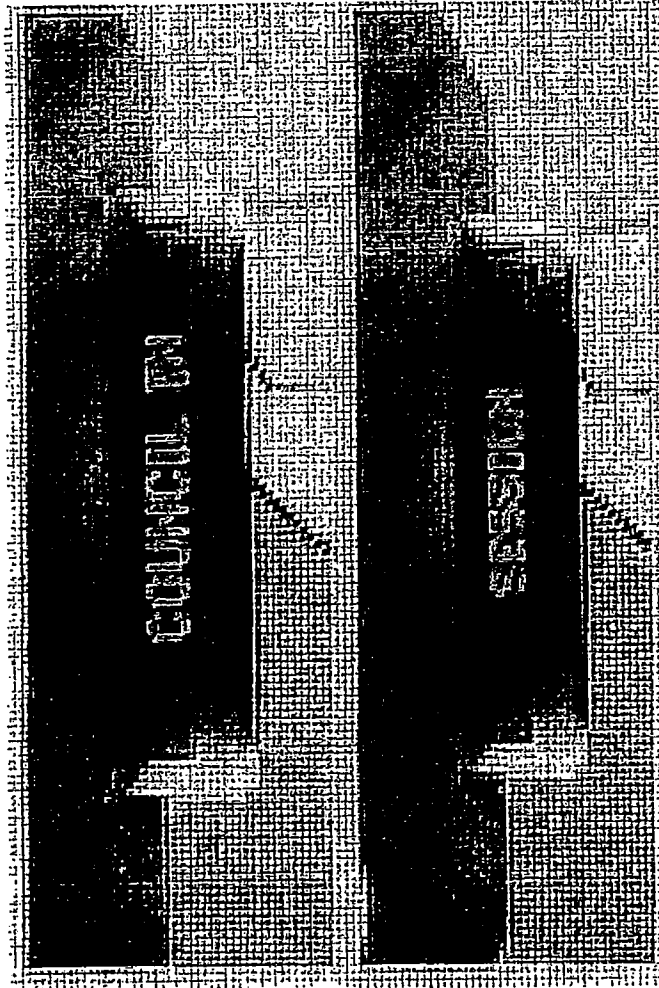
City Clerk's Office
City of Toronto

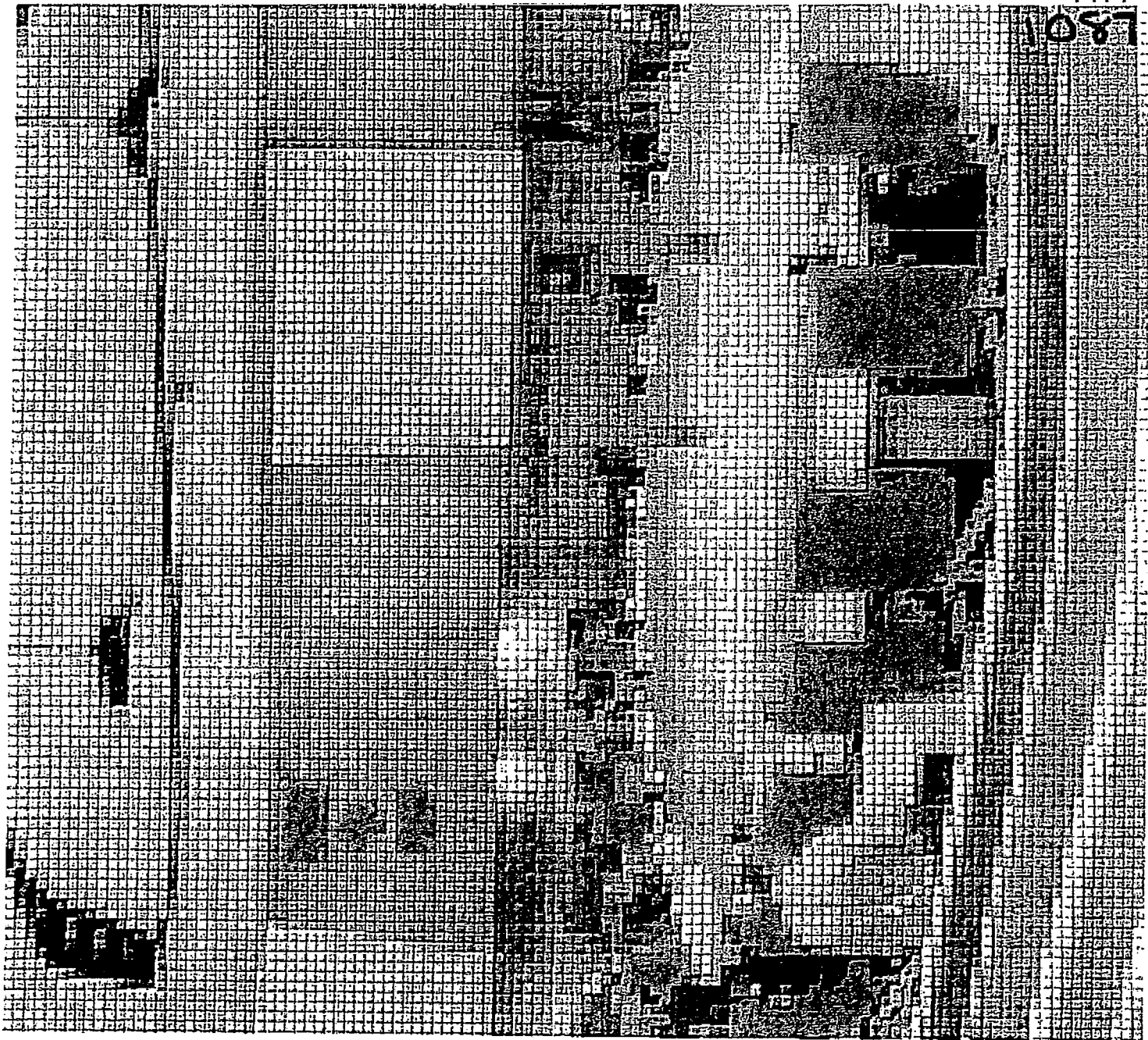
2009-2016 Meeting Statistics

This document provides a statistical overview of the meetings of the work of the Toronto City Clerk's Office Secretariat.

It covers the meetings and agendas of City Council, its committees and selected boards and tribunals.

It does not include meetings of boards and committees supported by others, including the Police Services Board, TTC or Library Board.

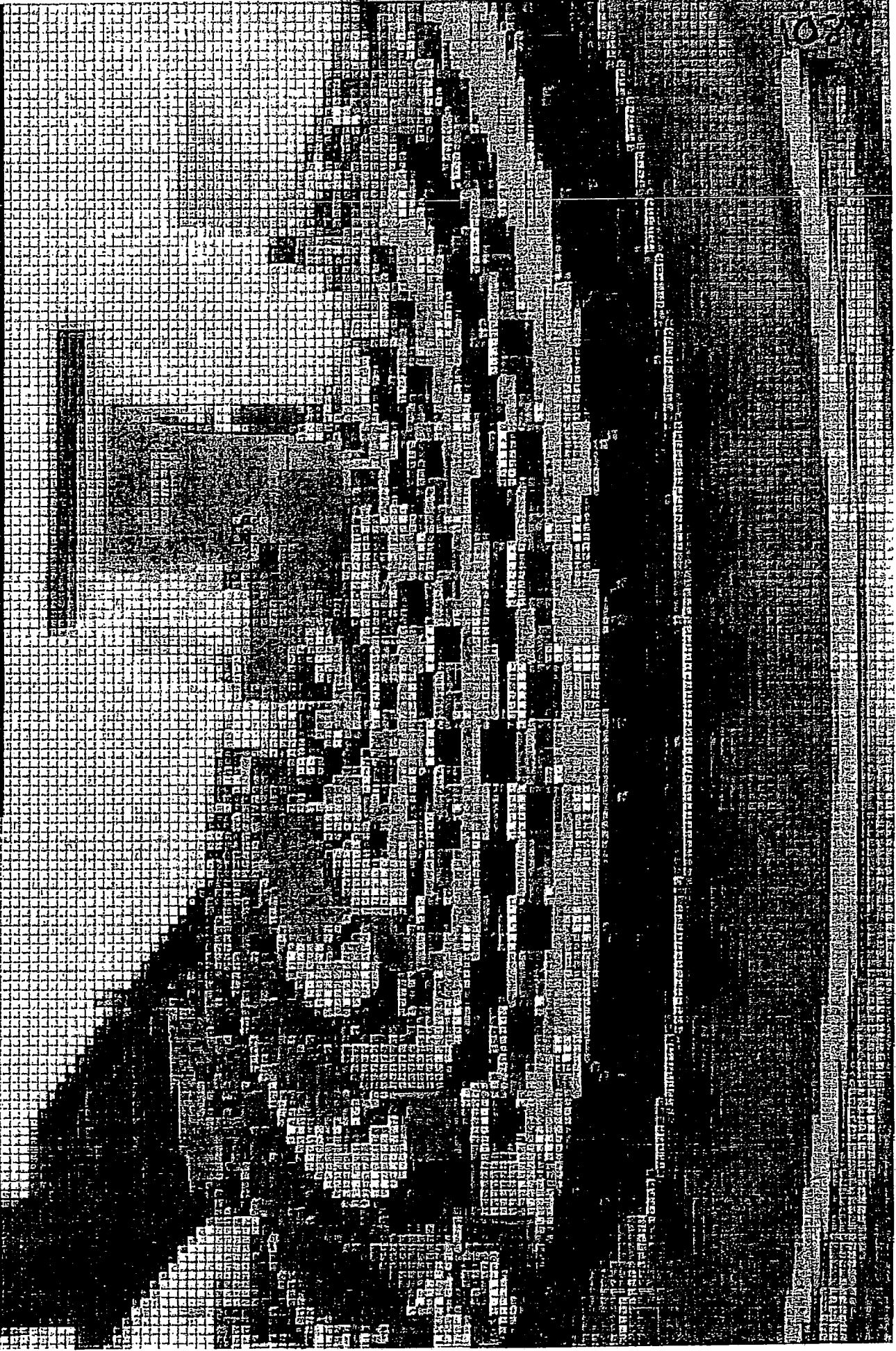




Note to Reader

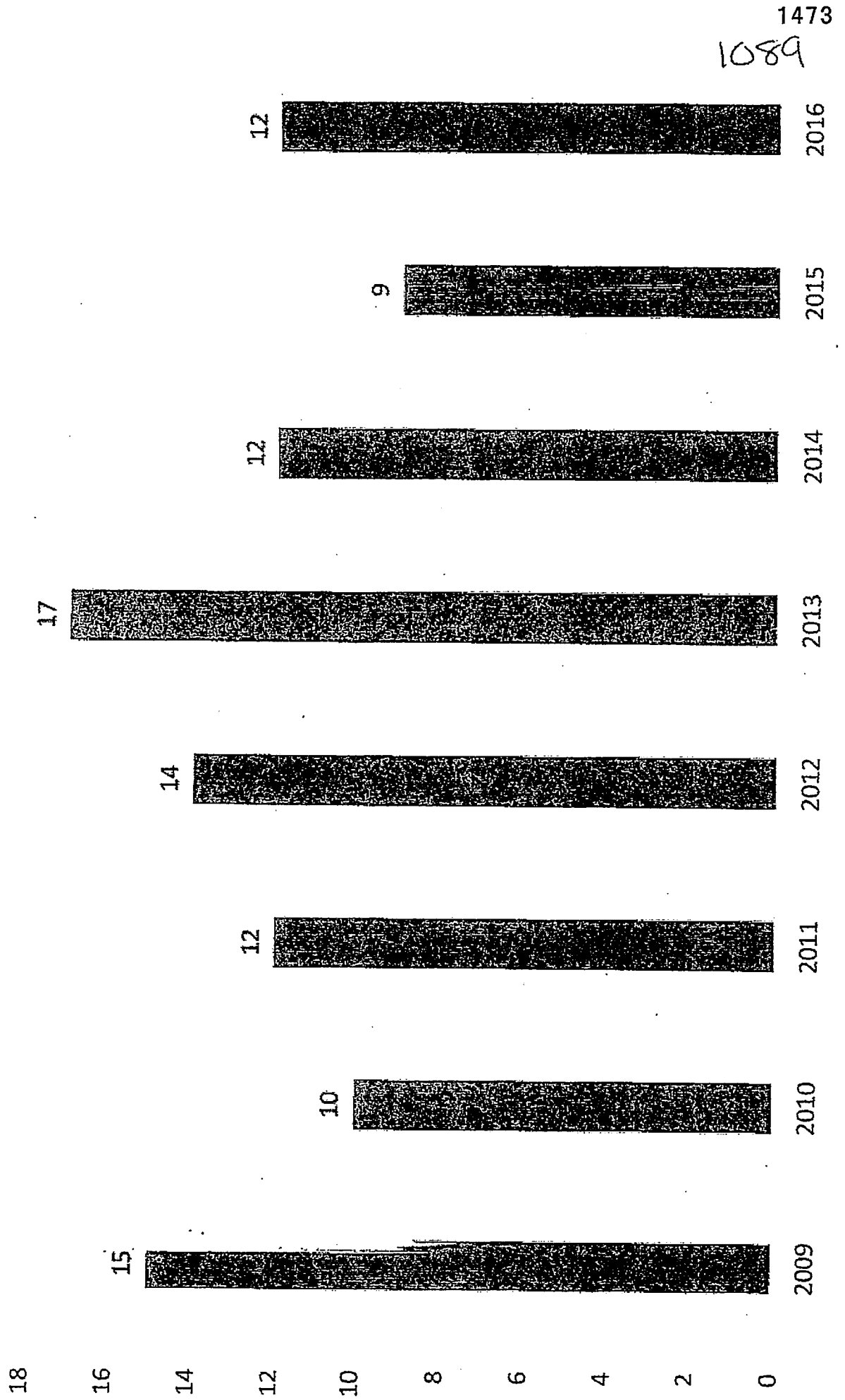
1. 2010 and 2014
 were municipal
 election years and
 there were fewer
 cycles of Council
 or committees
 since there were no
 meetings during the
 campaign period.

City Council



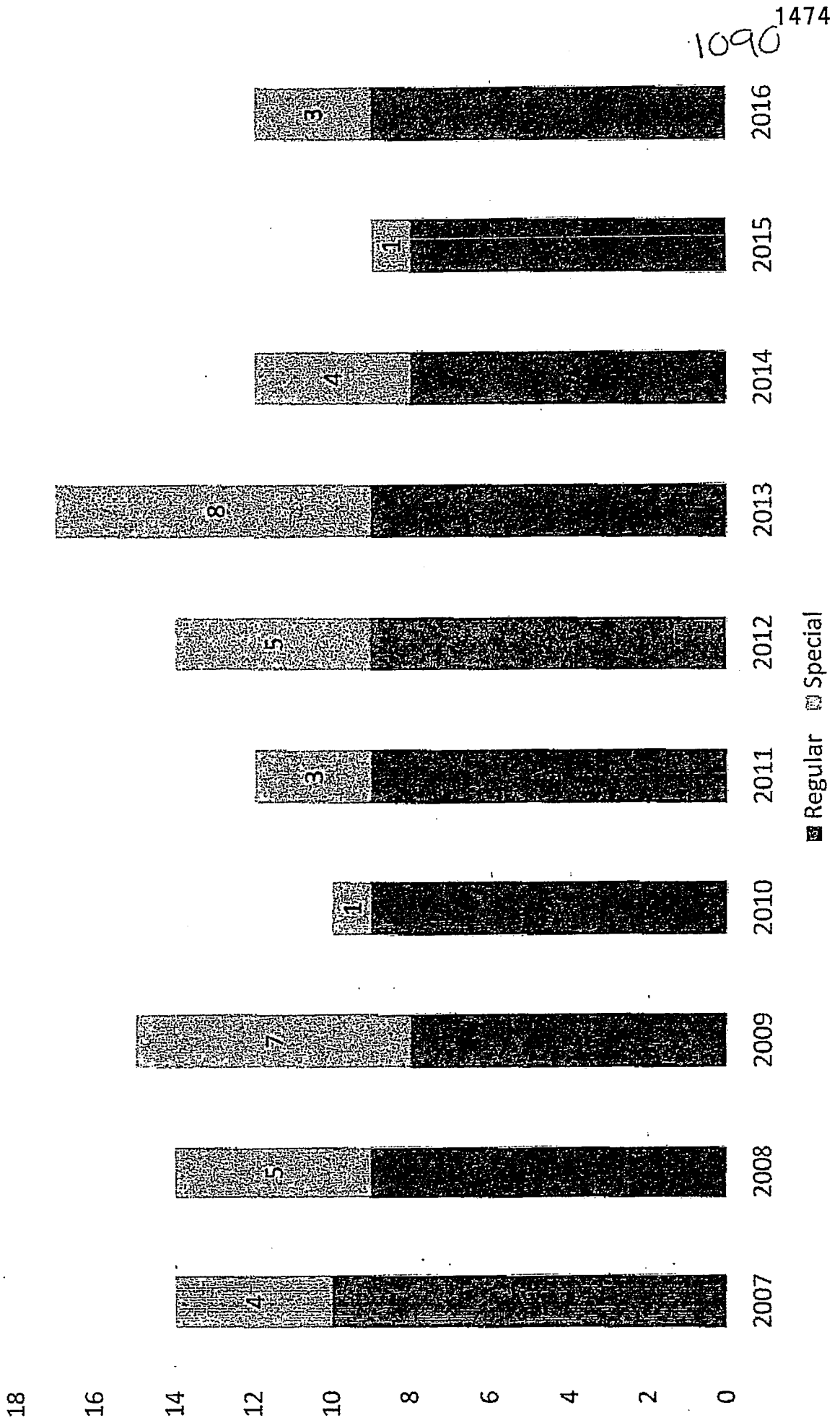
City Council

Nun ber of meetings, 2009-16



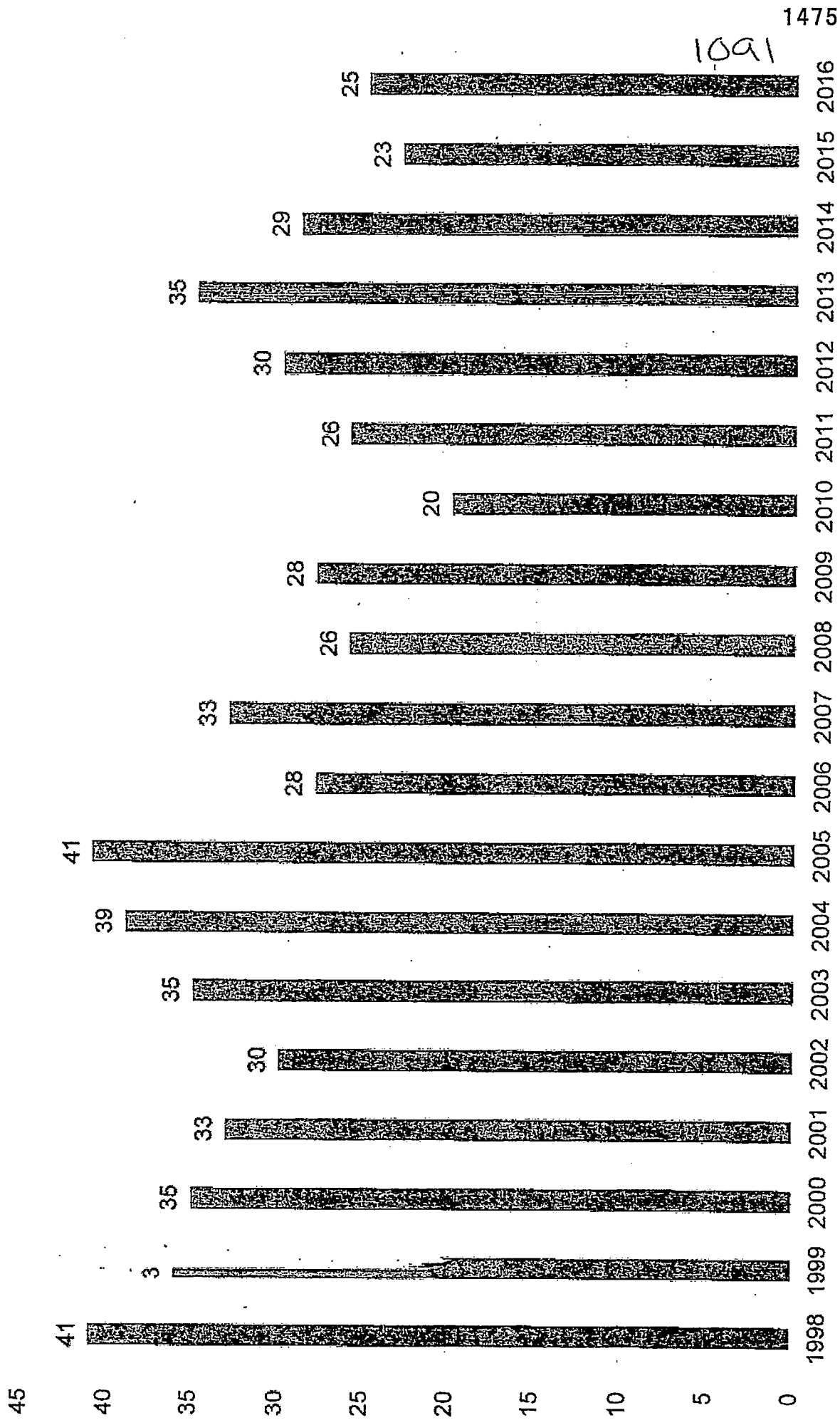
City Council

Number of meetings, by type, 2007-16



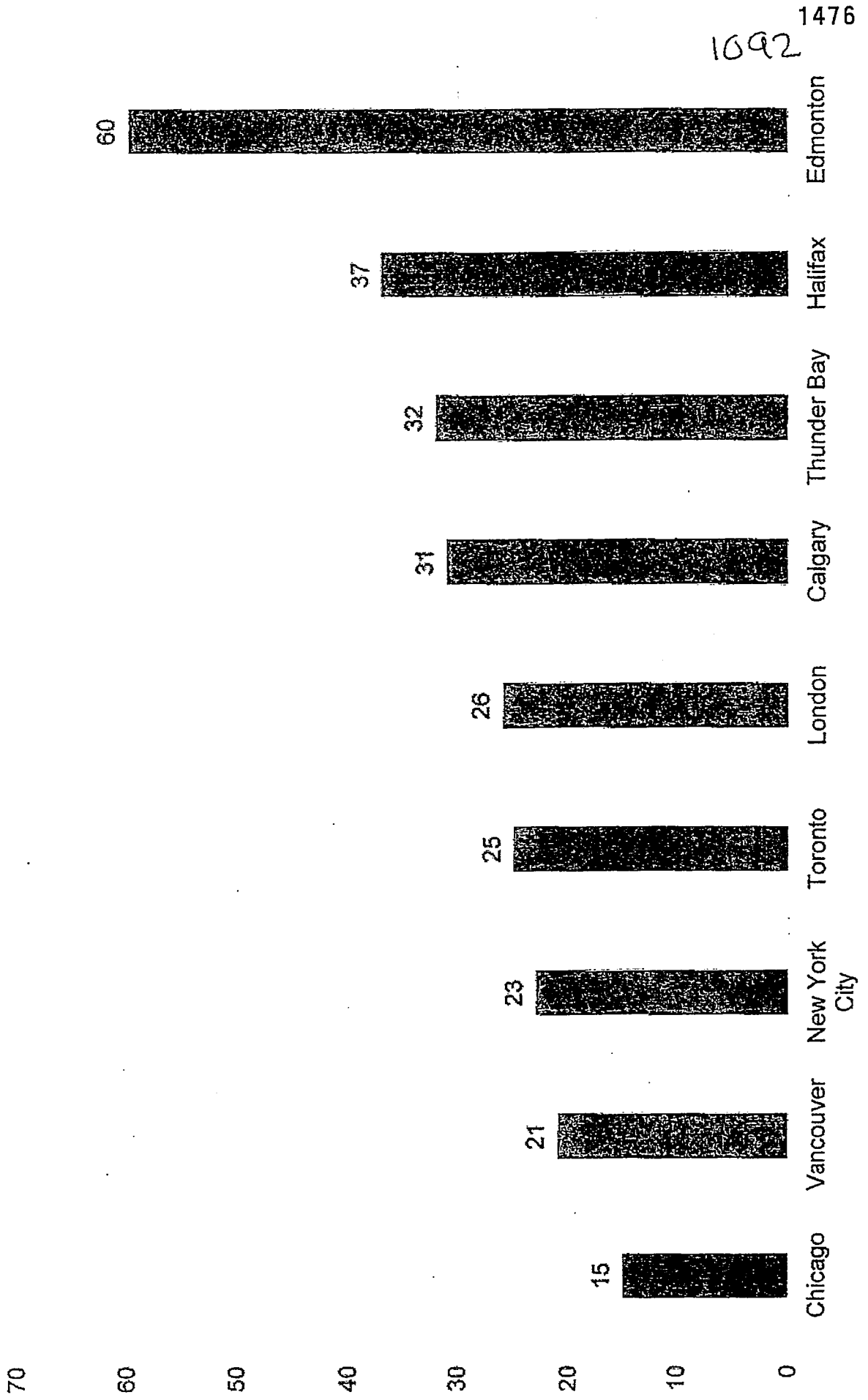
City Council

Number of days on which City Council met, 1998-16



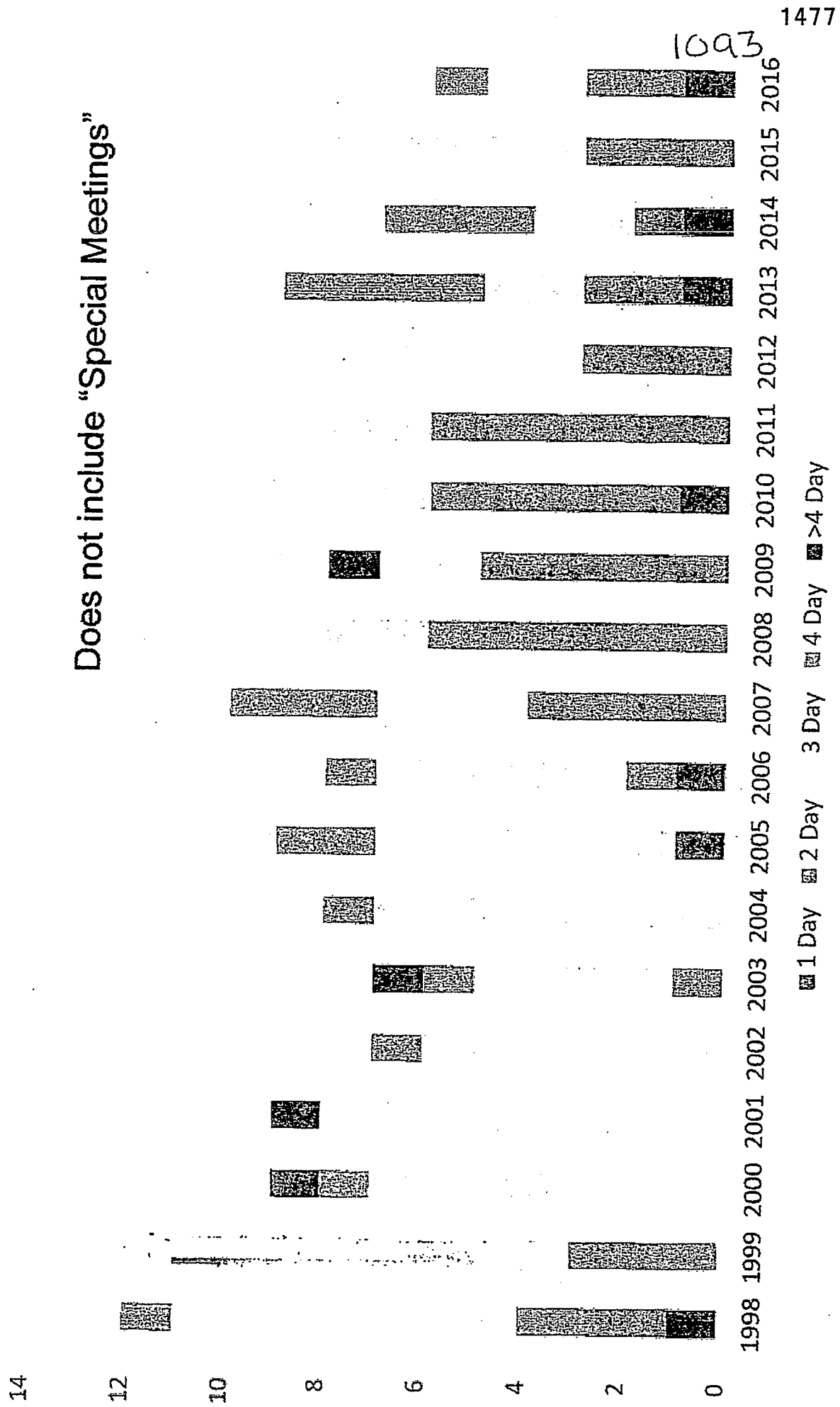
City Council

Number of days on which City Council met, 2016



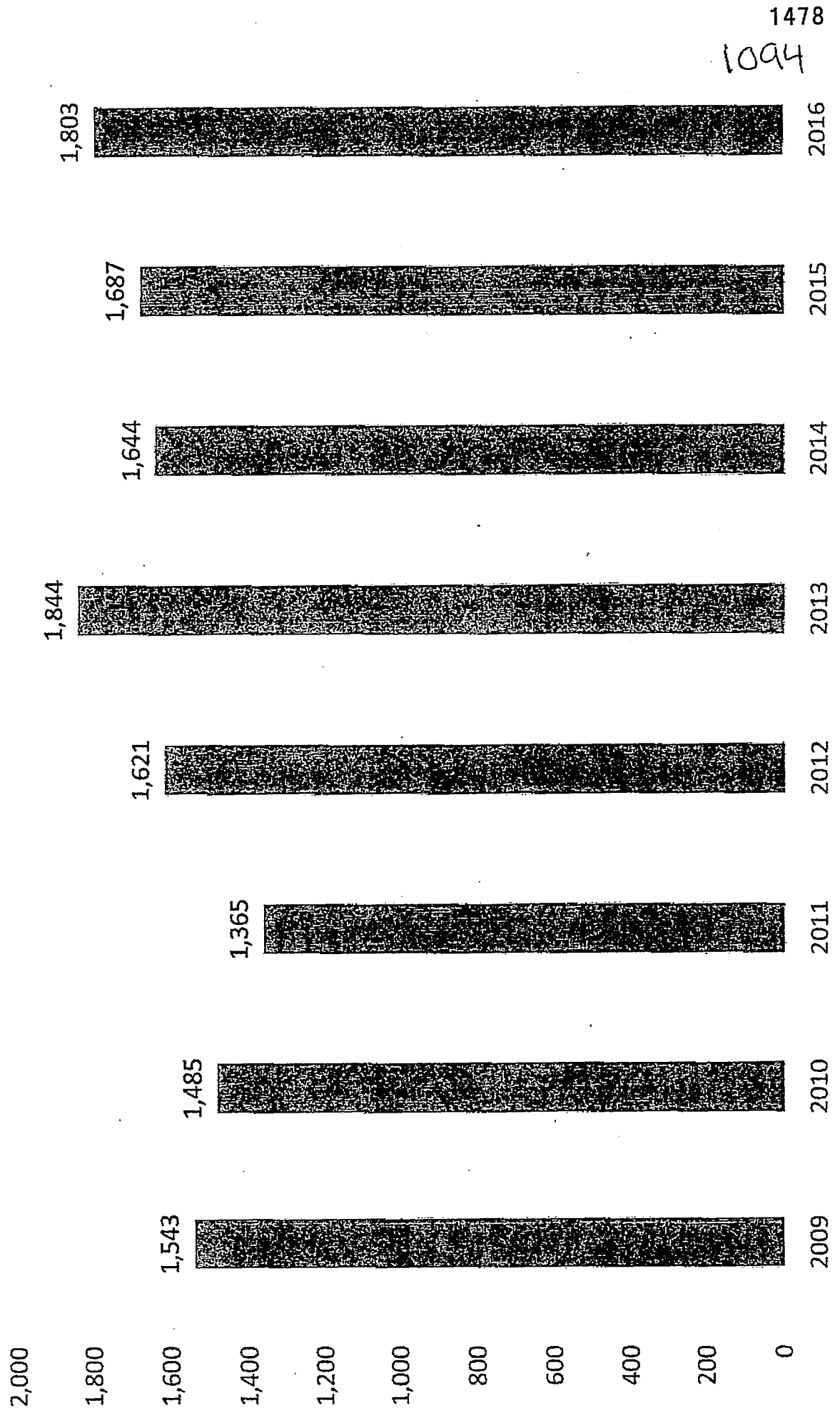
City Council

Duration of regular meetings, days, 1998-2016



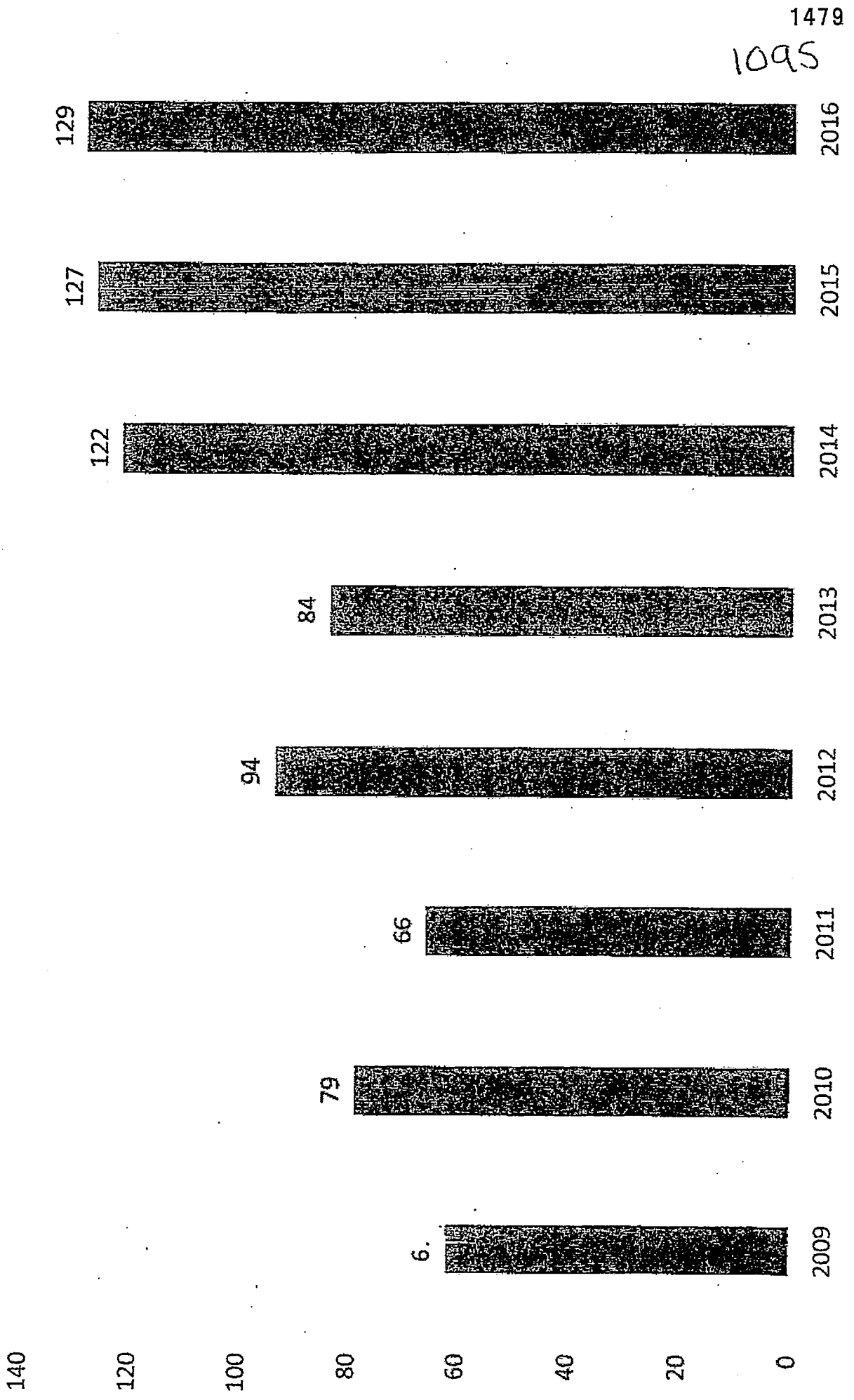
City Council

Number of agenda items, 2009-16



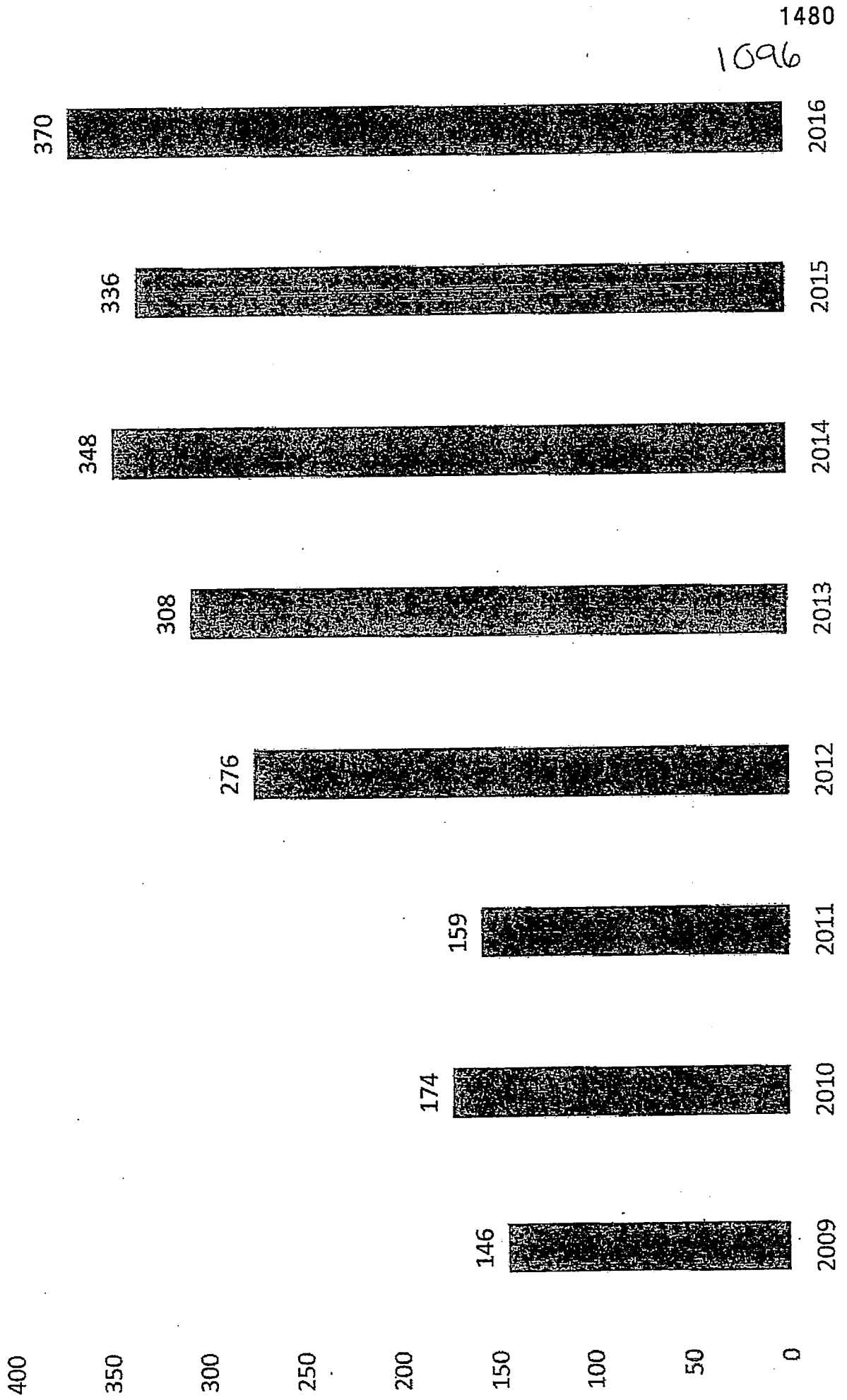
City Council

Number of new business items, 2009-16



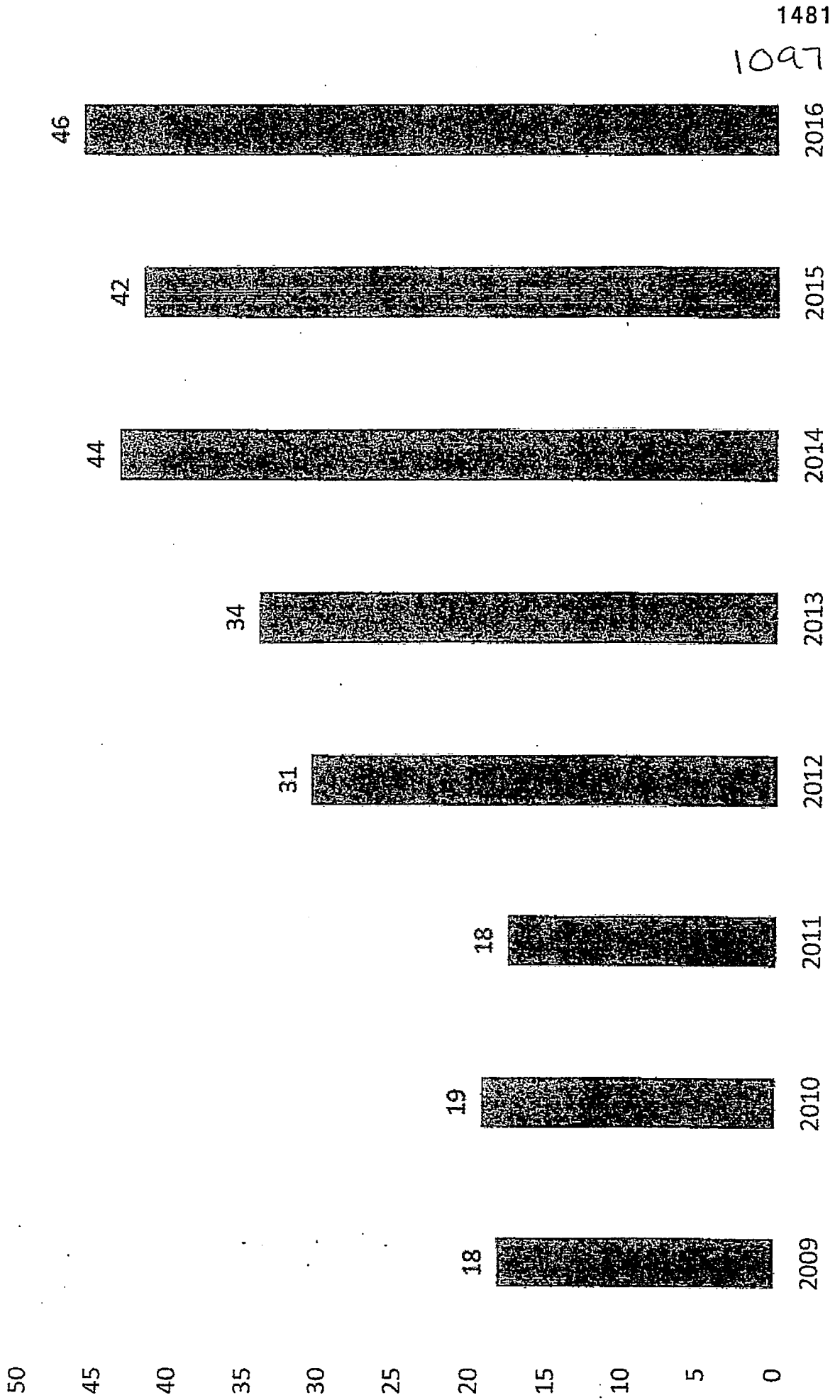
City Council

Number of member motions, 2009-16

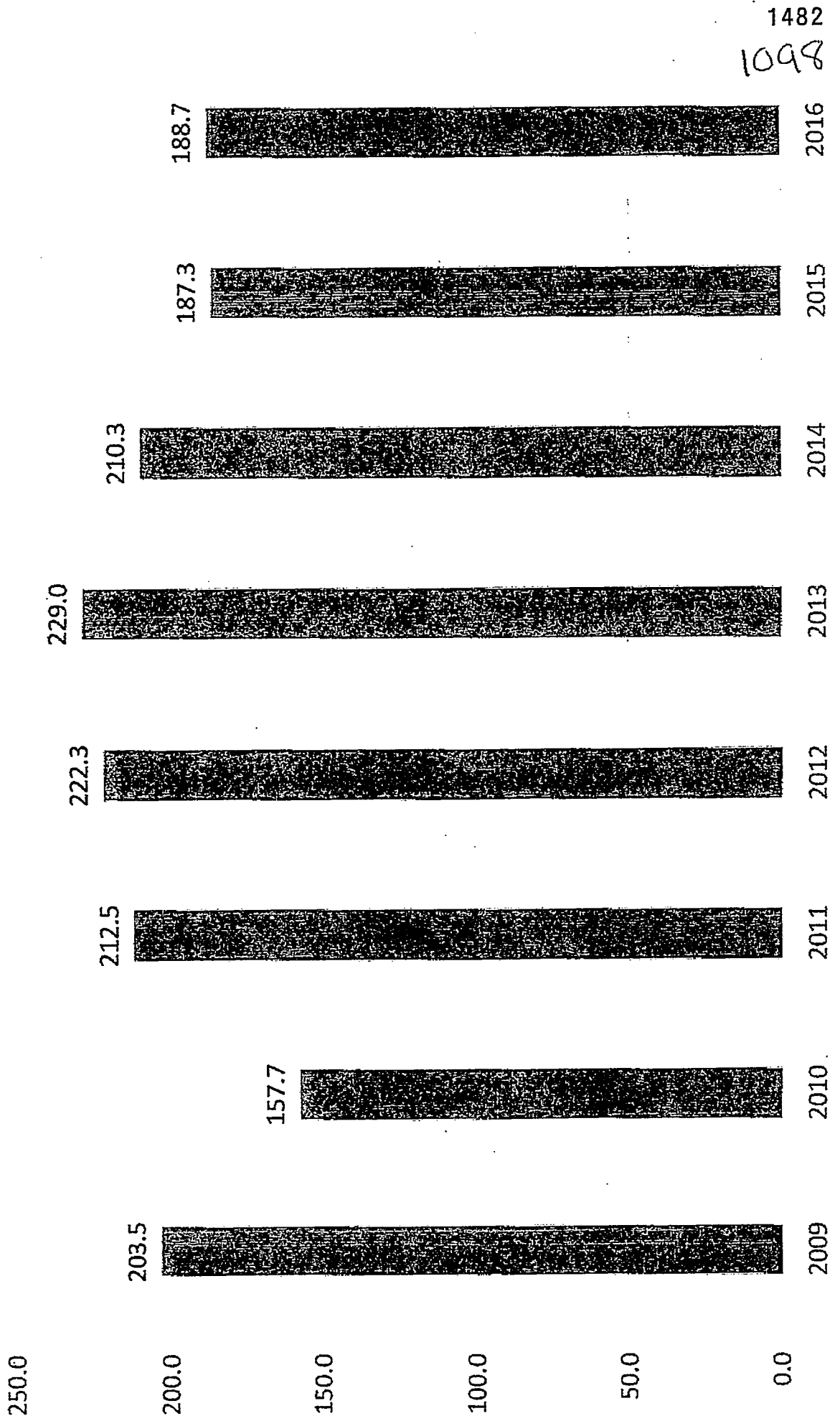


City Council

Ave age number of member motions, 2009-16

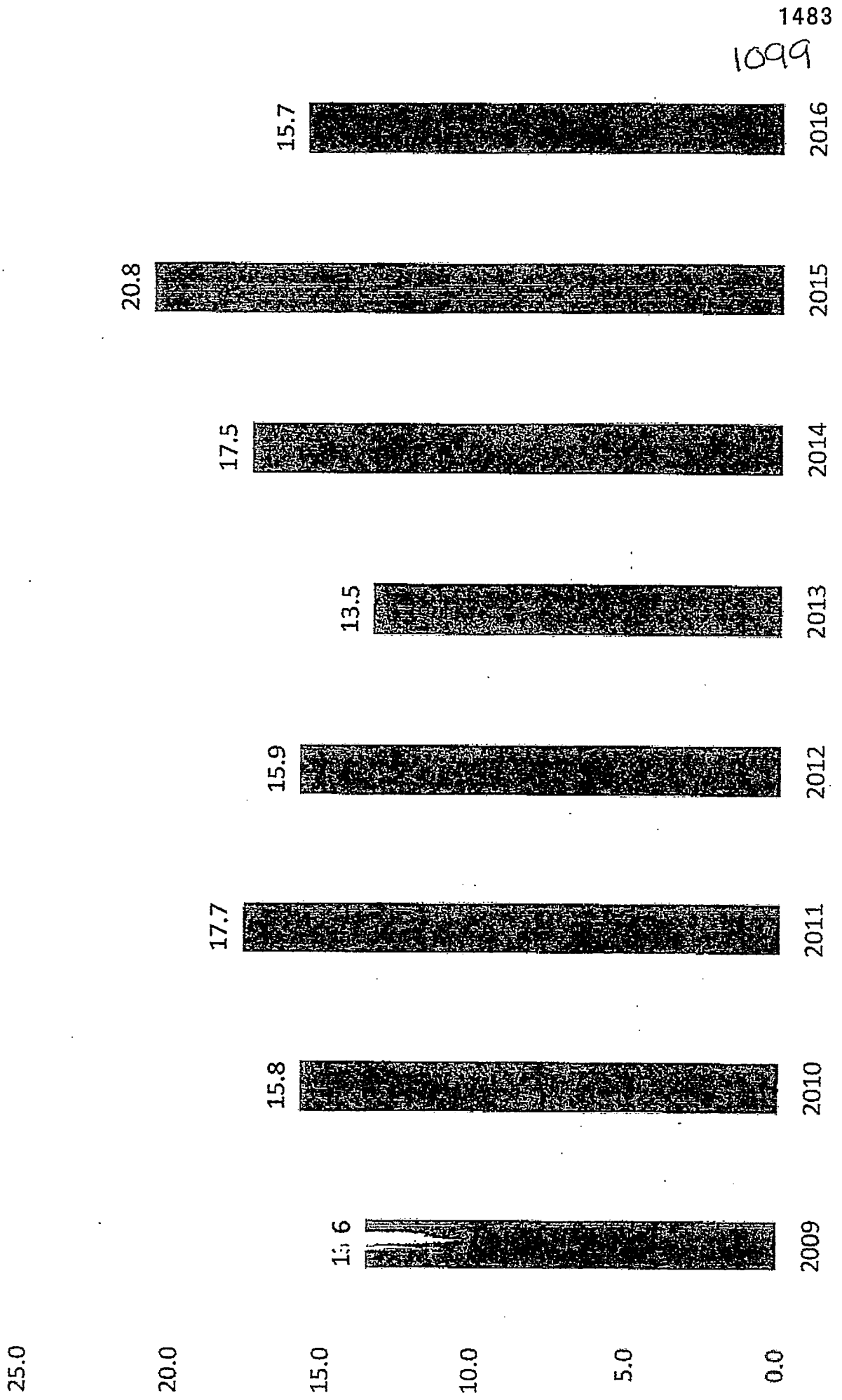


City Council Meeting hours, 2009-16



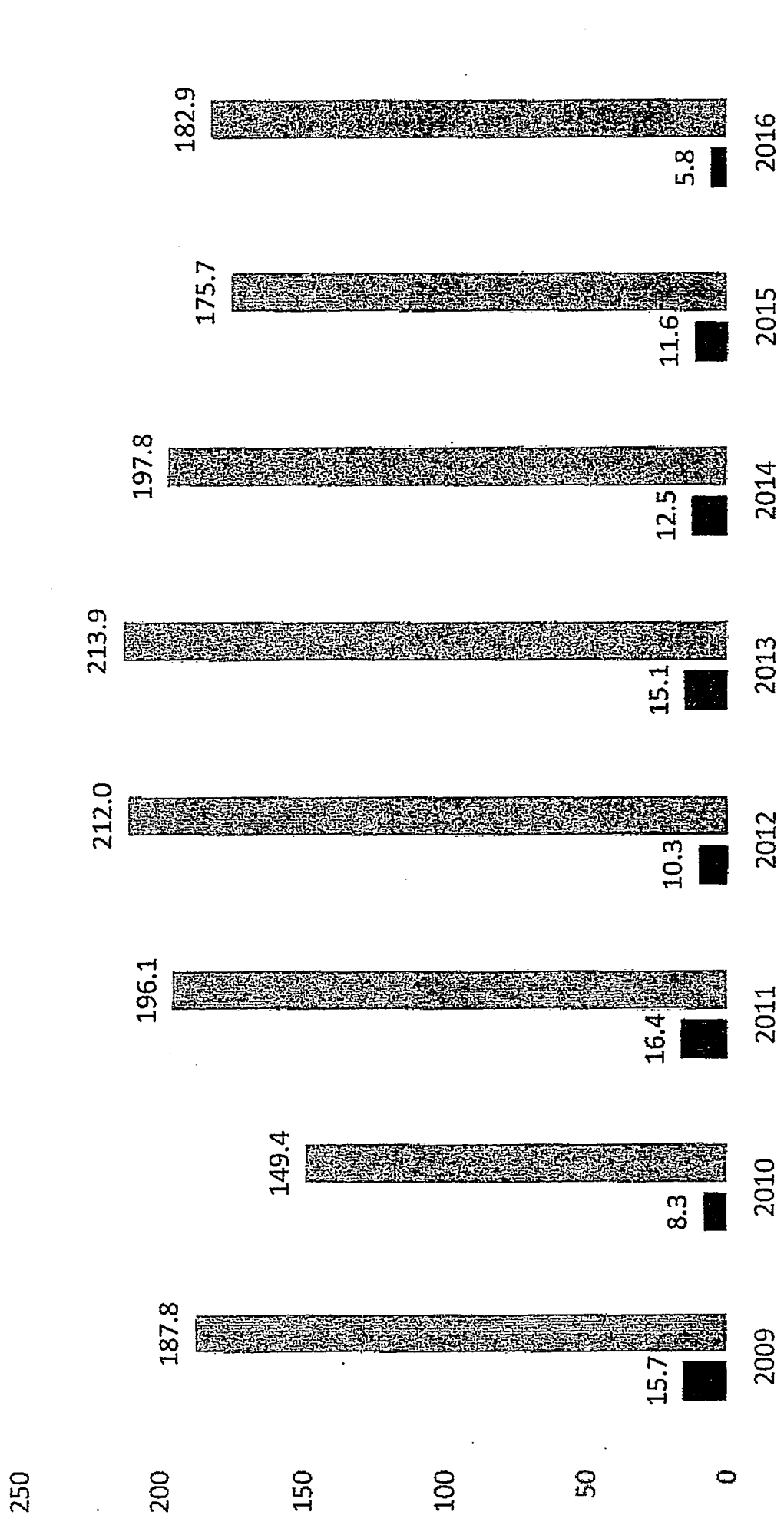
City Council

Ave age meeting duration, hours, 2009-16



City Council

Open vs. closed meeting hours, 2009-16



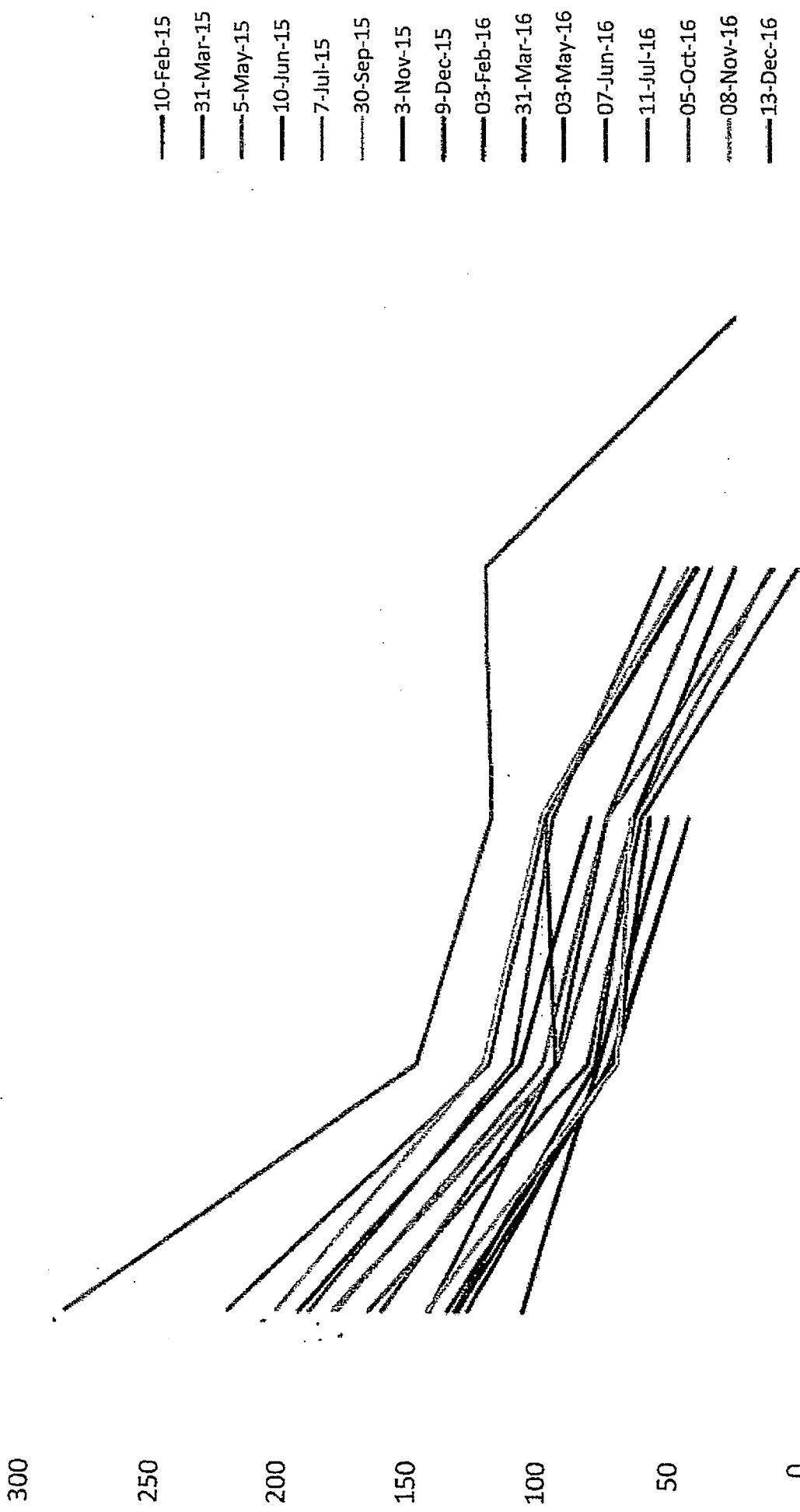
1100
1484

■ Sum of Total Session Hours (closed)

■ Sum of Total Session Hours (public)

City Council

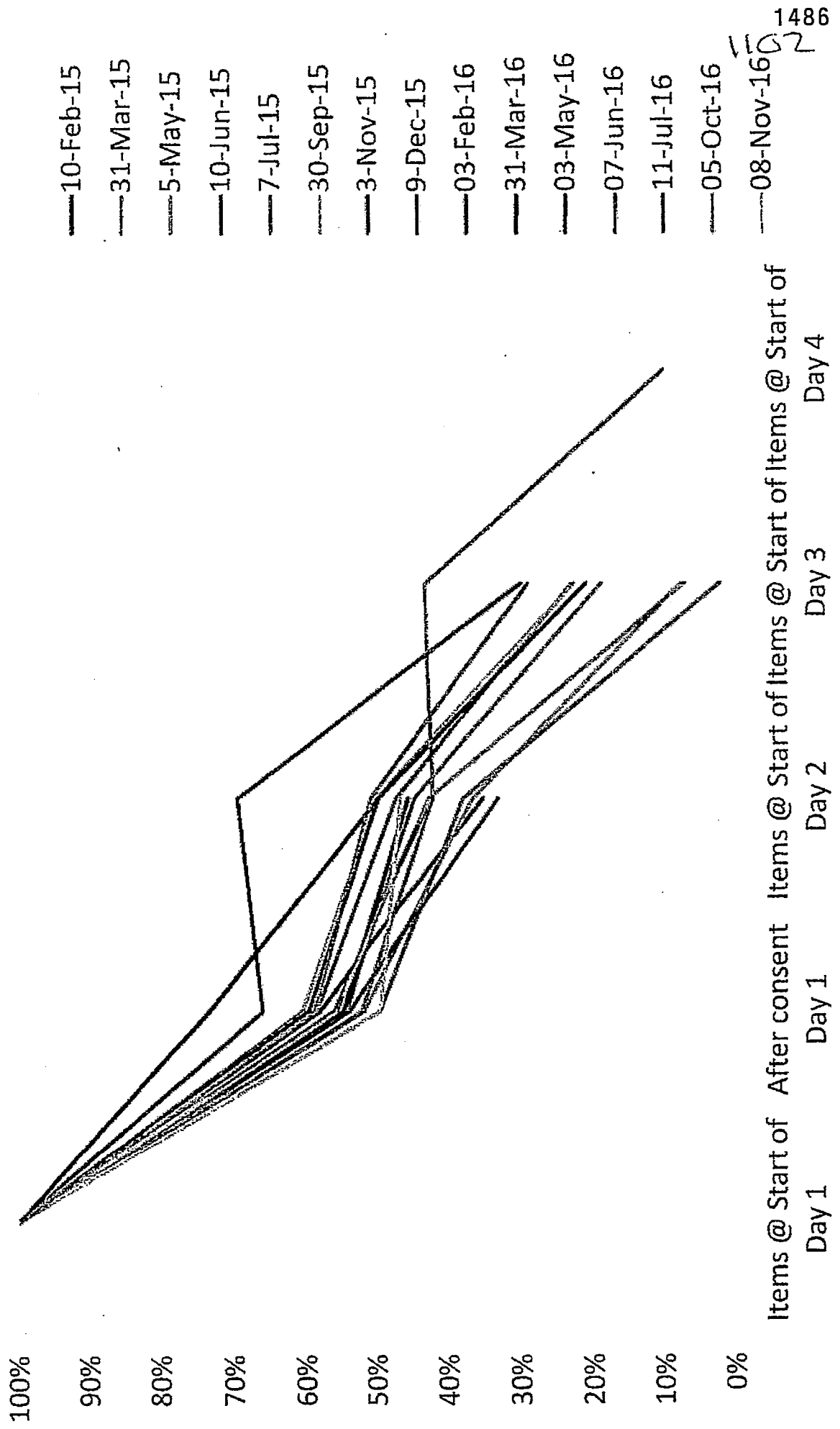
Items remaining after key meeting milestones, 2015-16



Items @ Start of After consent Day Items @ Start of Items @ Start of Items @ Start of
Day 1 1 Day 2 Day 3 Day 4

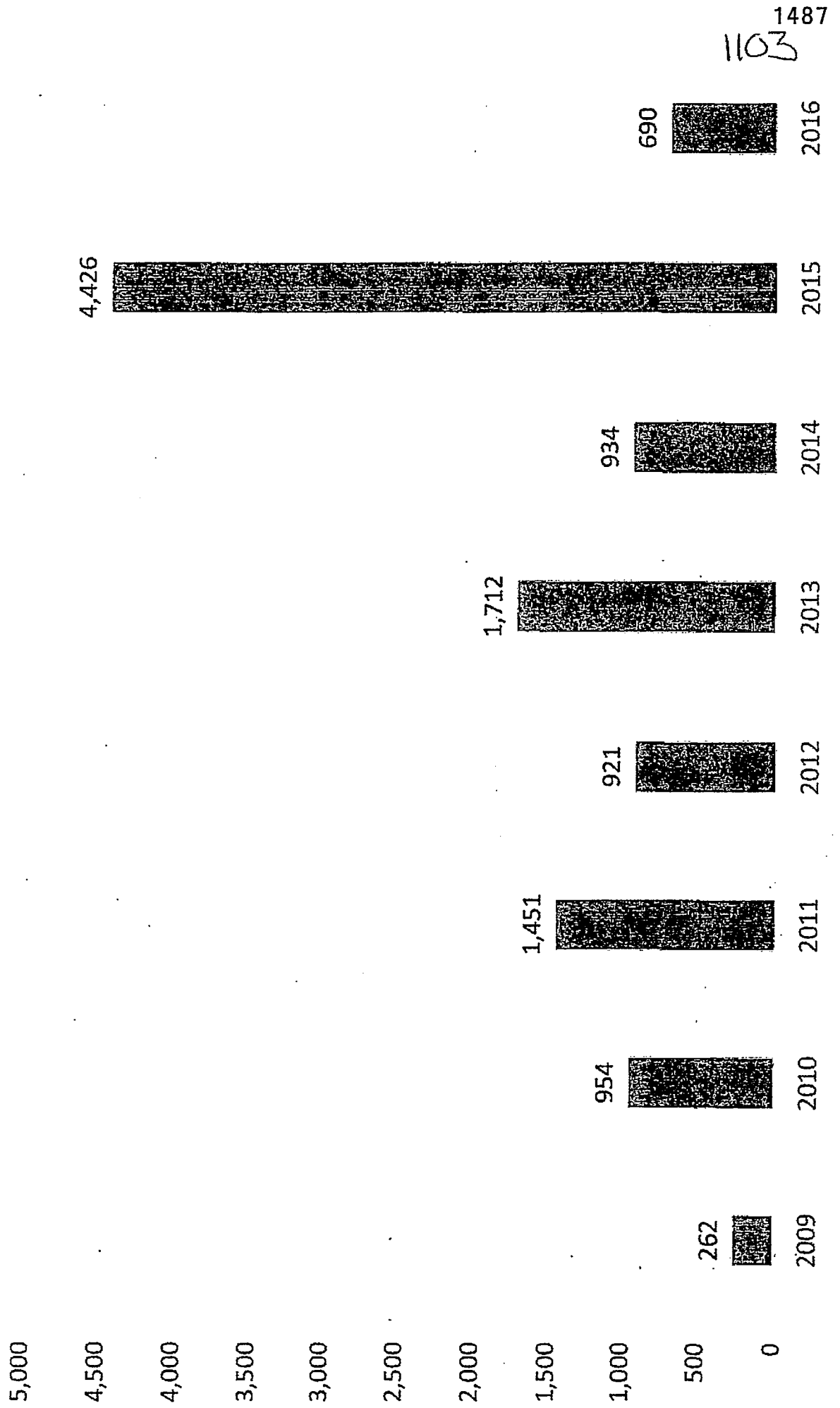
City Council

% items remaining after key meeting milestones, 2015-16



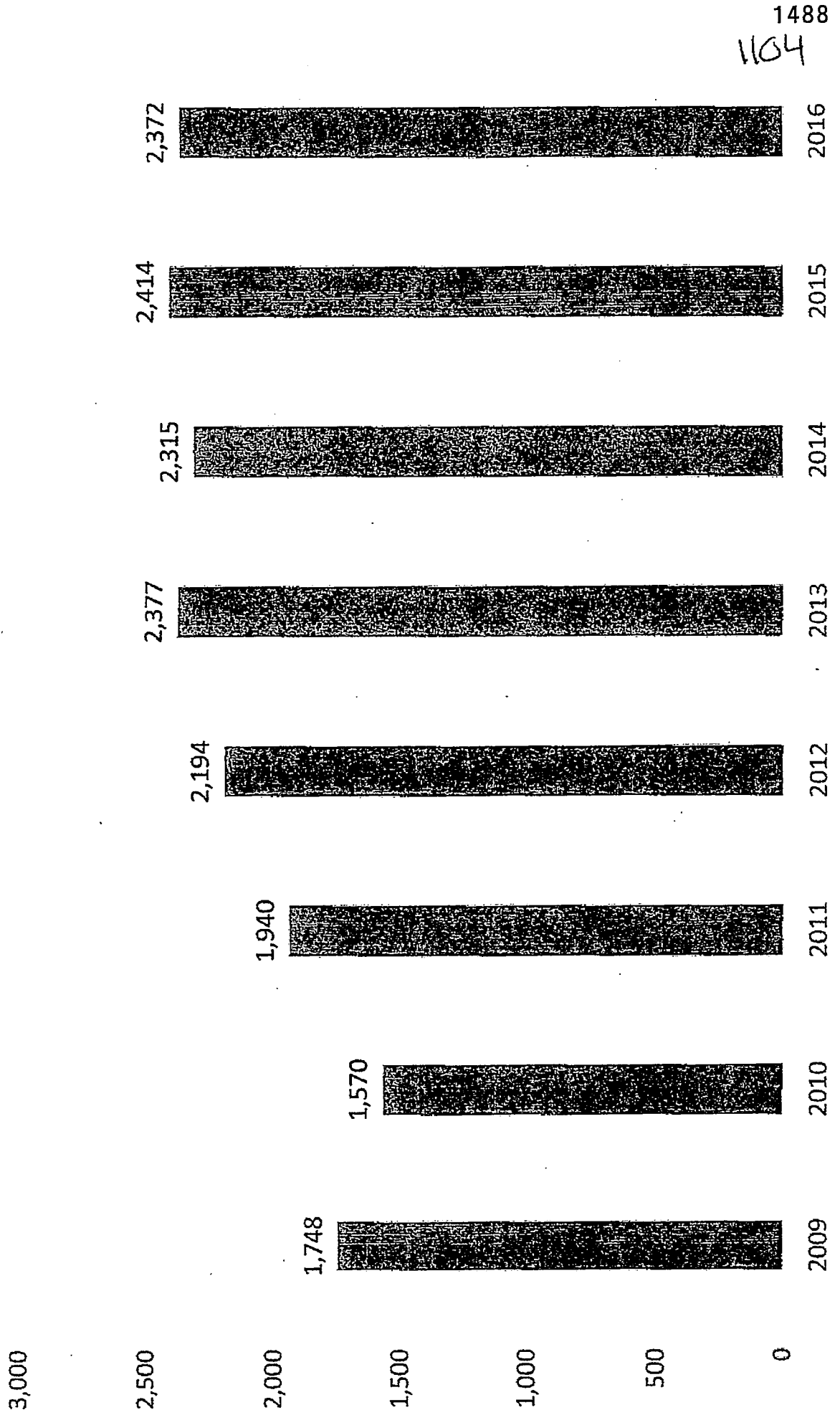
City Council

Number of communications, 2009-16



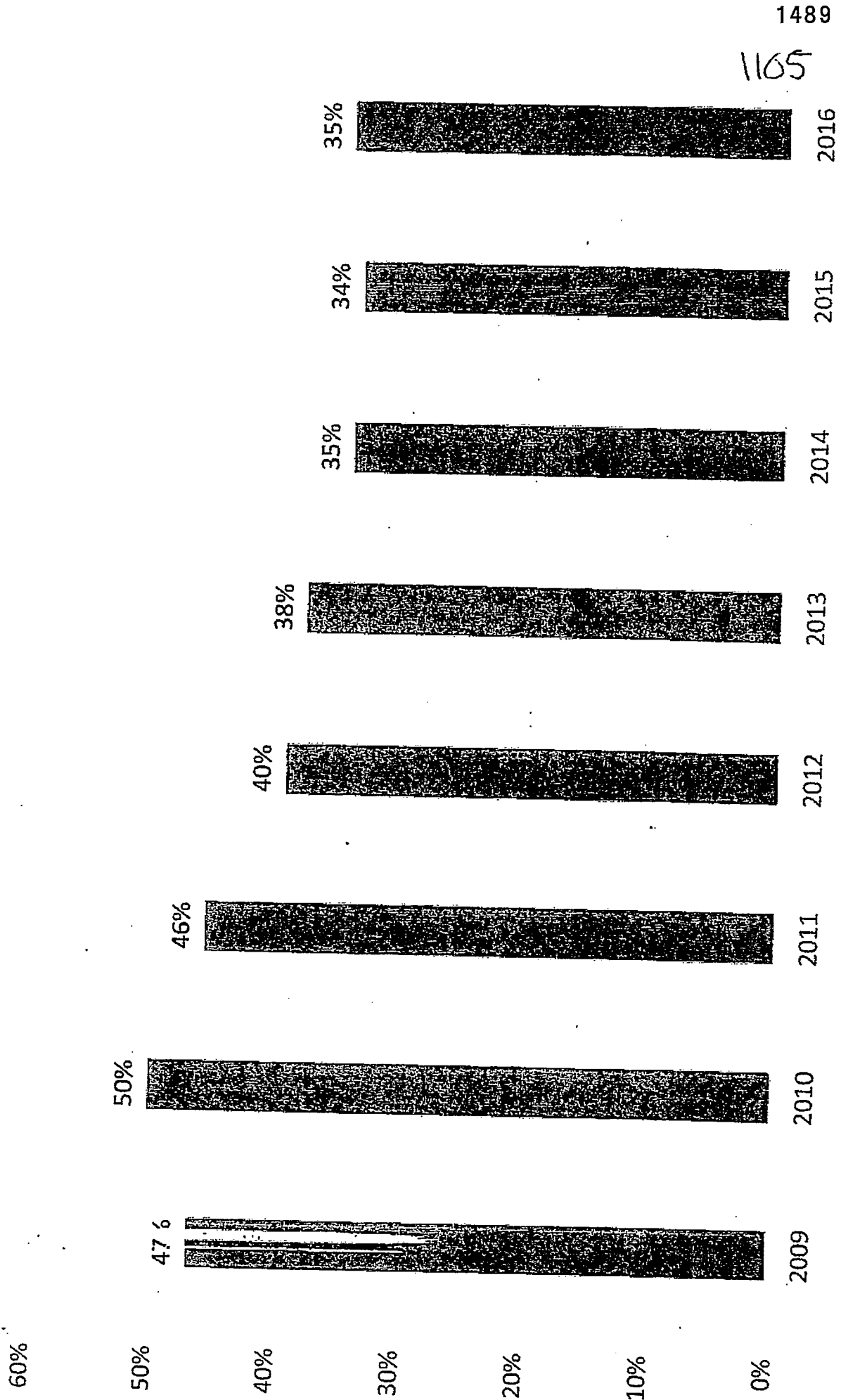
City Council

Number of motions made, 2009-16



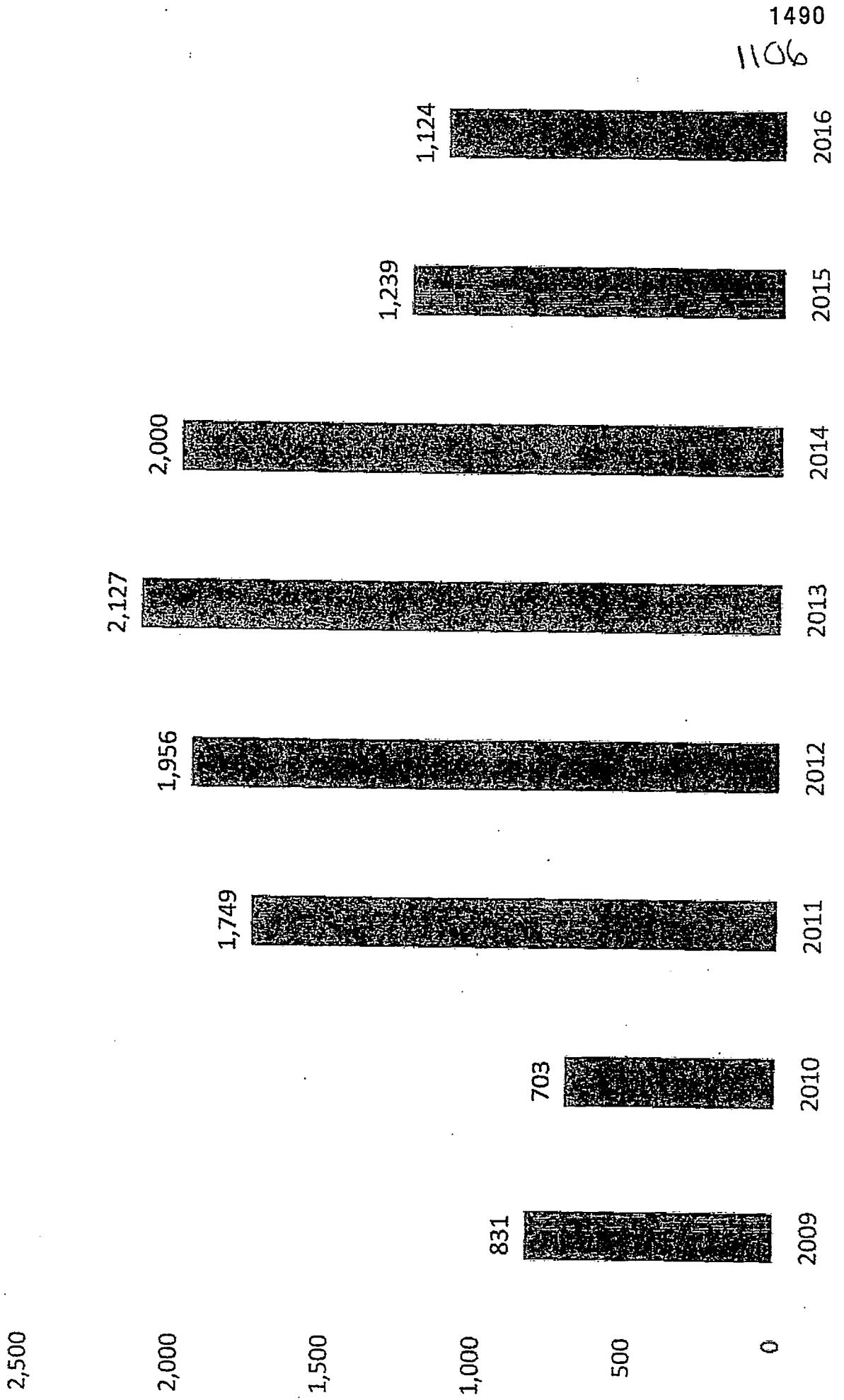
City Council

% of items adopted on consent, 2009-16



City Council

Number of recorded votes, 2009-16



By-laws

METROPOLITAN
TORONTO
BY-LAWS
1959

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

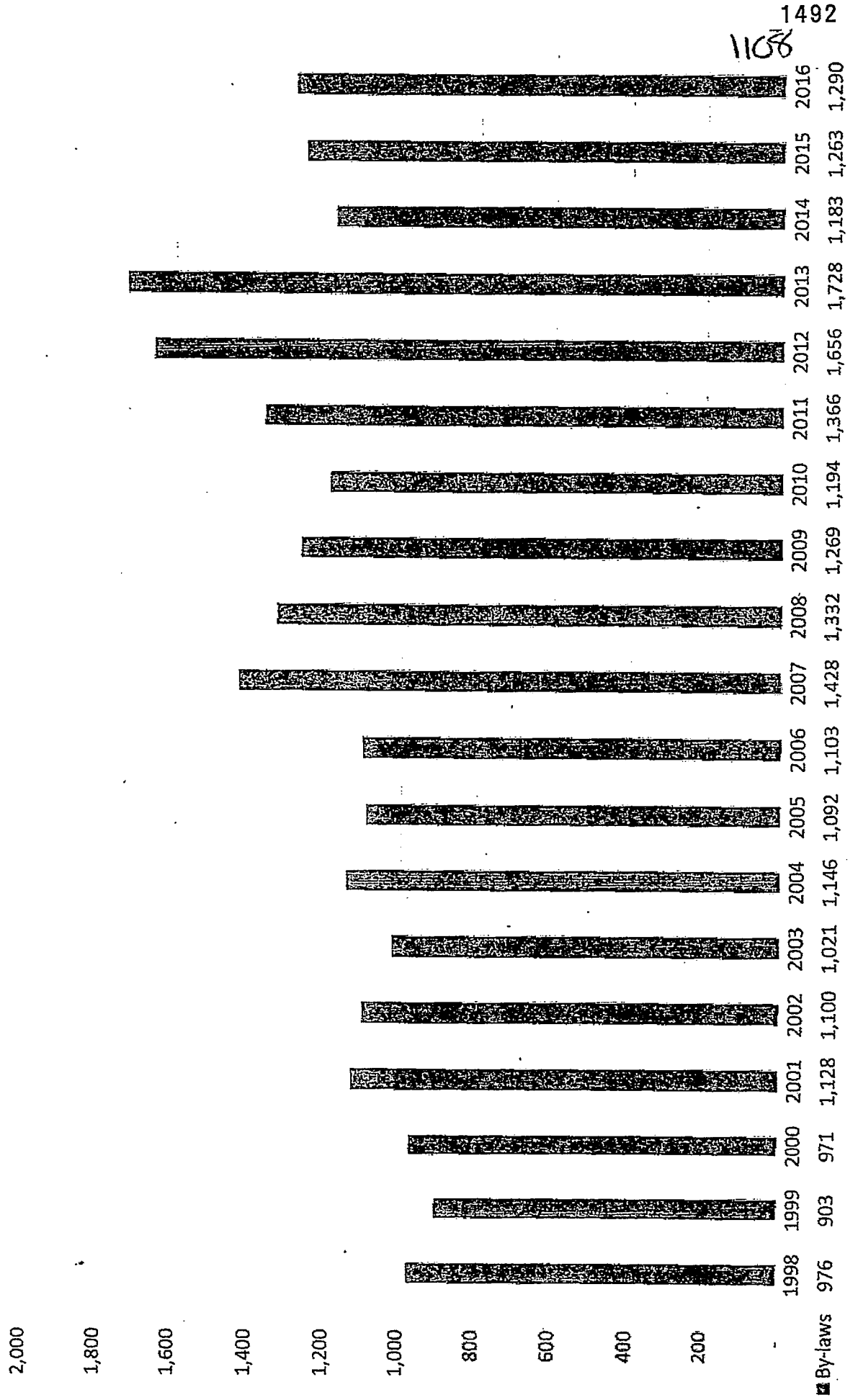
METROPOLITAN
TORONTO
BY-LAWS
1961

METROPOLITAN
TORONTO
BY-LAWS
1961

1108

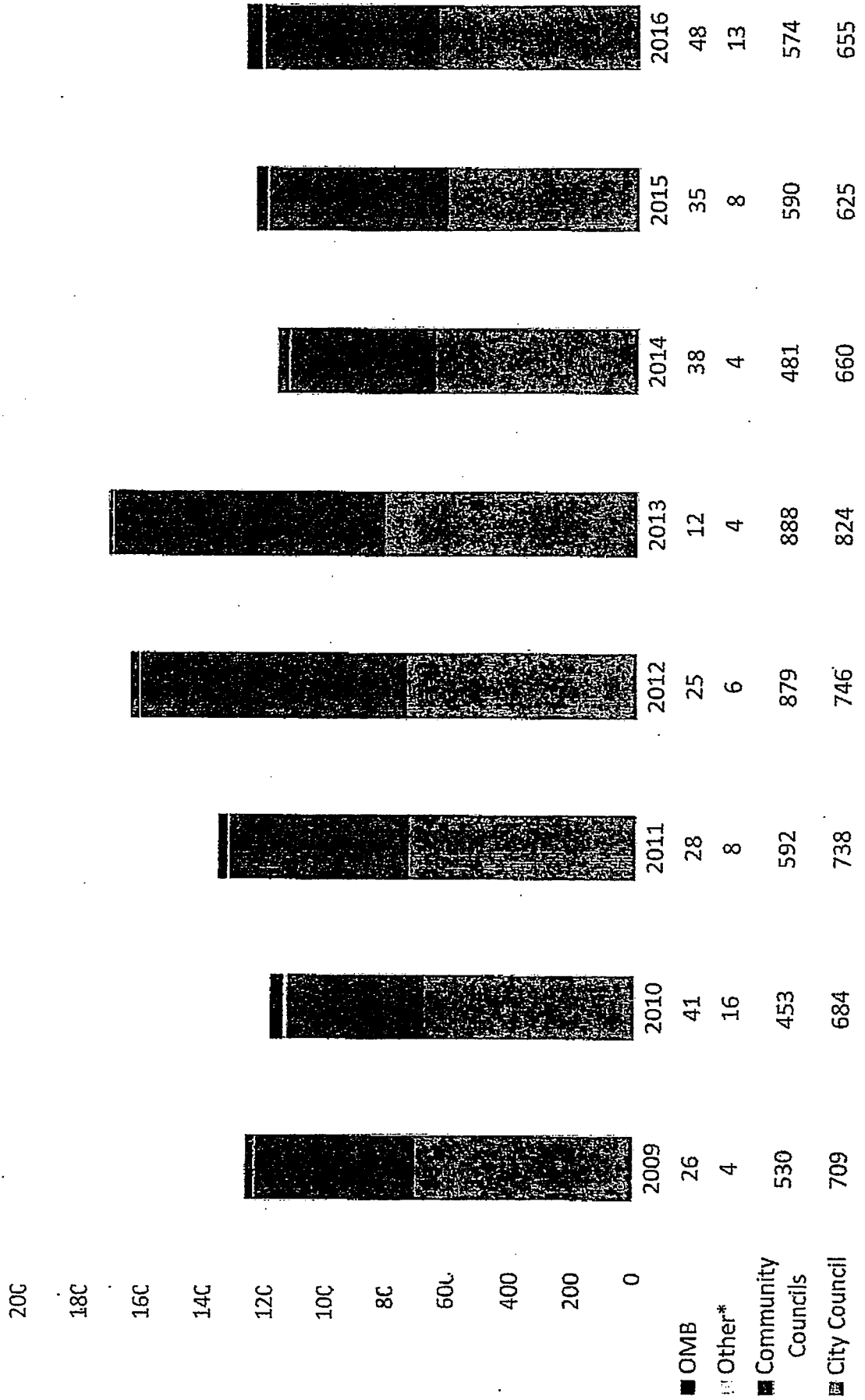
By-Laws

Number of by-laws enacted, 1998-2016



By-laws

Number of by-laws enacted, by authority, 2009-16



1109 1493

*Other - Bodies that may pass by-laws: Debenture, Planning and Growth Management and Government Management Committees



EXHIBIT Q



This is **Exhibit "Q"** referred to in the affidavit of **JOSHUA MANDRYK**, sworn before me this 14th day of September, 2018.



A Commissioner, etc.



Court File No. CV-18-00602494-000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

ROCCO ACHAMPONG

Applicant(s)

and

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO
(ATTORNEY-GENERAL), and CITY OF TORONTO**

Respondent(s)

Court File No. CV-18-00603633-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**CHRIS MOISE, ISH ADERONMU, and PRABHA KHOSLA, on her own
behalf and on behalf of all members of Women Win TO**

Applicants

and

ATTORNEY GENERAL OF ONTARIO

Respondent

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

CITY OF TORONTO

Applicant

and

ATTORNEY GENERAL OF ONTARIO

Respondent

AFFIDAVIT OF LILY CHENG

I, Lily Cheng, of the City of Toronto, in the Province of Ontario, AFFIRM AS FOLLOWS:

1. I am a registered candidate in the 2018 Toronto Municipal Election. I have been a registered candidate since June 21, 2018, and I have been actively campaigning since that time. I am a resident and voter in the Willowdale community of Toronto, and this is my first political campaign.
2. As such, I have knowledge of the matters set out in this affidavit, except where I have indicated that my statements are made on information and belief, in which case I have stated the source of my information and I believe this information to be true.

Background

3. I was raised in Brampton, Ontario to first-generation immigrant parents from Taiwan. I received a degree in Arts and Science from McMaster in 1996, followed by a degree in Radio and Television Arts from Ryerson in 1998. Following a brief time in Asia, I returned to Toronto and lived in the Davisville neighbourhood.

4. For the past nine years, however, I have called Willowdale home. Willowdale is at the northern end of Toronto, bordering on York Municipality. I am running in what was known as Ward 29 under the 47-ward system that was in place for the 2018 Toronto Municipal Election prior to Bill 5, the *Better Local Government Act, 2018*. I live in the federal and provincial electoral district of Willowdale.

5. I first worked in communications and community building at the Songwriters' Association of Canada, while engaging in various arts-based projects in the City. In January 2016, I began a position as the Director of Community Engagement for The Peoples Church in northern Toronto, which hosts a congregation of more than 5,000 people.

6. In 2013, I founded North York Moms, a community group dedicated to sharing resources, advice, and encouragement to new moms in the community. We regularly host meet-ups, playdates, and workshops, and act as a support network for moms and families in the North York region. Over the past five years, our membership has grown from 10 to over 7,600.

-4-

7. Through I had always been passionate about my community, my role at The Peoples Church provided me with a new depth of engagement with the people of Ward 29. In particular, I helped establish basketball and arts-based drop-in programs for the children of local community housing who were underserved by public services. We also coordinated support services for single mothers and the homeless.

My Decision to Run in the 2018 Toronto Municipal Election

8. As a voter, I always took my right to vote seriously and participated in every municipal, provincial, and federal election that I was eligible to vote in. I always encouraged my friends to exercise their right to vote as well. I am not a member of any political party.

9. Prior to 2018, I had never participated in the electoral system in any capacity other than as a voter. However, about a year and a half ago, I was approached by John Fillion, who was the retiring city councillor for my ward. I had collaborated with Mr. Fillion in my capacity as Founder of North York Moms and Director of Community Engagement at The Peoples Church and we had a strong working relationship. He told me that Ward 23, which was the ward covering Willowdale in the 44-ward system that existed before January 1, 2018, was going to be split into two new ridings by the Toronto Ward Boundary Review. Ward 23 would become known as Wards 28 and 29 under the 47-ward system. He encouraged me to seek the nomination in Ward 29 given my active involvement with the community there.

10. Initially, I refused. I had always seen considerable potential for the rapidly expanding neighbourhoods in Ward 29, but I did not want to pursue a life in politics at that

-5-

time. However, on April 23, 2018, the Toronto van attack happened in North York, which resulted in ten casualties. In order to build solidarity, I co-founded the We Love Willowdale movement that aims to help heal and reclaim a sense of safety following this horrific attack. I was asked to represent Willowdale at the vigil held for victims of the attack, and address a crowd of over 18,000 people. As I was speaking about the need to give back to our community, I realized that serving on City Council would be the ultimate form of giving back.

11. The week after the vigil following the van attack, the nomination filing period for the 2018 Toronto Municipal Election (the "Election") opened. Several members of the community approached me and encouraged me to run. I had just finished my work at The Peoples Church and so was already preparing for a career transition. My work with North York Moms had shown me that the voice of families and young children needed to be heard, and I felt that City Council had not always taken these views into account. Having witnessed how people had set aside their differences in the face of tragedy, I wanted to work with others towards a common good.

12. The most critical person to speak with was my husband. Together, we have two children, aged 3 and 5. We understood that embarking on a campaign meant there would be a period of 4-5 months where I would see very little of my children. This is a difficult sacrifice that I am prepared to make.

13. I started speaking with leaders in the community, friends, volunteers, and church members. The support for my candidacy seemed unanimous. A large number of people said they would contribute their time and energy to my campaign. Many of them had

-6-

never been engaged in politics before, but that brought a fresh energy as I prepared for my campaign. We were excited about the potential to shape the civic climate around us and to improve our neighbourhoods for our young children.

14. I also received the endorsement of the outgoing councillor, Mr. Filion. This had considerable value for a political novice, and I was determined to engage the voters of Ward 29 on the issues that mattered to them.

Campaign Between June 21, 2018, and July 26, 2018

15. On June 21, 2018, I filed my nomination papers. I had spent the month leading up to that day preparing for my candidacy. Though I did not publish anything or incur any costs, I was busy recruiting volunteers, researching Ward 29, developing a platform, and drafting campaign material.

16. I was very glad that Toronto had increased its number of wards because it made the process seem accessible. A smaller ward made the democratic exercise feel more grassroots, and I was not concerned that I did not have connections to wealthy benefactors. Particularly as a visible minority, I thought it was important that members of the community saw people like them reflected on City Council. I felt this was particularly important in Willowdale, which is one of the most diverse neighbourhoods in the city.

17. The campaign expenditure limit in Ward 29 was approximately \$30,000. This objective seemed realistic, and my team and I were confident that we would be able to meet this goal through our own personal networks. We held several backyard parties to fundraise, as well as a campaign launch event that happened in mid-July.

-7-

18. My campaign immediately ordered t-shirts, buttons, two pull-up banners, and 20,000 pieces of printed material, including candidate cards and door hangers. All of the campaign material, except the buttons, featured a map of Ward 29. Voter education is an important part of the electoral process, and I wanted to inspire pride in the community.

19. I also began canvassing daily, attending community events, meeting with potential volunteers, and convening leadership team meetings. Since this was the first campaign for me and my team, there was a steep learning curve, but we were energized by encouraging the participation of such diverse and vibrant communities.

The Number of Wards Changes

20. On July 26, 2018, a number of friends and supporters started texting me news reports that the Provincial Government (the "Government") was planning to reduce the number of wards by almost half, resulting in significant changes to the ward boundaries.

21. At first, I did not even think that that was possible. My understanding was that once the ward boundaries were established, they would not change. I was even more surprised that the two Willowdale wards would basically merge back into a single ward. There has been considerable development and population growth in the northern wards, and we already lacked representation. The maps outlining the 47-ward municipal boundaries, as well as the provincial boundaries, are attached as **Exhibit 1** to this Affidavit.

22. In speaking with voters, they were concerned that the councillor of such a large ward would not be able to keep up with the issues. There was so much uncertainty about what would happen that I could not communicate to voters what the outcome of the

-8-

legislative process would be. Though I understood the Government was doing this to reduce the number of politicians, I thought that in fact, our community needed more representation.

23. Many people suggested that given the changing odds and moving targets in the Election, I should abandon my run. But I bring an underrepresented voice to the race. I do not understand why I should be silenced. My mother-in-law had arrived in mid-summer from Hong Kong in order to help me and my husband care for our children. If I dropped out of the race, I thought it would send the wrong message to my children that you could just give up when your rights were taken away.

24. I understand that the Government's legislative reform eventually passed on August 14, 2018, in the form of Bill 5, *Better Local Government Act* ("Bill 5"). Though this provided some clarity, the whole process felt unfair and candidates were not consulted to deal with the election that was already in process.

Events since August 14, 2018.

25. I have been frantically trying to re-orient my entire campaign to run in an area more than twice the size than I was expecting. I have had to ask so much more of my volunteers who are already doing so much.

26. This process has been unfair to my donors. They donated money on the basis of their understanding of one system, and donors are only allowed to contribute a limited amount every electoral cycle. However, now there are new wards, candidates who are dropping out, and new candidates who are submitting nomination forms. It is possible that

-9-

a donor contributed the maximum amount to a candidate who used to be running in their ward, but is now running in another ward due to Bill 5. This seems arbitrary and prejudicial to participation in a fair democratic process.

27. The fundraising cap has also doubled as a result of Bill 5. This makes it feel out of reach for regular people. The first task for my team is to try and raise more money. Our fundraising strategy did not account for this unexpected and significant increase. We are uncertain that we will be able to capitalize on the increased allowance since it is so late in the game. If I had known about this increase, I would have changed my approach to network building and donor recruitment.

28. Further, I've already used up a significant portion of my budget on campaign materials which cannot be used now. This is unfair to anyone who signed up to run before August 14, 2018. Anyone who enters the race after August 14 starts with a fresh budgetary allowance and has not spent any money, and they can expend their funds on accurate materials. But the City Clerk has informed candidates that any expenditures prior to August 14 still count towards to maximum allowable expenditures.

29. I am concerned that the Government's decision will place an impossible burden on whoever becomes the councillor for the new ward of Willowdale. Mr. Fillion told me that he received 50 applications for development in one year. That alone seemed like a full-time job. Our ward has been a hub of growth, and needs engaged representation to ensure that our needs are being met. I do not think that the Government has turned its mind to how its decision leaves Willowdale so significantly underrepresented on City Council.

-10-

30. Visible minority candidates are underrepresented because there are often barriers to political engagement. Civic engagement involves more than just voting. Participation must happen on a deeper level. Bill 5 does not seem to take into account the needs of underserved populations, like visible minorities, young families, and other communities of interest, in determining their representation at City Council. I worry that we have been excluded from participation in our political system.

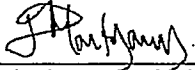
31. Being a candidate is more than a full-time job. I am often out all day, which is difficult with two young children. The days where I do not see my children make me feel like this is an enormous sacrifice. When the Government undermines the legitimacy of the democratic system like this, I have a difficult time accepting that sacrifice. Still, I hope that my continued candidacy will provide some hope for future generations.

Conclusion

32. I carefully calculated the emotional cost of my candidacy to my family. I thought that giving back to the community was worth this emotional cost. Initially, there was a positive atmosphere and my team felt that we were participating in a full, fair democratic election. Bill 5 extinguished that feeling. We no longer feel empowered. Changing the map in the middle of an election has taken away our trust in the system, and makes democracy seem illusory. The Government's actions have stolen our trust in a system that we were just learning to participate in.

33. I swear this affidavit for the sole purpose of intervening in an application in respect of Bill 5, and for no other improper purpose.

AFFIRMED BEFORE ME at the City of Toronto, in the Province of Ontario on August 21, 2018



Commissioner for Taking Affidavits
(or as may be)



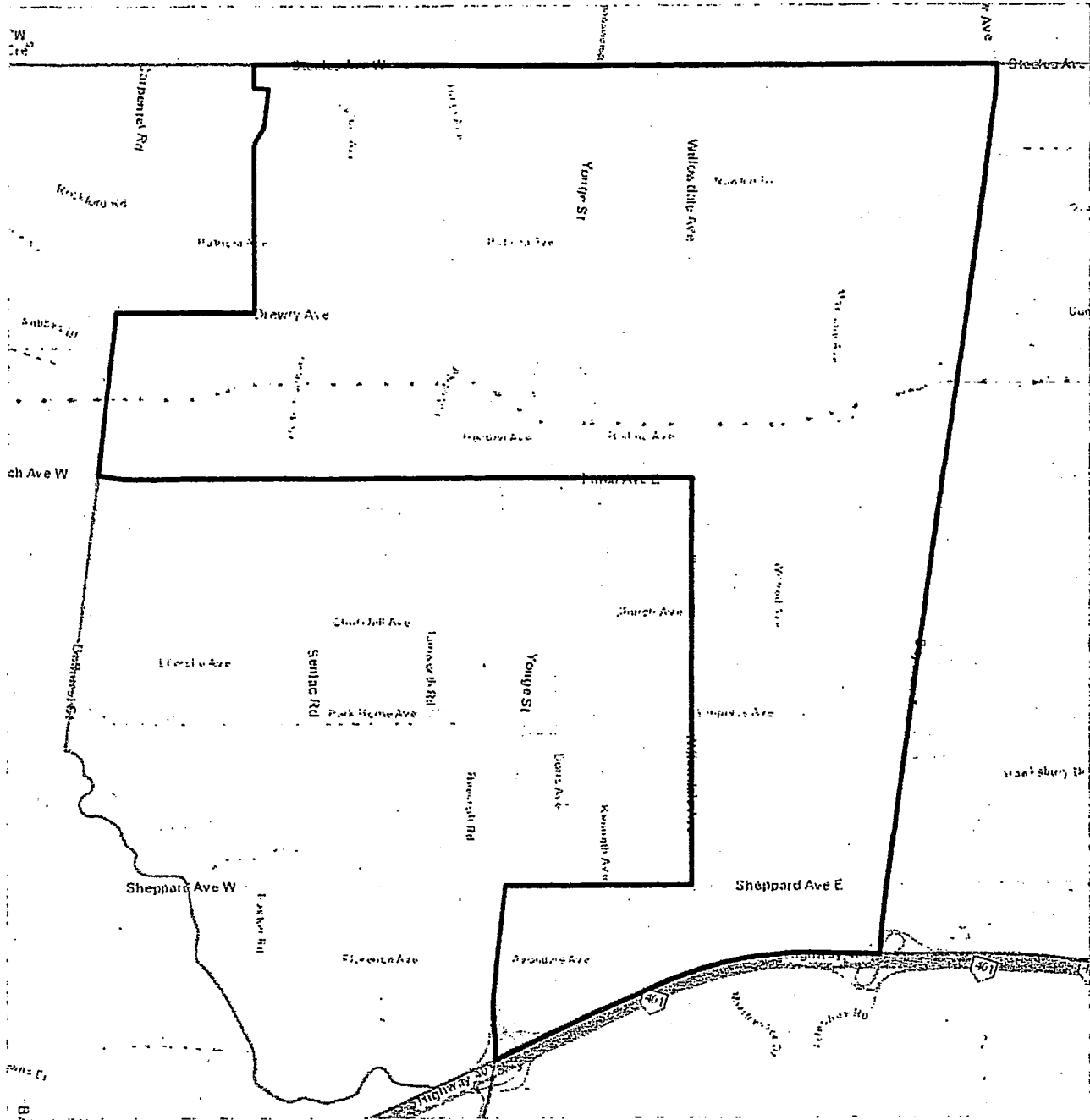
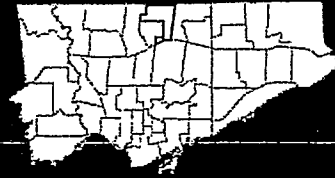
Lily Cheng

Douglas Hugh John Montgomery, a
Commissioner, etc., Province of Ontario,
while a Student-at-Law.
Expires March 29, 2020.

This is **Exhibit 1** refer to in the Affidavit of **Lily Cheng**, sworn August 21, 2018

City of Toronto Ward Profiles - 2018

Ward 29



Ward 29



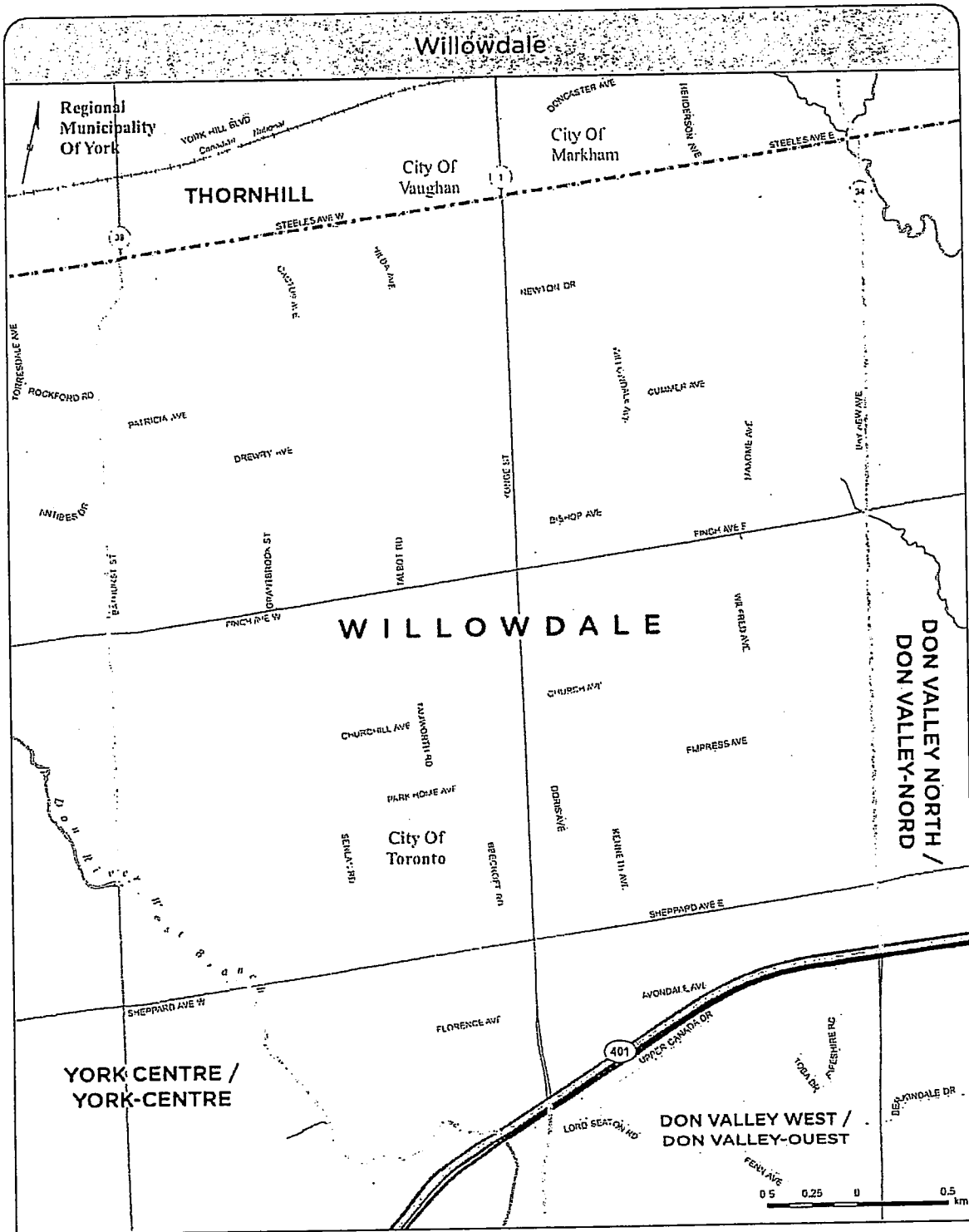


EXHIBIT R



This is **Exhibit "R"** referred to in the affidavit of **JOSHUA MANDRYK**, sworn before me this 14th day of September, 2018.

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

A Commissioner, etc.



Court File No. CV-18-00602494-000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

ROCCO ACHAMPONG

Applicant(s)

and

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO
(ATTORNEY-GENERAL), and CITY OF TORONTO**

Respondent(s)

Court File No. CV-18-00603633-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**CHRIS MOISE, ISH ADERONMU, and PRABHA KHOSLA, on her own
behalf and on behalf of all members of Women Win TO**

Applicants

and

ATTORNEY GENERAL OF ONTARIO

Respondent

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

CITY OF TORONTO

Applicant

and

ATTORNEY GENERAL OF ONTARIO

Respondent

AFFIDAVIT OF DYANOOSH YOUSSEFI

I, Dyanoosh Youssefi, of the City of Toronto, in the Province of Ontario, AFFIRM
AS FOLLOWS:

1. I am a registered candidate in the 2018 Toronto Municipal Election. I have been a registered candidate since May 1, 2018, and I have been actively campaigning since that time. I am a resident and voter in Toronto, and have previous experience in municipal elections.

2. As such, I have knowledge of the matters set out in this affidavit, except where I have indicated that my statements are made on information and belief, in which case I have stated the source of my information and I believe this information to be true.

Background

-3-

3. I was born to a Jewish-Iranian family in Iran. In 1982, when I was 11, my family fled Iran due to ongoing conflict in the area. We traveled first through Pakistan to Spain, where we waited for 5 months before arriving in Canada as landed immigrants in 1983.

4. I have mostly resided in Toronto since my family arrived in Canada. My family moved to Richmond Hill in 1987. From 1994-1998, I lived in Montreal, where I attended McGill Law School. I moved to the Yonge and Eglinton area in 1999, and have been living in mid-town since then.

5. I have been living at 158 Montgomery Avenue since 2005. Our home is located in Ward 16 under the 44-ward municipal system. It was to continue to be Ward 14 after the new Council's election, under the 47-ward municipal system. I live in the federal and provincial electoral district of Eglinton-Lawrence.

6. I received a Bachelor of Arts (Hons.) in Criminology, Ethics, and Society and the Law from the University of Toronto in 1994. I then received my LLB and BCL degrees in Common Law and Civil Law from McGill University in 1998. Between 2000 and 2005, I practiced criminal defence as a sole practitioner.

7. From 2010 to 2016, I was a Professor of Legal Studies at Seneca College of Applied Arts and Technology. I became a Professor of Legal Studies at Humber College in May 2016. I have been active in my community, serving on the Board of Directors of Parkdale Activity Recreation Centre, and the Board of Directors Results Canada.

8. The flexibility of my academic positions allowed me to focus on social initiatives. In February 2015, I founded All IN, a non-profit advocacy organization that promotes

-4-

inclusive communities. We engage the public and decision-makers on issues such as housing, mental health, and policing. I continue to serve as the Executive Director of All IN, though we have not been active since I began work on my campaign. I have also spent time writing on criminal justice and social justice issues, and been published in *The Toronto Star*, the *Canadian Jewish News*, and on *Huffington Post*

9. I am also a single mother to two daughters, ages 13 and 11. I have volunteered at their schools, including Allenby Junior Public School and Associated Hebrew Day School.

Political Experience

10. I have always been interested in politics. As a voter, I take my right to vote seriously. I am not a registered member of a party. What draws me to municipal politics is the ability to focus on residents' needs and the issues, and to vote according to my moral conscience.

11. In 2014, I decided to run for city council in my local ward, which was then known as Ward 16. I wanted to represent my community to advocate for issues like responsible development, integrated and modern transit, and accessible affordable housing. There were 16 candidates in that race, which was eventually won by Christin Carmichael-Greb with 3,949 votes. I came in third place, with 3,145 votes, a difference of only 804 votes.

My Decision to Run in the 2018 Toronto Municipal Election

12. Though I was unsuccessful in 2014, I remained committed to addressing the concerns of my neighbourhood and continued to follow municipal issues. I did not agree with the approach of Councillor Carmichael-Greb to my community's concerns, and felt

-5-

that many of the positions she took were contrary to the views of the majority of residents of the ward.

13. Between 2014 and 2017, I regularly contemplated running again. I thought about balancing my family and work commitments, the chance of winning, the kind of team I would need to assemble, and the profile of the ward. I spoke with supporters, potential volunteers, city councillors, Members of Parliament, and Members of Provincial Parliament about running again.

14. Based on my outreach and information, it also became clear that, other than the incumbent, I was the only candidate from the list of 16 candidates in the 2014 Ward 16 election that was going to run again. This would raise my chances of winning the election in Ward 14 (formerly Ward 16), and impacted my decision as well as strategy.

My Campaign

15. Ultimately, I decided to run in the 2018 Toronto Municipal Election (the "Election"). I had a volunteer team in place by January 2018, several months before the official start of campaigning. A core team of volunteers met every 2-3 weeks after that. Throughout the winter of 2018, I focused on and spent a significant amount of time developing flyer content, website content, and strategy, and held meetings to develop voter engagement strategies and team growth. I met with Residents' Associations to get to know their issues, so I could more fully understand resident concerns and develop a platform that reflected the community's needs.

-6-

16. In the meantime, I also assembled a Volunteer Guide, a Code of Conduct, and a Canvassing Guide for use on my campaign. I trained canvassers with information and strategy related to the unique features of Ward 14.

17. I had followed the Toronto Ward Boundary Review (the "Review") through news reports and City of Toronto documents. Based on that, I understood that Ward 14, the successor to Ward 16 as it was before the Review, was largely the same. I also understood that the ward boundaries were finalized and appeals of the ward boundaries had been exhausted. This meant that all the time spent preparing to run was based on a ward that was, I thought, essentially the same ward as the one I had run in during the 2014 Toronto Municipal Election, with only a minor addition of several streets at the north-east corner of Bathurst and Eglinton, an area that I already knew.

18. On May 1, 2018, I filed my official nomination papers. May 1 was the first day that candidates could register under the *Municipal Elections Act*. On May 2, 2018, I started campaigning.

19. My fundraising efforts started as soon as I was registered. Before May 1, my volunteer team had collected information from my last campaign and put together contacts to identify potential donors. We researched and adopted a tiered approach to contacting donors in order to maximize our time. After May 2, we started contacting donors and seeking contributions to my campaign. We had a fundraising cap set by the electoral rules that was based on the size of our ward, and we based our strategy off this concrete objective. Had our fundraising limit been higher, we would have adopted a different strategy to ensure our fundraising efforts were sufficient.

-7-

20. My campaign also ordered various promotional materials and established a web presence. We ordered flyers, all of which had been printed with language indicating I was running in Ward 14. I recycled t-shirts from my previous election, but had them touched up to indicate my candidacy was in Ward 14.

Media Reports of Provincial Involvement in the Election

21. I learned on the evening of Thursday, July 26, 2018, one day before the nominations for City Council were supposed to close, that the Provincial Government planned to intervene in the municipal election. I understood that the Provincial Government wanted to reduce the size of council from 47 wards to 25 wards, and that the boundaries of the 25 wards would mirror the federal and provincial electoral boundaries.

22. As a lawyer, I am familiar with the Province's constitutional authority over municipal institutions. But I was concerned that a mid-election interference would throw the election into chaos, and cause confusion for residents. It is important to me that elections are fair and that the rules are respected. This proposed action did not seem fair to voters or candidates.

23. I was very worried about my campaign. I had spent almost three months knocking on the doors of Ward 14, and felt that I had significant momentum. All of my planning had focused on the concerns and the needs of the approximately 55,000 residents of Ward 14. With the population of the ward doubling under the 25-ward model, I did not know how I would be able to re-orient my campaign, or reach so many more residents. I have attached maps of Ward 14 and the new Eglinton-Lawrence ward as **Exhibit 1** to this Affidavit.

-8-

24. On the evening of Thursday, July 26, my campaign went into overdrive in order to communicate with residents that I would remain in the race, and to let them know about the proposed changes and our position. In the following days, we e-mailed supporters, communicated with volunteers, issued a press release, and held an online meeting, all with the specific purpose of clarifying that I intended to continue my campaign.

25. After the Provincial Government's announcement, it took several weeks before they took legislative action. In the meantime, I continued canvassing and talking to electors. Many residents were confused about what was happening, and concerned about having less access to their councillor. While I could speak to residents about the larger impact of mid-election rule changes and what our ward boundaries would be under the new system, I could not provide any other answers or re-assurances that they would continue to have the same access to their Councillors.

26. On August 14, 2018, I understand that the Provincial Government's bill enacting these changes, Bill 5, *Better Local Governments Act, 2018*, ("Bill 5") received Royal Assent.

Impact of Bill 5 on My Campaign

27. I have spent a considerable amount of time and energy into dealing with this new and unexpected situation. I had put too much work into the campaign to abandon it. I still wanted to run, to represent the residents of Ward 14, and to help build a better city for all of us. I did not want to let the residents of my ward and my supporters down.

-9-

28. Eglinton-Lawrence is roughly the combination of my ward, Ward 14, and our adjoining ward, Ward 13. Ward 13 has several distinct features from Ward 14, including a higher proportion of visible minorities and immigrants, a lower average household income, and a higher number of renters. As a result, it has different needs. I have begun to take the steps to develop networks in that ward and learn about their issues, as I did with Ward 14. Bill 5 has required changing my communication strategy so that voters in Ward 13 know I am familiar and passionate about their communities.

29. My campaign strategy must also be completely revised. My team of volunteers and I were on track to have covered the entirety of Ward 14 by the election date, October 22. The strategy was rolling out well, and was proving to be effective with voters. Now, everything must be revamped for a much broader scope. It is not possible for me to reach all the voters in both wards. I did not cultivate the same local connections in Ward 13 in the run up to the election. If I had known that the rules were to change, I would have broadened my outreach, from the outset, to include that ward.

30. Now, I am facing an additional 7 candidates (presuming they all remain in the race), including high profile candidates such as a former Member of Provincial Parliament. The factors I had balanced in deciding to enter the race are considerably different. It is hard to predict the likelihood of success.

31. I have had to spend a considerable amount of time, in talking to voters and residents, to explain the impacts of Bill 5. This means that I am not speaking as much about other, pressing municipal issues on the door steps. I have also had to expend additional campaign time to inform voters that I am remaining in the race. This has

-10-

included a press release and a video explaining Bill 5, hoping to clarify our position and the impact of the bill, and outlining next steps as we understand them. I attach the press release as **Exhibit 2** to this Affidavit.

32. Financially, I understand that the maximum campaign fundraising limit will be raised given the size of the ward has doubled. However, it is unlikely that we will be able to utilize the additional allowance, since it is too late in the race to make the new connections needed to fundraise. My campaign will have to make do with the funding targets we established while running for a single ward, while campaigning in a ward double the size of what we expected.

33. Much of the campaign material that had been ordered was branded with language indicating I was running in Ward 14. We will have to expend additional campaign resources to re-order campaign material.

Impact of Bill 5 on My Personal and Professional Life

34. Professionally, I have structured my work commitments to allow for my campaign. I requested that my teaching course load at Humber College be reduced. This is resulted in a significant reduction of income that I will not be able to recoup.

35. Personally, I have been campaigning 12-15 hours a day. A candidate does a considerable amount of canvassing, e-mailing and organizing herself. As a result, I have carefully structured my time to ensure that I maximize the time with my two daughters. I do my best to ensure that we have dinner together when they are with me, which often

-11-

means a very early dinner at around 5 p.m., and then continue campaign work after dinner and then again after they have gone to bed.

36. There has been little opportunity for extended periods of family time during the campaign. This is difficult for my children, and to have the added pressure and stress of a mid-election rule change has strained the careful arrangements I made.

37. There were significant public consultations on the ward boundaries. It is my belief that the City of Toronto needs enough councillors to represent the numerous and diverse requests of city residents. My impression is that our hard work, time, money, resident needs, and democratic interests are of no value to the Province.

Conclusion

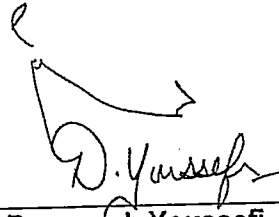
38. I firmly believed that, in Ward 14, I had great momentum, appeal, and decent chance of winning. I had carefully structured my personal and professional life to accommodate my campaign. I spent considerable time, money, and energy planning and campaigning for Ward 14. Now the rules of the election have changed, which demonstrates a disregard for the electoral processes that formed the basis of candidates' decisions.

39. I affirm this affidavit for the sole purpose of intervening in an application in respect of Bill 5, and for no other improper purpose.

AFFIRMED BEFORE ME at the City of
Toronto, in the Province of Ontario on
August 22, 2018



Commissioner for Taking Affidavits
(or as may be)

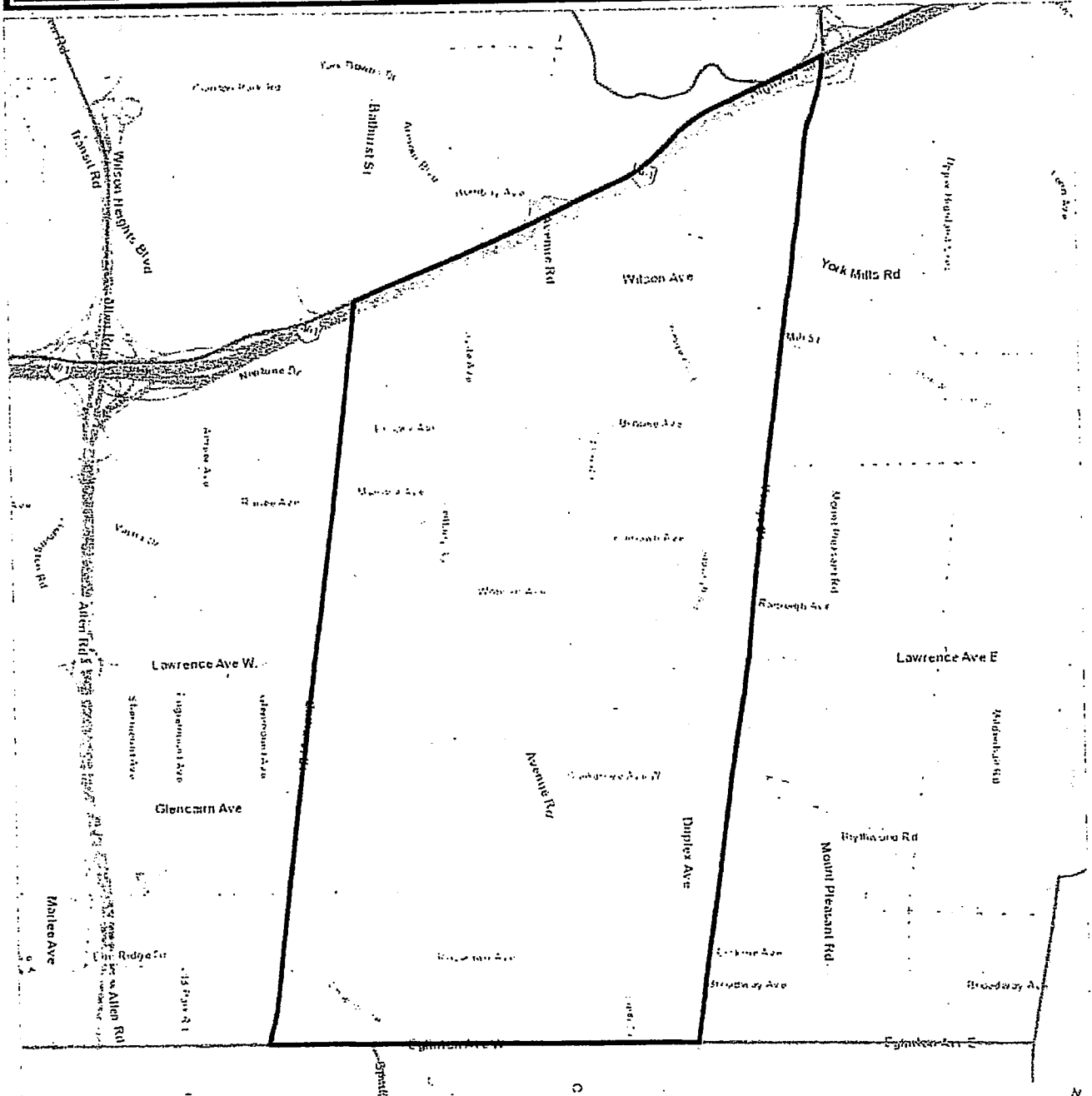
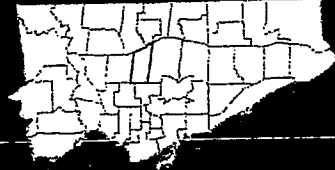


Dyanodsh Youssefi

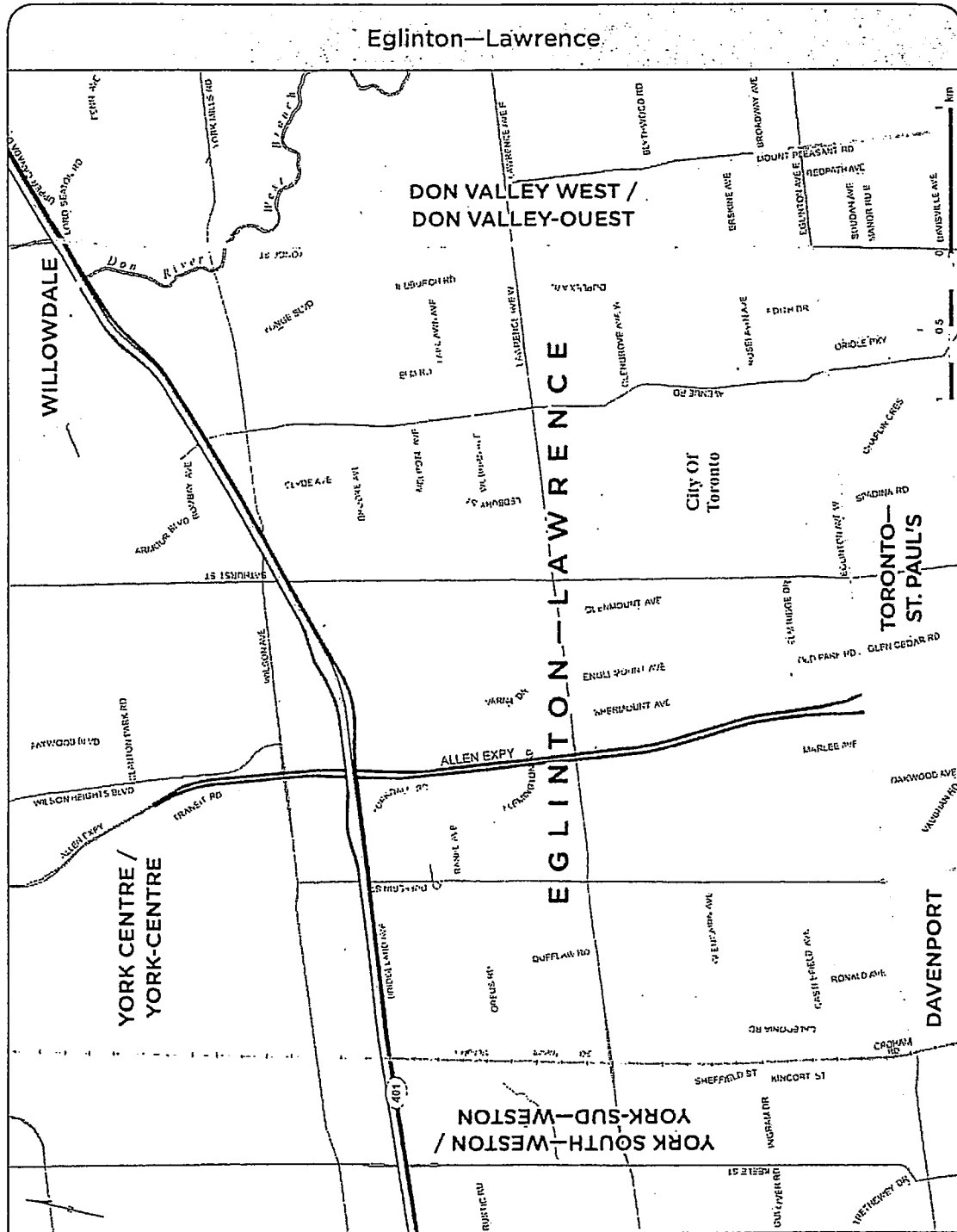
This is **Exhibit 1** refer to in the Affidavit of
Dyanoosh Youssefi, sworn August 22, 2018

City of Toronto Ward Profiles - 2018

Ward 14



 Ward 14



This is **Exhibit 2** refer to in the Affidavit of
Dyanoosh Youssefi, sworn August 22, 2018

VOTE FOR
DYANOOSH YOUSSEFI

Ward 14 Candidate Dyanoosh Youssefi Opposes Doug Ford's Changes to Toronto City Council

(TORONTO) "A disdain for democracy and lack of respect for the electorate" is how Dyanoosh Youssefi, Ward 14 Candidate for City Council, described Premier Doug Ford's decision to introduce a bill that would reduce Toronto City Council to 25 members, instead of 47.

"By introducing this bill halfway through the municipal election, without any public consultation, Doug Ford makes a mockery of our democracy and disrespects the people of Toronto," states Youssefi.

"Not only candidates, but hundreds of volunteers who are residents of this city and who care deeply about municipal government and the future of Toronto, have already spent thousands of hours on these campaigns. People have made donations and campaigns have made expenditures for months. By redrawing the boundaries at this stage, Doug Ford tells the people of Toronto that their time, money, and democratic interests and values are of no interest or value."

Youssefi stated that there were significant consultations on the ward boundaries before Council moved to 47 wards. The increase in Councillors was because the City of Toronto is larger than 6 provinces, and that its needs require a larger City Council.

"Residents want and need Councillors to hear and represent them on the many challenges facing Torontonians. The hard-working Councillors of this City already work very long days and on weekends to serve the residents. A smaller City Council would mean less direct representation for Toronto residents."

Youssefi is calling on all City Council candidates, regardless of their political leanings, to

work together to fight this anti-democratic measure.
For further information, contact:

Dyanoosh Youssefi
dyanoosh@dyanooshyoussefi.ca
647-545-8647

or Kaveh Shahrooz
kshahrooz@gmail.com 416-432-4191

EXHIBIT S



This is **Exhibit "S"** referred to in the affidavit of **JOSHUA MANDRYK**, sworn before me this 14th day of September, 2018.



A Commissioner, etc.



Court File No.: CV-18-00602494-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant

-and-

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-
GENERAL), and CITY OF TORONTO**

Respondents

AFFIDAVIT OF ROCCO ACHAMPONG

I, **ROCCO ACHAMPONG**, of the city of Toronto, **MAKE OATH AND SAY:**

1. I am a resident of and registered candidate for councillor in (former) Ward 13 (Eglinton-Lawrence) and the Applicant in this claim for relief against the applicability of Bill 5, the "Better Local Government Act," (BLGA) to the 2018 Toronto municipal election and, as such, have knowledge of all matters herein deposed. Where I do not have personal knowledge of the matter, I state the source of such knowledge or information, verily believing it to be true.
2. I registered to participate in the Toronto municipal elections on July 27th, 2018 as a candidate for ward 13, Eglinton-Lawrence. I attested to my compliance with the *Municipal Elections Act*, 1996 ("MEA"), sought signatures of endorsement from electors of the City of Toronto, paid my nomination fee, and I was officially a candidate—or so I thought. **Attached to this my affidavit is the ward 13 candidate list at Tab ___.**

Legitimate Expectation

3. Upon registration, every candidate in the Toronto municipal election is provided with a 'Candidates' Guide for Ontario Municipal Council and School Board Elections' ("Candidates' Guide"), I received the same. The guide provides the legal framework within which a candidate operates and conducts a campaign, as well as critical information to ensure compliance with the rules and an accountability framework governing the election process. The *Candidates Guide* provides information relating to changes to election rules for the year 2018, general information, candidate eligibility, nomination processes and corresponding deadlines, campaigning rules, third party advertising, voting day processes, campaign wrap up processes, campaign finance and record keeping rules, financial contributions and contribution limits, campaign signage, etc., effectively, the rules and regulations of one's candidacy. **Attached to this my affidavit is the City of Toronto's Candidates' Guide for Ontario Municipal Council and School Board Elections at Tab ____.**

4. I was also informed, and believed to be true, that the composition of council had been confirmed by the city in the passage of By-Law 598—2018 on November 8th and 9th, 2016, having been adopted by a margin of 28-13. **Attached to this my affidavit is By-Law 598-2018 and the City of Toronto New Ward Boundaries at Tab ____.**

5. As a result, I was able to make a decision about my candidacy, register as a candidate in a known ward approved overwhelmingly by council following public consultation, and plan my campaign under known rules and expense limits, and I verily believe it is a breach of fundamental standards of justice and procedural fairness to change these boundaries and rules mid-race.

Unilateral Rules Change Without Notice or Consultation

6. On or about the evening of July 26th, 2018, media outlets started reporting that the Honourable, Doug Ford, Premier of Ontario ("Premier"), was without notice to the city and long registered candidates, unilaterally changing the ward composition of city council, reducing it

from 47 to 25 Wards. **Attached to this my affidavit is a Globe and Mail report dated July 26th, 2018 at Tab __**

7. The Premier's office confirmed these rumours by news release and press conference on July 27th, 2018 – nearly three months into the campaign and on the last day for candidate registration. **Attached to this my affidavit is a news release from the Office of the Premier of Ontario at Tab __**

8. On July 30th, 2018, just three days after the press release, the Government of Ontario introduced to the legislature for first reading, Bill 5, short titled the *Better Local Government Act*. Amongst other things, the Bill proposes to retroactively repeal By-Law 598-2018 without reasonable notice or consultation with the city, electors, and registered candidates, whom have been long campaigning, and have expended significant sums to that end. **Attached to this my affidavit is a true copy of Bill 5 at Tab __**

9. On July 31st, 2018, I caused to be issued a Notice of Application at the Superior Court of Justice, seeking amongst other relief, an interlocutory order against the coming into force and effect of the *Better Local Government Act* as it applies to the 2018 Toronto municipal election. The Notice of Application was amended on the same day when an error was noticed, and, on August 7th, 2018, a complete Application Record was served on all parties. **Attached to this my affidavit is a true copy of the Notice of Application issued on July 31st at Tab __**

10. On August 14th, 2018 the BLGA passed second reading, and passed third reading, and was granted royal assent, officially becoming *The Better Local Government Act, 2018*, S.O. 2018, c.11.

11. At paragraph 5, the BLGA amends sections 128-129 of the City of Toronto Act, providing that the 2018 election, already underway, would be governed as though Bill 5 were already in affect, in effect prospectively requiring city and electoral officials to breach the existing by-laws and comply with an Act that had not yet passed. From July 27th to August 14th the law governing the election already underway and in which I was already registered was thrown into complete chaos.

12. That same section of the BLA also purported to give power to the Minister to pass retroactive regulations governing the transition into the new regime, and the BLGA further

requires registered candidates to re-register with the Clerk's office or have their candidacy invalidated. I verily believe it is a breach of my fundamental rights to due process and under the rule of law to be able to participate in this election under known laws, rather than laws that are not only changed mid-stream but which may yet again have its rules and manner of conduct changed, retroactively, by as yet unknown Ministerial decisions.

Serious infringement on democratic participation

13. I had a legitimate expectation that the City of Toronto would maintain its rules, regulations, and by-laws relating to its election process, including the boundaries within which I would be contesting as a candidate, as well as a campaign expense limit—which informed whether or not I can be a viable candidate with the necessary resource to contest effectively.

14. My legitimate expectation that the rules and regulations would remain, as had been promulgated before the start of the nomination period, was informed by the reasonable notice provisions in all election related statutes in Ontario, including the MEA, the *City of Toronto Act*, and the by-laws and regulations in place at the commencement of the campaign and provided to me and all candidates.

15. Changing the ward boundaries changes the number of electors to whom I would have to appeal; that will presumably change the campaign expense limit, a regulation that is as yet unknown and which may be made retroactively by the Minister. Sched.3 s.3 of the BLGA provides that nomination day is now September 14th, meaning I no longer know who else is going to be a candidate contesting this new ward and may not be able to campaign effectively until the final five weeks of the campaign. I do not even know the new ward number I will be contesting. I therefore have or may have lost much of the value I have already invested in planning and running my campaign, and now face a much shorter period in which I will be required to campaign over a much larger area to nearly twice as many constituents. I verily believe that it is not possible to have the public conversation, debate, and evaluation of candidates that our democratic traditions require under this restricted timeframe and under as yet undetermined rules that may continue to change both unpredictably and retroactively if the BLGA is permitted to come into force for the 2018 election.

16. To the extent that Bill 5 materially changes the circumstances, conditions, and the terms which influenced my decision to run, some level of notice and consultation is procedurally and lawfully required; a notice expressly provided for in the *City of Toronto Act* ("The Act"), all election related Acts of the legislature of Ontario, and legitimately expected of the city and province in their election related By-Laws and statutes.

17. In particular, the BLGA does not purport to amend or repeal sections 1 and 2 of the Act, which provide that the City exists to provide good government, democratically elected and accountable, working with the province in a relationship based on mutual respect, consultation, and co-operation, and to engage on matters of mutual interest in accordance with an agreement between the Province and the City. I verily believe the surprised and rushed manner and timing of these mid-campaign changes, without notice or consultation and in direct conflict with the consultation process that determined the original rules and structure, is in conflict with and breach of every single purpose of the Act. As a candidate, I am entitled to reasonable notice, and have a legitimate expectation that the substantive changes to the law relating to the electoral process would not be arbitrarily, unilaterally, and retroactively changed without consultation or notice. The province, while not bound by the positions of the primary stakeholder (the City of Toronto), is mandated to consult, and failed to do so, and I verily believe that the delayed coming into force of the BLGA is the only appropriate remedy for this breach.

Irreparable Material Harm

18. The proposed sudden and dramatic changes to the City of Toronto's 2018 electoral process have had material affects that cannot be easily remedied or ameliorated. Prior to formal registration, I was required to make determinations about my electability as a candidate in Ward 13. This required me to consult with professionals and expend time and resources pertaining to an election strategy, fundraising plan, voter outreach, advertising, budgeting, data management, office location and political calculation to name a few. As a practicing lawyer, I had to make practice management and professional decisions to accommodate the campaign. All of this planning, including the most basic decision as to whether or not to contest the election, has been rendered obsolete. Ward 13, as originally constituted at the outset of the campaign, is the same neighborhood in which I grew up and where I have many of my meaningful contacts and support systems. The sudden, drastic change to the constitution of the Ward changes not only the sheer

number of constituents I must reach but also spreads them over a wider geographic area (in which I do not have historical connections) and a dramatically different demographic make-up means my candidacy may no longer be viable and all of my efforts, my professional sacrifices, my financial sacrifices, and those of my supporters and volunteers will have been wasted. I verily believe this represents a fundamental injustice to me, to my constituents, and to all the electors in the City.

19. The opportunity to contest for Municipal office occurs only once every 4 years. The gross interference in the 2018 election seriously compromises the democratic rights of all candidates, voters, and residents of the City, and if this interference is permitted and authorized by the Courts it will represent a deprivation of basic democratic rights that we will not be able to address again until 2022. Individually, as a citizen and resident who has and continues to want to enter public office and life to better serve my constituents, the invalidity of this election once again throws my professional and practice choices into disarray.

20. The pernicious influence of the BLGA is made worse by the fact that municipal politics relies overwhelmingly on the name and recognition of each individual contestant as opposed to provincial or federal elections where candidates are elected or appointed at the riding level and carry (and rely on) their party affiliation in campaigning. Without a formal party structure there are generally a larger number of candidates, and substantially more time and effort is required to knock on doors, meet, and speak with constituents, as compared to a Provincial or Federal election. The vastly larger wards and sharply truncated campaign period under the BLGA essentially ensure candidates and electors will not have the opportunity for fulsome debate and democratic participation in the 2018 election.

21. Since my registration, I have had to negotiate a lease for my campaign office—informed by the existing geographical boundaries of ward 13. Expenses related to signage, flyers, general literature, and a social media campaign are also being incurred. Any change to the pre-existing rules and regulations governing the election process will result in all the expenses being incurred as costs thrown away. And, if unilateral changes to rules and regulations in the middle of an election are normalized, the harm to candidate and the public interest would be irreparable. I verily believe that rendering officially and legally acceptable this kind of direct interference in

local elections mid—campaign will thrown not only Toronto City electoral politics but *all* municipal politics in this Province into dis-repute and uncertainty.

Election integrity and cost

22. The election period for Toronto city council began on May 1st, 2018, almost three months prior to my registration as a candidate. I am informed by other candidates that, like myself, strategic decisions such as where to contest and where one locates a campaign office have already been made and acted upon. And, further, by some other candidates, whom I verily believe, that they have also suspended their campaigns until the chaos and confusion abates.


23. The period in which the campaign was underway under the 47 ward model was almost exactly 3 months. The period of uncertainty and chaos caused by the purportedly prospective introduction of Bill 5 was just over two weeks. As of the swearing of this affidavit, the BLGA has been in force for one week. While there are obviously costs to changing the rules, I verily believe that with 3 months invested in 47 wards and barely 3 weeks in 25 wards, the balance of convenience, the risk, and the cost of change must all favour the 47 ward model. Further, as it is the government that introduced and passed this legislation without notice or consultation on an urgent timeline, throwing the election into disarray, I believe it does not lie with the Crown to complain about the costs of changing the rules of the election if this application is successful: these are costs of changing *back*; the costs and chaos of *changing* resulted *entirely* from their decision to interfere with the election by the urgent, without notice introduction of the BLGA.

24. The election is set to conclude with a vote by the electors of Toronto on October 22nd, 2018. The Premier will remain Premier of Ontario for the foreseeable future and presumably for four more years, with the authority to amend or repeal *The Act* with a governing majority. The authority to amend or repeal the act will remain in force long after the 2018 Toronto election. As such, the granting of the sought Application will not impact on the legislature's authority over municipalities generally, or even its authority to pass this legislation in particular, but will act only to prevent the coming into force of legislated changes to municipal elections *during* a municipal election already underway. The Premier's authority to Act in the future is not prejudiced by requiring this Act to comply with *Charter* and *Constitutional* principles of free speech, democratic participation, non-discrimination, and the Rule of Law.

25. As currently constituted, and having complied with all rules and regulations in the 2018 municipal election, I will not be a candidate unless I refile and adhere to new rules, regulations, and corresponding obligations, and that would be patently unfair in a free and democratic society.

26. I swear this affidavit for the sole purpose of ensuring the integrity of the Toronto 2018 municipal election, Ontario municipal elections, and for no improper purpose.

SWORN BEFORE ME at the City)
of Toronto, in the Province of Ontario,)
this 22nd day of August 2018)



(Commissioner for the Taking of Oaths etc.))
)



ROCCO ACHAMPONG

Court File No.: CV-18-00602494-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO ACHAMPONG

Applicant

-and-

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-
GENERAL), and CITY OF TORONTO**

Respondents

INDEX

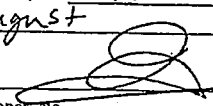
- A. Candidate List for 2018 Municipal Election
- B. 2018 Candidates' Guide for Ontario municipal council and school board election
- C. City of Toronto BY-LAW-598-2018 To confirm the composition of council, Map of the City of Toronto's 47 Electoral Wards
- D. Media Report: The Globe and Mail "Doug Ford throws Ontario elections into turmoil"
- E. Ontario, News Release, Office of the Premier: The Better Local Government Act, July 27, 2018 9:35 A.M.
- F. Bill 5 An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001 and the Municipal Elections Act, 1996

TAB A

Candidate List for 2018 Municipal Election

Name	Office	Ward
Achampong, Rocco	Councillor	13
Austin, Renatta	Councillor	13
Bomshiteyn, Oleksandr	Councillor	13
Carson, Andrew	Councillor	13
Colle, Mike	Councillor	13
Cristiano, Gianfranco	Councillor	13
Mitchell, Crystal	Councillor	13
Spaans, Kyle	Councillor	13
Tassi, Marta	Councillor	13
Torrone, Enzo	Councillor	13
Vilde, Robyn	Councillor	13

This is Exhibit A referred to in the
affidavit of Rocco Achampong
sworn before me, this 22
day of August, 20 18


A Commissioner, etc.


TAB B

2018

Candidates' guide

for Ontario municipal council and school board elections

This is Exhibit B referred to in the
affidavit of Rocco Achampong
sworn before me, this 22
day of March, 2018


A Commissioner, etc.



2018 Candidates' guide for Ontario municipal council and school board elections

This guide provides information to candidates for the 2018 municipal council and school board elections. The information also applies to any by-elections that may be held during the 2018-2022 council and school board term.

This guide is not meant to replace provincial legislation. It provides general information about the rules contained in the Municipal Elections Act, 1996 and other legislation and regulations, such as:

Municipal Act, 2001

City of Toronto Act, 2006

Education Act

Table of Contents

Changes to election rules in 2018.....	1
Quick links	2
General information	2
Eligibility to run for election.....	3
Nominations	5
Campaigning	10
Third party advertising	11
On voting day	12
After voting day	14
Campaign finance	16
Compliance and enforcement.....	28
Completing the financial statement.....	30
A-Z tips for completing form 4	30
Forms for municipal candidates	37
Contact us.....	38

Changes to election rules in 2018

Changes to the Municipal Elections Act, 1996 were made in 2016 and 2017. Those who were familiar with the rules for the 2014 municipal council and school board elections should be aware of the following changes:

- Candidates for municipal council in municipalities with more than 4000 electors must collect 25 signatures endorsing their nominations.
- Nominations may be filed beginning May 1, 2018. Nominations may be filed until 2 p.m. on nomination day (Friday, July 27, 2018).
- Candidates must open a bank account before incurring any expenses or accepting any contributions of money (including a contribution from themselves or their spouse). A candidate who does not spend any money or accept any contributions does not have to open a campaign bank account. The campaign bank account must be used exclusively for campaign purposes, but the previous requirement that the account be opened "in the name of the campaign" has been removed.
- There is now a limit for contributions that a candidate for municipal council and their spouse can make to the candidate's own campaign. This limit does not apply to school board trustee candidates.
- The limit for campaign contributions to one candidate is now \$1,200, increased from \$750. Corporations and trade unions are not permitted to make contributions to candidates.
- There is a separate spending limit for expenses related to parties and expressions of appreciation after the close of voting.
- Expenses related to an auditor's report accompanying the financial statement can be incurred after the campaign period has ended on December 31. These expenses should be included in the financial statement.
- There are now rules for third party advertising. Campaigning for a "yes" or "no" answer to a question on the ballot is now considered to be third party advertising. For detailed information about third party advertising, see the 2018 Guide for Third Party Advertisers.
- Municipal clerks are now required to review contributions that are reported by candidates and third party advertisers to see if any contributors have given more than is permitted.
- The council and school board term of office will run from December 1, 2018 to November 14, 2022. Starting in 2022, the term of office will begin on November 15.

Quick links

The following links are provided in the electronic version of this guide:

Ontario Central Forms Repository – links to election forms:

www.forms.ssb.gov.on.ca (type "municipal election" in Quick Search box)

Ministry of Municipal Affairs – resources for municipal elections:

www.ontario.ca/municipalelections

Ministry of Municipal Affairs – election email address:

mea.info@ontario.ca

General information

Every four years, voters across Ontario decide who will represent their interests and lead their communities by electing the members of their municipal councils and school boards.

The Province of Ontario sets out common rules that all candidates and voters must follow. However, municipalities are responsible for conducting elections to their council and for conducting the election of school trustees to Ontario's school boards. This guide contains information about the rules that are the same for all municipal elections, such as who is eligible to run for office, and rules about campaign spending.

Your municipality may have specific rules on issues such as:

- where and when election signs may be displayed
- whether campaign activities may occur on municipal property
- whether those who make contributions to candidates may receive a rebate.

Contact your municipal clerk if you have questions about the election in your municipality.

The municipal clerk

Every municipality has a municipal clerk who is in charge of running the election.

Contact the municipal clerk if you are interested in becoming a candidate. The clerk's office is where forms, such as the nomination form and campaign financial statements, must be filed. The clerk is also responsible for providing information about spending limits and filing deadlines to candidates.

If your municipality does not have a website you could visit or contact your town hall for more information.

Eligibility to run for election

Running for municipal council

To run for a position on council you must be eligible to vote in that municipality. On the day you file your nomination, you must be a Canadian citizen aged 18 or older, and qualify as a resident or non-resident elector. For more information about eligibility to vote, please see page 3 of the 2018 Voters' Guide.

You must be eligible to hold office on the day you file your nomination. For example, a person who is 17 years old but will turn 18 before nomination day must wait until they have turned 18 to file their nomination.

If your municipality has wards, you can run in any ward – you do not have to live in a particular ward in order to be its councillor. However, if you run in a ward where you do not live, you will not be able to vote for yourself. Having a campaign office or a business in a ward where you would not otherwise be eligible to vote does not make you eligible to vote in that ward.

Municipal employees

You cannot work for a municipality and be on its council at the same time. If you are an employee of a municipality and you wish to run for office on that municipality's council, you must take a leave of absence before you file your nomination form. If you are elected, you must resign from your job.

If you are an employee of a municipality and you wish to run for office in a different municipality, you do not have to take a leave of absence or resign. However, you may wish to check with your employer to see if there are any policies in place that could affect you.

If you are an employee of an upper-tier municipality, you can run for office in a lower-tier municipality without taking a leave of absence or resigning unless being elected to the lower tier council means that you would also be a member of the upper-tier council.

Who is not eligible?

The following people are disqualified from being elected to municipal office:

- any person who is not eligible to vote in the municipality
- an employee of a municipality who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution.

Running for school board trustee

To run for a trustee position on a school board you must be a resident within the jurisdiction of the board and you must be eligible to vote in a school board election. On the day you file your nomination, you must be a Canadian citizen aged 18 or older and you must meet any other qualifications to vote for the school board (for example, being a Roman Catholic, or holding French language rights). For more information about eligibility to vote, please see page 4 of the [2018 Voters' Guide](#).

School board employees

You cannot work for a school board and be a trustee in Ontario at the same time.

If you are an employee of any Ontario school board and you wish to run for a trustee position on any school board in the province, you must take an unpaid leave of absence before you file your nomination form. If you are elected, you must resign from your job.

Municipal officials

If you are a clerk, deputy clerk, treasurer or deputy treasurer of a municipality within the jurisdiction of a school board, you are not permitted to run for office as a trustee of that board unless you take a leave of absence. If you are elected, you must resign from your job.

Who is not eligible?

The following people are disqualified from being elected as a school trustee:

- any person who is not eligible to vote in the school board election
- an employee of a school board or a municipal official who has not taken an unpaid leave of absence and resigned (see above)
- a judge of any court
- an MP, an MPP or a senator
- an inmate serving a sentence in a penal or correctional institution

Note for MPs, MPPs and senators

If you are an MP, MPP or senator, you may file your nomination for municipal or school board office without resigning your current seat in parliament, the legislature or the senate. However, you must resign your seat by the close of nominations (2 p.m. on Friday July 27, 2018). If you are a federal or provincial cabinet minister, you must step down from cabinet prior to filing your nomination and must resign your seat by the close of nominations.

If you have not resigned by nomination day, your nomination will be rejected and your name will not appear on the ballot.

Nominations

Filing your nomination

To file your nomination you must give the following to your municipal clerk:

- a completed nomination form (Form 1)
- the nomination fee
- completed endorsement signature forms (Form 2).**

**If you are running for municipal council and your municipality has more than 4000 electors, you must submit endorsement signatures from 25 people who are eligible to vote in the municipality. Candidates for school board trustee and candidates for municipal council in municipalities with 4000 or fewer electors do not have to submit endorsement signatures.

When you fill out the nomination form, write down your name as you want it to appear on the ballot. If you normally go by a different name than your legal first name, you may use that name provided that the clerk agrees.

You do not have to provide all of your names under the box entitled "Given Name(s)" on the form. Only provide the one(s) that you want to appear on the ballot. If your legal name is a single name you do not have to provide any given names.

You must file the nomination form that you have signed – the form may not be a copy and may not be scanned and submitted electronically. You must file the nomination form in person or have an agent file it on your behalf.

The clerk may require you to show identification or fill in an additional form to prove that you are eligible to be nominated. If an agent is going to file the form on your behalf you should check with the clerk to see if you are required to provide identification or additional paperwork.

The nomination fee

The fee to file a nomination is \$200 to run for head of council and \$100 for all other positions. This fee must be paid to the clerk at the time you hand in your nomination form.

Your nomination fee will be refunded if you file your campaign financial statement by the deadline.

Endorsement signatures

If you are running for municipal council in a municipality that has more than 4,000 electors, you must submit 25 signatures endorsing your nomination.

Anyone providing an endorsement signature must be eligible to vote in the municipality on the day that they signed the endorsement. In addition to their endorsement, they will also be required to sign a declaration that they are eligible to vote in the municipality.

A person who is eligible to vote in the municipality may provide endorsements to as many candidates as they choose and may endorse candidates for any office on the municipal council. A person who is running for a ward councillor office may submit signatures from voters who do not live in that ward.

If you submit 25 endorsement signatures and find out later that a person (or persons) was not eligible to vote on the day that they signed the endorsement, you will not lose your nomination. The person who supplied false information (by declaring that they were eligible to endorse your nomination when they were not eligible) could be subject to prosecution.

School board trustee candidates are not required to submit endorsement signatures.

Deadline to file your nomination

You can file your nomination beginning on May 1, 2018. The last day to file a nomination is Friday, July 27, 2018.

Note: The deadline to file or withdraw a nomination is now in July rather than September.

The clerk has until 4 p.m. on Monday, July 30, 2018 to certify or reject your nomination. The clerk must be satisfied that you are eligible to run in order to certify your nomination. If your nomination is not certified, your name will not appear on the ballot.

Where to file

If you are running for council office in a single-tier or lower-tier municipality (city, town, township, village, etc.), you must file your nomination with the clerk of that municipality.

If you are running for an office in an upper-tier municipality (region or county) that does not also sit on a lower-tier council, you must file your nomination with the clerk of the upper-tier municipality. For example, a person running for chair of Peel Region would file their nomination with the clerk of Peel Region rather than the clerk of Mississauga, Brampton or Caledon.

If you are running for a school trustee position that represents more than one municipality, contact your municipal clerk for information about where to file your nomination.

Changing your mind - withdrawal

If you decide to withdraw your nomination, you must notify the clerk in writing by the close of nominations (2 p.m. July 27, 2018).

If you withdraw your nomination, you are still required to file a campaign financial statement covering all the financial transactions you made in your campaign.

If your campaign did not have any financial transactions, you must file a financial statement reporting this. Your nomination fee will be refunded by the clerk if you file your financial statement by the deadline.

Changing your mind – running for a different office

You can only run for one office at a time. If you decide to run for a different office, your first nomination is deemed to be withdrawn when you file your second nomination.

If you decide to run for a different office on the same council or school board, and both offices are elected at large (i.e. an office such as the mayor, which everyone in the municipality may vote for), everything (contributions, expenses, etc.) from your first campaign is simply transferred to your second campaign.

Example:

You file your nomination to run for deputy mayor on May 7, 2018. During the summer you decide to run for mayor instead, and file your second nomination form on June 29, 2018.

- Your first nomination for deputy mayor is deemed to be withdrawn.
- The nomination fee you paid on May 7 is transferred to your second nomination (in this case, you would have to pay an additional \$100 to make up the \$200 fee to run for head of council).
- Your campaign for mayor is deemed to have started on May 7.
- Any campaign contributions or expenses that occurred prior to June 29 are transferred to your mayoral campaign.
- You must file one campaign financial statement covering your campaign finances from May 7 until December 31, 2018.
- Your nomination fee will be refunded if you file your campaign financial statement by the filing deadline.

If you decide to run for a different office on the same council or school board, and one or both of the offices is elected by ward, then you must keep the two campaigns separate.

Example:

You file your nomination to run for mayor on May 7, 2018. During the summer you decide to run for councillor in ward 1 instead and file your second nomination form on June 29, 2018.

- Your first nomination for mayor is deemed to be withdrawn, and your campaign for mayor ends. You may not transfer any contributions or expenses from your mayoral campaign to your ward councillor campaign.
- You must pay a separate nomination fee when you file your nomination for ward councillor.
- You must file a campaign financial statement covering your campaign for mayor (May 7 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign finance statement covering your campaign for ward councillor (June 29 to December 31) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

If you decide to run for office on a different council or school board, then you must keep the two campaigns separate.

Example:

You file your nomination to run for councillor on May 7. During the summer you decide to run for school trustee instead, and file your second nomination form on June 29, 2018.

- Your first nomination for ward councillor is deemed to be withdrawn.
- You are required to pay a nomination fee when you file your nomination for school trustee.
- Your campaign for ward councillor ends. You may not transfer any contributions or expenses from your ward councillor campaign to your trustee campaign.
- You must file a campaign financial statement covering your campaign for ward councillor (May 7 to June 29) – your first nomination fee will be refunded if you file this financial statement by the filing deadline.
- You must file a separate campaign finance statement covering your campaign for school trustee (June 29 to December 31) – your second nomination fee will be refunded if you file this financial statement by the filing deadline.

Endorsement signatures

If you were required to submit 25 endorsement signatures when you filed your first nomination for municipal council, you do not have to submit new endorsement signatures if you withdraw and file a nomination for a different office on the same municipal council.

School board trustee candidates are not required to submit endorsement signatures. If your first nomination was to run for school board trustee and you decide to run for a

municipal council office instead, contact the municipal clerk to find out if council candidates are required to submit 25 endorsement signatures.

Acclamations

If there is only one certified candidate running for an office at 4 p.m. on Monday, July 30, that candidate will be declared elected by acclamation. Similarly, in a municipality where multiple candidates are elected at large, if the number of certified candidates is the same as or less than the number of offices, those candidates will be declared elected by acclamation.

If you are elected by acclamation, you must still file a campaign financial statement.

Additional nominations

If there are positions that no candidates have run for or positions that are still vacant after the candidates who did run have been acclaimed, the clerk will call for additional nominations.

Additional nominations for the remaining vacant seats must be filed between 9 a.m. and 2 p.m. on Wednesday, August 1, 2018. The clerk must either certify or reject each nomination by 4 p.m. on Thursday, August 2, 2018.

Campaigning

Signs

Your municipality may have rules about when you can put up campaign signs and how signs may be displayed on public property.

All of your campaign signs and other advertising must identify that you are responsible for the sign. This is so that people seeing the sign or advertisement can tell that it is from your campaign, rather than from a third party advertiser.

You are responsible for ensuring that your campaign signs are removed after voting day. Your municipality may require a sign deposit or have penalties for failing to remove your signs. Contact your local clerk for more information.

You are entitled to have your nomination fee refunded if you file your campaign financial statement by the filing deadline. The clerk cannot make removing your signs an additional condition for receiving your refund.

Getting information out

It is up to you to provide voters with information about you as a candidate and about your campaign. The municipal clerk is not responsible for providing your contact information to voters.

All candidates' debates

The Municipal Elections Act, 1996 does not require candidate debates to be held, and the municipal clerk is not responsible for organizing meetings or debates. Debates could be organized by community groups, media outlets, candidates or any other interested persons.

Joint campaigns / running on a slate

There is nothing in the Municipal Elections Act, 1996 that would prevent like-minded candidates from campaigning on the same platform or identifying themselves as a group or slate. However, each candidate must keep their campaign finances separate and any joint expenses (for example, signs with two candidates' names on them) must be divided between the campaigns.

For information on campaign finance rules please see pages 16-27.

Third party advertising

Beginning in 2018, there are rules for third party advertising in Ontario's municipal council and school board elections.

A third party advertisement is an ad that supports, promotes or opposes a candidate or a "yes" or "no" answer to a question on the ballot.

Third party in this context means a person or entity who is not a candidate. Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

Third party advertisers who wish to spend money on advertisements during the election must register with the municipal clerk and must file a financial statement.

Eligible third party advertisers

The following are eligible to register as a third party advertiser:

- any person who is a resident of Ontario
- a corporation carrying on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario.

Groups or businesses that are not corporations cannot register as third party advertisers. Candidates cannot register as third party advertisers.

Only registered third party advertisers may spend money on advertisements supporting, promoting or opposing candidates or answers to a question on the ballot during the municipal election.

What is not considered to be third party advertising?

Activities that do not involve spending money, such as speaking with friends or strangers, or posting an opinion on social media are not considered to be third party advertising.

Advertising about an issue rather than a candidate or a "yes" or "no" answer to a question on the ballot is not considered to be third party advertising.

For more information about third party advertising rules, including spending limits and enforcement, please see the [2018 Guide for Third Party Advertisers](#).

On voting day

Campaigning on voting day

The Municipal Elections Act, 1996 does not prohibit campaigning on voting day. While there are restrictions on advertising for federal and provincial elections on voting day, these "blackouts" do not exist for municipal council and school board elections.

The act prohibits the display of campaign material inside a voting place. The "voting place" could include the entire property of a building that has a voting place inside it, including the parking lot. You are not allowed to have campaign brochures, campaign buttons, signs or any other material inside the voting place.

Who can stay in a voting place

As a candidate, you are allowed to stay in a voting place to observe but you are not allowed to interfere with voters, attempt to influence how they vote or ask a voter how they voted. Scrutineers may also stay in the voting place.

You and your scrutineers are entitled to be in the voting place 15 minutes before it opens and to inspect the ballot boxes, the ballots and any other papers or forms relating to the vote. However, you may not delay the opening of the voting place.

You and your scrutineers are entitled to place a seal on the ballot box so that ballots put in the box cannot be removed without breaking your seal.

Note: If you have been acclaimed, you are not allowed to be in the voting place or to appoint scrutineers.

Scrutineers

You may appoint a scrutineer for each ballot box in a voting place. You do not have to appoint that many scrutineers, or any scrutineers at all. If you have appointed one scrutineer for each ballot box, one scrutineer must leave while you are in the voting place.

Scrutineers may observe but they are not allowed to interfere with voters, attempt to influence how they vote, or ask a voter how they voted.

You must provide each of your scrutineers with an appointment in writing. Scrutineers may be required to show their appointment document to election officials at the voting place.

Scrutineers may be required to take an oath of secrecy.

There are no general restrictions on who you can appoint as a scrutineer (for example, a scrutineer can be any age and does not have to be a citizen). However, an acclaimed candidate cannot be appointed as a scrutineer for another candidate.

Counting votes

If your municipality is using voting machines or vote counting equipment, the clerk must have the processes and procedures for use of this equipment in place by December 31, 2017. If vote counting equipment is used, the clerk will be able to provide you with information on how the votes will be counted and how many scrutineers may be present.

The vote count begins immediately after the close of voting at on October 22, 2018 at 8 p.m.

If the votes are counted manually, you and your scrutineers are entitled to view the ballots as they are counted, but you cannot touch the ballots. You and your scrutineers may object to a ballot or how it is counted (for example, if it is unclear who the vote is for or if the ballot has extra markings on it). The deputy returning officer is responsible for deciding whether to accept the objection and must keep a list of all the objections raised.

Results

After the votes have been counted, the deputy returning officer will prepare a statement showing the results and seal all the other election documents, including the ballots, inside the ballot box. You and your scrutineers are entitled to put your or their own seal on the ballot box at this time, and are entitled to sign the statement showing the results.

The sealed ballot box and the statement of the results will then be delivered to the municipal clerk, who will compile the results and declare who has been elected.

Please note: results announced on voting night are unofficial. It may take the clerk a few days or more to make the official declaration.

After voting day

Tied votes

If two or more candidates get the same number of votes and they cannot all be elected, there is an automatic recount. The recount must be held within 15 days of the clerk declaring the results of the election. If you are one of the candidates in the tie, you are entitled to be present at the recount.

If the recount shows that there is still a tie, then the legislation states that the clerk will choose the winner by lot. This means putting the names of the tied candidates into a hat (or other suitable container) and drawing the name of the winner.

Recounts

The Municipal Elections Act, 1996 requires an automatic recount only if the votes are tied.

Your municipal council or school board may have a policy in place that sets out other specific circumstances under which the clerk must conduct an automatic recount. For example, a council may decide that if two candidates are within 10 votes of each other, an automatic recount will be held. The policy must be adopted at least 60 days before voting day.

A municipal council or school board may also order a recount within 30 days after the clerk has officially declared the results of the election. If you feel there should be a recount, you must either persuade council (or the school board) to order one or you may apply to the Superior Court of Justice to persuade a judge to order a recount. This application may be made by any eligible elector, and must be made within 30 days of the clerk declaring the results of the election.

Recounts must be conducted in the same way that the votes were originally counted, unless the recount is ordered by the court. For example, if the votes were counted by a vote tabulator, they may not be counted by hand during the recount.

If the recount is ordered by the court, the judge may order that the votes be counted in a different manner if the judge believes that the way the votes were counted the first time was an issue.

Wrapping up your campaign

After voting day, remove any election signs that have been put up and take down your campaign website, if you have one. If you would like to keep using your website, remove any references to the campaign. Websites that say "Vote for me" which are left up for years after the election can make it look like you are attempting to campaign for the next election early.

Your campaign must end on December 31, 2018 unless you have a deficit and inform the clerk in writing that you are going to extend your campaign (see Extended campaigns on page 26). Once your campaign has ended, you should close your campaign bank account and prepare your campaign financial statement.

Financial statements must be filed with the clerk by 2 p.m. on Friday, March 29, 2019.

Start of term of office

The term of office for the new council or school board begins on December 1, 2018. The council and school board term of office will run from December 1, 2018 to November 14, 2022. Starting in 2022, the term of office will begin on November 15.

Campaign finance

Record keeping

You are responsible for keeping records of the financial activities related to your campaign. The Municipal Elections Act, 1996 does not require you to use any specific accounting system. You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

You should also look through the campaign financial statement (Form 4) that you will be required to file to make sure that you are keeping records of all the information that must be included on the statement. Please see page 37 for links to forms.

You are required to keep all of your campaign financial records until November 15, 2022 when the next council or school board takes office.

You must keep the following campaign records:

- receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (remember to issue receipts to yourself for any contributions you make)
- the value of every contribution, whether it is in the form of money or goods or services, and the contributor's name and address
- all expenses, including the receipts obtained for each expense
- any claim for payment of an expense that the campaign disputes or refuses to pay
- the funds raised and expenses incurred from each separate fundraising event or activity
- the terms of any loan received from a bank or other recognized lending institution.

What is my campaign period?

You may accept contributions or incur campaign expenses during your campaign period only.

Your campaign begins on the day you file your nomination.

In most cases, your campaign will end on December 31, 2018. Exceptions are if you:

- withdrew your nomination, your campaign ends on the date you informed the clerk in writing that you wanted to withdraw
- were not certified as a candidate and your name did not appear on the ballot, your campaign ends on nomination day (July 27, 2018)

- know you will not have any more financial activity, you can end your campaign at any time after voting day and before December 31.

If you have extended your campaign to pay down a deficit, the end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions
- June 30, 2019.

Bank account

You must open a bank account exclusively for your campaign if you accept any contributions of money (including contributions from yourself or your spouse) or incur any expenses. If you do not spend any money and do not receive any contributions of money, you do not have to open a campaign bank account. If you receive contributions of goods or services, but no contributions of money, you do not have to open a campaign bank account.

You cannot use your personal bank account for campaign finances, even if you are planning a very small campaign.

All contributions – including contributions you make to yourself – must be deposited into the campaign bank account. All expenses must be paid for from the campaign account.

The nomination fee is considered to be a personal expense, not a campaign expense.

Contributions

Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute to yourself.

If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what the market value would be is considered to be a contribution.

Corporations and other businesses are not permitted to make contributions to candidates. If you are being offered a discount, you should make sure that whoever is offering the discount is entitled to make a personal contribution to your campaign.

If a professional who would normally charge for a service gives you that service for free, the market value of the service is considered to be a contribution.

If you sell goods at a fundraising event for more than their market value, the difference between what the person attending the fundraising event paid you and what they would have normally paid for the item is considered to be a contribution.

If you sell tickets to a fundraising event, the cost of the ticket is considered to be a contribution.

If you have inventory such as signs left over from a previous campaign and you use them again, the current market value of the signs (i.e. what it would cost you to buy those signs today) is considered to be a contribution that you make to your campaign.

If you or your spouse guarantees your campaign loan and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor.

Things that are not contributions

If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to you. You will have to report the total amount of money that you received from these donations on your financial statement.

The value of free political advertising, provided that such advertising is made available to all candidates and is in accordance with the Broadcasting Act (Canada) is not considered to be a contribution.

If you obtain a campaign loan from a bank or a recognized lending institution, the amount of the loan is not considered to be a contribution.

Who can make a contribution

You can accept contributions only from individuals who are normally resident in Ontario. Corporations and trade unions are no longer permitted to make contributions to candidates.

If your spouse is not normally a resident in Ontario, they can still make contributions to your campaign. They may not make contributions to any other candidate.

Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

Who cannot make a contribution

The following individuals and organizations are not permitted to make contributions to municipal council and school board campaigns:

purchases a ticket to a fundraising event), the total value of all the contributions cannot exceed \$1,200.

If you are running for mayor in the City of Toronto, the limit is \$2,500.

The maximum total amount that a contributor can give to candidates in the same jurisdiction (i.e. running for the same council or the same school board) is \$5,000.

You are required to inform every contributor of the contribution limits. An easy way to make sure that this is done is to include the contribution limits on the receipt that you provide for each contribution.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order or by a method that clearly shows where the funds came from (such as certain debit, credit or electronic transfer transactions).

Contribution receipts

You must issue a receipt for every contribution you receive. The receipt should show who made the contribution, the date and the value. If the contribution was in goods or services, you must determine the value of the goods or services and issue a receipt for the full value.

If you receive a cheque from a joint personal account, the receipt must be issued only to the person who signed the cheque. The contribution can only come from one person.

You are required to list the names and addresses of every contributor who gives more than \$100 total to your campaign in your financial statement. You should keep a record of the names and addresses of every contributor, regardless of the value of their contribution, because the same contributor may make multiple contributions that end up totalling more than \$100.

Note: Contribution receipts are not tax receipts. Contributions to municipal council and school board campaigns cannot be credited against provincial or federal income taxes.

Returning ineligible contributions

You are required to return any contribution that was made or accepted in contravention of the act as soon as you learn that it was an ineligible contribution. If you cannot return the contribution, you must turn it over to the clerk.

Contributions should be returned or paid to the clerk if the contribution is:

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)

- from an ineligible source (e.g. someone who doesn't live in Ontario, a corporation, etc.)
- greater than the individual \$1,200 limit or the \$5,000 total limit per jurisdiction
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you.

Refunding unused contributions

If your campaign ends with a surplus, you can withdraw the value of contributions that you and your spouse made from the surplus. If you still have a surplus once you have withdrawn your contributions, the remaining surplus must be turned over to the clerk.

You are not permitted to refund eligible contributions made by anyone other than yourself or your spouse.

Contribution rebates

Contributions to municipal council and school board campaigns are not tax deductible. Your municipality may have a contribution rebate program. Contact your clerk for more information.

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the primary purpose of raising money for your campaign. If you hold an event to promote your campaign and you happen to receive some contributions or ask people to consider contributing to your campaign, this would not qualify as a fundraising event.

Similarly, if you have a sentence in your campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote your campaign, not to raise money.

Fundraisers can only be held during your campaign period. You must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on your campaign financial statement.

If you sell tickets to an event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

If your ticket price is more than \$100, you must include these contributions in Table 1 on your campaign financial statement (Form 4). If your ticket price is less than \$100 and a person who buys a ticket makes other contributions totalling more than \$100 (including the cost of the ticket), you must record these contributions – including the cost of the ticket – in Table 1.

Campaign income

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution. If the good or service is sold for \$25 or less, the amount paid is considered to be campaign income, and not a contribution.

Example:

You have 100 t-shirts printed to sell at a fundraiser. The cost to the campaign is \$10 per shirt, and you sell them for \$25 each.

- The \$25 is not a contribution. You do not have to collect names and contact information, or issue a contribution receipt to anyone who buys a shirt.
- The \$1,000 that you spent on the shirts must be recorded as a campaign expense.
- The \$2,500 that you raised by selling the shirts must be recorded as campaign income on your financial statement.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution, but must still be recorded on your campaign financial statement as campaign income.

Expenses

Campaign expenses are the costs that you incur (or that a person such as your campaign manager incurs under your direction) during your campaign. The nomination fee is a personal expense. It is not considered to be a campaign expense and should not be reported on your campaign financial statement.

Expenses must be paid from your campaign bank account. If you use a credit card to pay for purchases you should make sure that you keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

You can incur expenses only during your campaign period, except for expenses related to the preparation of an auditor's report. If you are required to include an auditor's report with your financial statement, you may incur these expenses after the campaign period has ended. These expenses must also be reported on your financial statement. See page 27 for information about when an auditor's report is required.

Goods and services

Goods or services that are contributed to your campaign are also expenses. They should be treated as if the contributor gave you money and you went out and purchased the goods and services – you must record both the contribution and the expense.

Example:

Your friend spends \$150 on coffee and baked goods which they donate for a campaign event. You should record a contribution of \$150 in goods or services from your friend, and record an expense of \$150.

If you are given a special discount on a good or service that you are purchasing for your campaign, you should record the expense as if you were not given the discount (since the value of the discount is considered to be a contribution of the good or service to your campaign).

Example:

Your order for campaign signs would normally cost \$500, but the vendor lets you have them for \$300 because he wants to help out your campaign. You should record an expense of \$500 for the signs, and record a contribution of \$200 in goods or services from the vendor. **Note:** As businesses are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.

Spending Limits

Candidates are subject to two spending limits – a general limit, and a separate limit for expenses relating to parties and expressions of appreciation after voting day.

General spending limit

The general spending limit for your campaign is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.85 per eligible elector
- for council member or trustee: \$5,000 plus \$0.85 per eligible elector.

When you file your nomination the clerk will give you an estimate of your general spending limit. This estimate will be based on the number of electors in the previous election.

On or before September 25, 2018 the clerk must give you a final general spending limit which is based on the number of electors on the voters' list for the current election.

If the spending limit estimate that you received when you filed your nomination is higher than the final spending limit you receive in September, the estimate becomes your official spending limit.

Spending limit for parties and expressions of appreciation

The spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting is calculated as ten percent of the amount of your general spending limit.

Example:

Your general spending limit is \$25,000. Your spending limit for throwing a party on voting night and making expressions of appreciation such as giving gifts to the members of your campaign team would be \$2,500. These expenses do not count toward your \$25,000 general spending limit.

The clerk will provide you with your spending limit for expenses related to parties and other expressions of appreciation after the close of voting on or before September 25, 2018.

Types of expenses

Most of your expenses will be subject to the spending limit.

The following expenses are not subject to the spending limit:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a controverted election
- expenses relating to a compliance audit
- expenses incurred by a candidate with a disability that are directly related to the candidate's disability and would not have been incurred if not for the election
- audit and accounting fees.

Note: Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

When the spending limit applies

Your spending limit covers expenses that you incur between the beginning of your campaign and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit.

Note: If you incur an expense before voting day, but don't get around to paying for it until after voting day, it would still be subject to the spending limit.

Expenses related to parties and expressions of appreciation are subject to the specific spending limit regardless of whether they are incurred before or after voting day.

Campaign inventory

If you ran in the last municipal council or school board election and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense.

If you have inventory left at the end of your campaign it becomes your personal property. If you wish to store materials such as signs for use in another election, any costs related to storage are personal costs, not campaign expenses.

Note to accountants: The value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the candidate does not actually have.

Campaign financial statement

It is your responsibility as a candidate to file a **complete and accurate** financial statement **on time**.

The filing deadline is 2 p.m. on the last Friday in March following the election (**March 29, 2019**).

If you have a bookkeeper or accountant complete the financial statement for you, you are still responsible for ensuring that it is complete and accurate and filed on time.

Financial statements are not required to have original signatures. You should contact your clerk for information about whether you can file your financial statement by a method such as fax or email if you are not able to file your statement in person.

If you filed a nomination form, you must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

If you did not receive any contributions (including contributions from yourself) or incur any expenses, you are only required to fill out the first page of the financial statement and sign it.

If you received contributions or incurred any expenses you must complete the relevant parts of the financial statement.

If your campaign contributions (including contributions from yourself) or campaign expenses are greater than \$10,000 you must have your financial statement audited and include the auditor's report when you submit your financial statement to the clerk.

Filing early

You can file your campaign financial statement after you have ended your campaign. If you file your statement early and then discover that there is an error in it, you can submit a corrected statement at any time before the filing deadline on March 29, 2019. Your original statement is deemed to be withdrawn when you file the corrected statement. You cannot withdraw a financial statement without submitting a corrected one at the same time.

Applying for an extension

If you think that you will be unable to file your financial statement by the deadline, you may apply before March 29, 2019 to the Superior Court of Justice for an extension. If the court grants the extension, you will receive the refund of your nomination fee if you file by the deadline given to you by the court.

Grace period for filing

If you have not filed your financial statement by the deadline, you may file your financial statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. This grace period ends at 2 p.m. on Monday, April 29, 2019. You will not receive a refund of your nomination fee if you file during the 30-day grace period.

If you have not filed your financial statement by the end of the 30-day grace period and you did not apply to the court for an extension prior to the deadline, you will forfeit your elected office (if you won the election) and you will be ineligible to run for office or be appointed to fill a vacancy until after the 2022 election.

If you did not file your financial statement by the end of the grace period, you may still file it for the purposes of having your finances on the record. The clerk will accept the financial statement and make it available to the public. The penalties will still apply.

Separate statement for each office

If you filed a nomination and then changed your mind and filed a nomination for a different office, you may be required to file a separate financial statement for each campaign. Please see "Changing your mind – running for a different office" on page 7.

Extended campaigns

Your campaign period ends on Monday, December 31, 2018. However, if your campaign has a deficit, you can extend your campaign in order to do some additional fundraising. If you want to extend your campaign, you must notify the clerk on or before Monday, December 31, 2018 using the Notice of Extension of Campaign form (Form 6). Please see page 37 for links to forms.

Your campaign may be extended until June 30, 2019.

If you extend your campaign you must file two financial statements:

- a financial statement reflecting your campaign until December 31 (due March 29, 2019)
- a supplementary financial statement that includes the information from your initial statement and adds financial information from your extended campaign.

The supplementary financial statement must be filed with the clerk by 2 p.m. on Friday, September 27, 2019.

Surplus and deficit

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the clerk when you file your financial statement. The surplus will be held in trust, and you can use it if you incur expenses related to a compliance audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the school board.

If your campaign expenses are greater than your campaign income, your campaign will be in deficit. Starting with the 2018 election, candidates may no longer carry forward a deficit to their next campaign.

Note: Ending your campaign with a deficit may result in questions being raised about how expenses were paid for, and whether you contributed more than your self-funding limit by paying outstanding expenses with personal funds.

Auditor's report

You must have an auditor review your financial statement and provide a report if:

- your campaign expenses exceed \$10,000, or
- the contributions you received (including contributions from yourself) exceed a total of \$10,000, or
- both your expenses and your contributions exceed \$10,000 each.

The auditor's report must be prepared by an auditor licensed under the Public Accounting Act, 2004. Before you hire someone to prepare the report, ensure that they are properly qualified.

You can incur expenses relating to the auditor's report after December 31. These expenses do not count toward your spending limit. Include these expenses on the financial statement that you are filing.

Compliance and enforcement

Automatic penalties

There are three contraventions of the Municipal Elections Act, 1996 where penalties apply automatically:

1. if you fail to file a financial statement by the end of the 30-day grace period or fail to apply to the court before March 29, 2019 for an extension by the filing deadline
2. if your financial statement shows that you exceeded your spending limit
3. if you fail to turn over your surplus to the clerk when you file your financial statement.

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or be appointed to fill a vacancy until after the 2022 election.

Compliance audits

Each municipality and school board must appoint a compliance audit committee.

If an eligible elector believes that you have contravened the election finance rules, they may apply for a compliance audit of your campaign finances. The application must be in writing and must set out the reasons why they believe you contravened the rules.

An application for a compliance audit must be submitted to the municipal clerk who conducted the election within 90 days of the deadline to file the campaign financial statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. You may appeal the committee's decision to the Superior Court of Justice within 15 days after the decision is made.

If the committee grants the application, it will appoint an auditor to conduct a compliance audit of your campaign finances. The auditor is entitled to have access to all of the financial records related to your campaign. The auditor will produce a report, which you are entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the Municipal Elections Act, 1996 the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if you contravened the act and, if so, which penalties should apply.

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2018 election must be commenced before November 15, 2022.

Penalties

If you are convicted of an offence, you may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of your elected office, if the judge finds that you committed the offence knowingly.

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

Completing the financial statement

General information

Candidates must use Form 4.

All candidates must complete Box A: Name of Candidate and Office and Box B: Declaration.

- **If you did not receive any contributions** (including contributions from yourself) or incur any expenses, check the box indicating this, and complete the Declaration in Box B. No further information is required.
- **If you did receive contributions** (including contributions from yourself) or incur any expenses, you must fill in the information in Box C, Box D, Schedule 1 and Schedule 2, as appropriate. You may find it easier to fill out the form if you start with the more detailed sections such as the tables in Schedule 1 before filling in Box C (Statement of Campaign Income and Expenses).

If you received contributions or incurred expenses in excess of \$10,000, you must include an auditor's report with your financial statement.

Your completed financial statement must be submitted to the clerk by **2 p.m. on the last Friday in March (March 29, 2019)**.

Supplementary financial statements must be submitted to the clerk by **2 p.m. on the last Friday in September (September 27, 2019)**.

A-Z tips for completing form 4

Anonymous contributions

You may keep anonymous contributions that do not exceed \$25 each that are received at a fundraiser (e.g. collected by passing the hat or having a tip jar). Report the total amount of money received from these donations in Schedule 2 for that fundraiser.

All other anonymous contributions must be turned over to the clerk.

If the anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. If the anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in Table 1 (listing "anonymous" as the name of the contributor). You will then subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions.

Auditor's report

If your campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the Public Accounting Act, 2004. Before you hire someone to prepare the report, you should ensure that they are properly qualified.

Campaign deficit

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your expenses are greater than your income, your campaign is in deficit.

If you ran for office on the same council or school board in the previous election, and that campaign also had a deficit, you may include this amount to arrive at the total deficit for your campaign.

If you have extended your campaign in order to fundraise, you must still file a financial statement reflecting your campaign finances to December 31, 2018.

Campaign period

Your campaign period begins on the date you file your nomination paper with the clerk.

In most cases, the end date will be December 31, 2018. Exceptions are:

- if you withdrew your nomination, the date you withdrew is the end date
- if you were not certified as a candidate, nomination day (July 27, 2018) is the end date.

Note: if you have extended your campaign in order to fundraise to eliminate a deficit, you must file an initial statement reflecting your campaign finances as of December 31, and a supplementary statement which includes any contributions or expenses incurred after December 31.

The end date for the extended campaign period will be the earliest of:

- the day you notify the clerk in writing that you will be ending your campaign and not accepting any more contributions; or
- June 30, 2019.

Campaign surplus

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your income is greater than your expenses, your campaign has a surplus.

If you ran for office on the same council or school board in the previous election, and that campaign had a deficit, you may subtract this amount from your surplus.

You are entitled to recoup contributions made by yourself or your spouse out of the surplus. For example, if the surplus was \$500 and you contributed \$400 to your campaign, you may deduct that \$400, leaving your campaign with a surplus of \$100. If the surplus was \$500 and you contributed \$600, you may deduct \$500 of your contribution, leaving your campaign with \$0. You may not deduct more than the value of the surplus.

If, after deducting contributions made by yourself or your spouse, the campaign still has a surplus, these funds must be turned over to the clerk.

Contributions from yourself and/or your spouse

If you are running for municipal council, you and your spouse are subject to limits on how much you can contribute to your campaign. This limit applies to contributions of money, goods and services, as well as the value of any inventory from a previous campaign that you have used in your current campaign.

Record these amounts on the lines provided in Schedule 1. Do not include them in the tables of contributions (Table 1 or Table 2). The other reason to identify the contributions from you and your spouse is because those contributions can be recouped by you and your spouse if the campaign ends with a surplus.

Contributions totalling more than \$100

If a contributor makes one or more contributions totalling more than \$100 (including the value of goods and services and the cost of tickets to fundraising events), you must record all of these contributions in the tables provided.

Contributions totalling \$100 or less

If the total amount contributed (including the value of goods and services) from a single contributor is \$100 or less, you do not need to provide details on the form. Simply indicate the total value of all such contributions on the line provided.

Note: It is the total amount contributed that matters – if an individual buys a ticket to a fundraising event for \$50, and then later in the campaign contributes \$75, each of these contributions must be recorded in Table 2 because the total exceeds \$100.

Corporations

Corporations are not permitted to make contributions to candidates. If you have accepted a contribution from a corporation, you must return it.

Declaration

By signing the form, you are declaring that the information recorded in the financial statement is true and accurate. If your financial statement was prepared by someone else, you as the candidate are still responsible for its accuracy.

Expenses

Your campaign expenses include the value of any goods or services that have been contributed to your campaign (it is as if the contributor gave money to the campaign, which the campaign then spent on acquiring the goods or services).

The general spending limit applies only to expenses incurred until the end of voting day. Expenses incurred after voting day are not subject to the spending limit.

Note: An expense subject to the general spending limit that was incurred prior to voting day but not paid for until after voting day is still subject to the limit.

Some types of expenses are not subject to the general spending limit even if they are incurred prior to voting day.

Fundraising events/activities

The cost of holding fundraising events or activities is not subject to the spending limit. However, in order to be considered a fundraising cost, the primary purpose for the expense must be related to fundraising rather than promoting the candidate. Incidental fundraising that happens to occur during a promotional event is not sufficient to make it a fundraising event. Similarly, a line at the bottom of a campaign brochure asking people to donate does not make the production of the brochure a fundraising expense.

If you have included costs of fundraising events/activities as an expense in Box C, you must provide details of these events and activities in Schedule 2.

Contributions received at a fundraising event may include:

- the price of the ticket

- if goods or services are offered for sale, any amount of money paid that exceeds their market value (e.g. if a \$100 item is sold for \$175, the purchaser has made a \$75 contribution to the campaign)
- personal cheques collected from contributors at the event.

If contributors have donated goods or services for the fundraising event, these must be recorded as contributions and as expenses.

These contributions must be recorded in Schedule 1, and where the total from a contributor exceeds \$100, be detailed in the appropriate tables.

The fundraising event may also generate income that is not considered to be a contribution:

- donations of \$25 or less
- if goods or services are offered for sale, the market value of those goods and services sold (e.g. if a \$100 item is sold for \$175, \$100 is income)
- if goods or services are offered for sale for \$25 or less, the money paid is campaign income.

Goods and services

Eligible contributors may donate goods and services to the campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

Corporations and trade unions are not permitted to make contributions to candidates. This includes contributions of goods and services.

Income

Your campaign income includes all contributions received from yourself, your spouse and other eligible contributors. This includes the value of contributions of goods and services. Income also includes any refunds of deposits, interest earned by your campaign bank account, and revenue from fund-raising events or activities that is not deemed a contribution (for example, if you sold refreshments at market value).

Ineligible contributions

Only individuals normally resident in Ontario may contribute to your campaign.

Trade unions, corporations, other businesses and groups are not permitted to make contributions to candidates.

Spouses are not permitted to make a joint contribution. If a contribution comes from a joint account, you must determine which individual is actually making the contribution.

A contributor is only permitted to contribute up to \$1,200 to your campaign in total (\$2,500 if you are running for mayor in Toronto). This includes the value of goods and services. If a contributor has made a number of separate contributions to your campaign, ensure that the total does not exceed the limit.

Only contributions of \$25 or less may be made in cash.

You must return an ineligible contribution as soon as you become aware that it is not permitted under the Municipal Elections Act, 1996. If you are not able to return it to the contributor, you must turn it over to the clerk.

Inventory from previous campaign

Any inventory from a previous campaign that you are using again is a contribution in goods that you make to your campaign, and counts towards your self-funding limit. You must calculate the current market value (for example, if you have 100 signs left over from 2014 and use them again, you must calculate how much it would cost to purchase those same signs in 2018) and record it in Table 1. This inventory must also be recorded as a campaign expense.

Loan

You are permitted to get a loan only from a bank or other recognized lending institution in Ontario, and it must be paid directly into your campaign bank account. You may not receive a loan from family members or from any corporate accounts that you may have access to.

The loan is not considered to be campaign income, and paying it back is not a campaign expense. However, if you or your spouse guarantee the loan and the campaign does not repay all of it, the remaining balance is considered to be a contribution (since the guarantor is basically providing the campaign the means to repay the loan). This amount counts towards your self-funding limit.

Any interest that the campaign pays on the loan is a campaign expense.

Sign deposit

If your municipality requires a deposit for election signs, this should be recorded as a campaign expense and paid for using campaign funds. If your deposit is refunded, record the amount under Income in Box C.

Spending limit

The clerk is required to issue you two spending limit estimates – one when you file your nomination, and one in September. The higher of the two is your final spending limit.

Trade unions

Trade unions are not allowed to make contributions to candidates. If you have accepted a contribution from a trade union, you must return it.

Volunteers

The value of services provided by volunteers is generally not considered to be a contribution. If a professional (e.g. accountant, lawyer, etc.) volunteers to provide services for which they would normally be paid, the market value of the service must be recorded as a contribution by the volunteer, and as a campaign expense.

Forms for municipal candidates

You can get copies of forms from your municipal clerk, or you can download them from the Government of Ontario's Central Form Repository at www.forms.ssb.gov.on.ca.

[Direct link to all forms](#)

[Nomination Paper \(Form 1\)](#)

[Endorsement of Nomination \(Form 2\)](#)

[Appointment for Voting Proxy \(Form 3\)](#)

[Financial Statement – Auditor's Report – Candidate \(Form 4\)](#)

[Financial Statement – Subsequent Expenses \(Form 5\)](#)

[Notice of Extension of Campaign Period \(Form 6\)](#)

[Notice of Registration – Third Party \(Form 7\)](#)

[Financial Statement – Auditor's Report – Third Party \(Form 8\)](#)

[Declaration of Identity \(Form 9\)](#)

Contact us

If you have questions or would like to give feedback on this guide, please contact us at mea.info@ontario.ca.

You can also contact your regional Municipal Services Office:

Central Municipal Services Office

13th Floor, 777 Bay St.
Toronto ON M5G 2E5
Telephone: 416-585-6226 or 1-800-668-0230

Lower Tier, Upper Tier and Single Tier Municipalities (Barrie, Dufferin, Durham, Halton, Hamilton, Muskoka, Niagara, Orillia, Peel, Simcoe, Toronto, York)

Eastern Municipal Services Office

Rockwood House
8 Estate Lane
Kingston ON K7M 9A8
Telephone: 613-545-2100 or 1-800-267-9438

Lower Tier, Upper Tier and Single Tier Municipalities (Belleville, Brockville, Cornwall, Dundas/Glengarry, Frontenac, Gananoque, Haliburton, Hastings, Kawartha Lakes, Kingston, Lanark, Leeds and Grenville, Lennox & Addington, Northumberland, Ottawa, Pembroke, Peterborough, Prescott, Prescott-Russell, Prince Edward, Quinte West, Renfrew, Smith Falls and Stormont)

Northern Municipal Services Office (Sudbury)

Suite 40, 159 Cedar St.
Sudbury ON P3E 6A5
Telephone: 705-564-0120 or 1-800-461-1193

Districts (Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming)

Northern Municipal Services Office (Thunder Bay)

Suite 223, 435 James St. S
Thunder Bay ON P7E 6S7
Telephone: 807-475-1651 or 1-800-465-5027

Districts (Kenora, Rainy River and Thunder Bay)

Western Municipal Services Office

2nd Floor, 659 Exeter Rd
London ON N6E 1L3
Telephone: 519-873-4020 or 1-800-265-4736

Lower Tier, Upper Tier and Single Tier Municipalities (Brant, Brantford, Bruce, Chatham-Kent, Elgin, Essex, Grey, Guelph, Haldimand, Huron, Lambton, London, Middlesex, Norfolk, Oxford, Perth, St. Thomas, Stratford, Waterloo, Wellington and Windsor)

Ministry of Municipal Affairs

© Queen's Printer for Ontario, 2018

ISBN 978-1-4868-1939-3 (HTML)

ISBN 978-1-4868-1940-9 (PDF)

04/18

Disponible en français

TAB C

This is Exhibit Authority: Executive Committee referred to in the affidavit of Rob Co ACP on November 8 and 9, 2016 Council on November 8 and 9, 2016 item EX18.2, adopted as amended, by City of Toronto

sworn before me, this 24 day of August, 2018 CITY OF TORONTO

BY-LAW 598-2018

A Commissioner, etc.

To confirm the composition of Council.

Whereas section 135(1) of the City of Toronto Act, 2006 authorizes the City to change the composition of its Council; and

Whereas Council confirmed at its meeting on November 8 and 9, 2016 by Confirmatory By-law 1108-2016 that its composition shall remain as one member of Council per ward plus the Mayor based on the total number of wards established, which resulted in a composition of 47 Councillors plus the Mayor; and

Whereas the Ontario Municipal Board issued a decision and order in case number MM170022 dated December 15, 2017 confirming that the number of wards in the City of Toronto shall be forty-seven; and

Whereas no outstanding appeals remain and the appeal process for the City's ward boundary by-laws has concluded; and

Whereas section 135(4.1) of the City of Toronto Act, 2006 provides that "Despite clause 135 (4) (b), if a by-law changing the composition of city council is passed on or after January 1, 2018 and on or before June 30, 2018, the by-law may, if it so provides, come into force as early as the day the new council is organized after the 2018 regular election"; and

Whereas Council has directed that a standalone by-law be enacted as a matter of housekeeping and transparency to confirm that the composition of Council is one Councillor per ward for a total of 47 Councillors plus the Mayor on the day the new Council is organized after the 2018 municipal regular election;

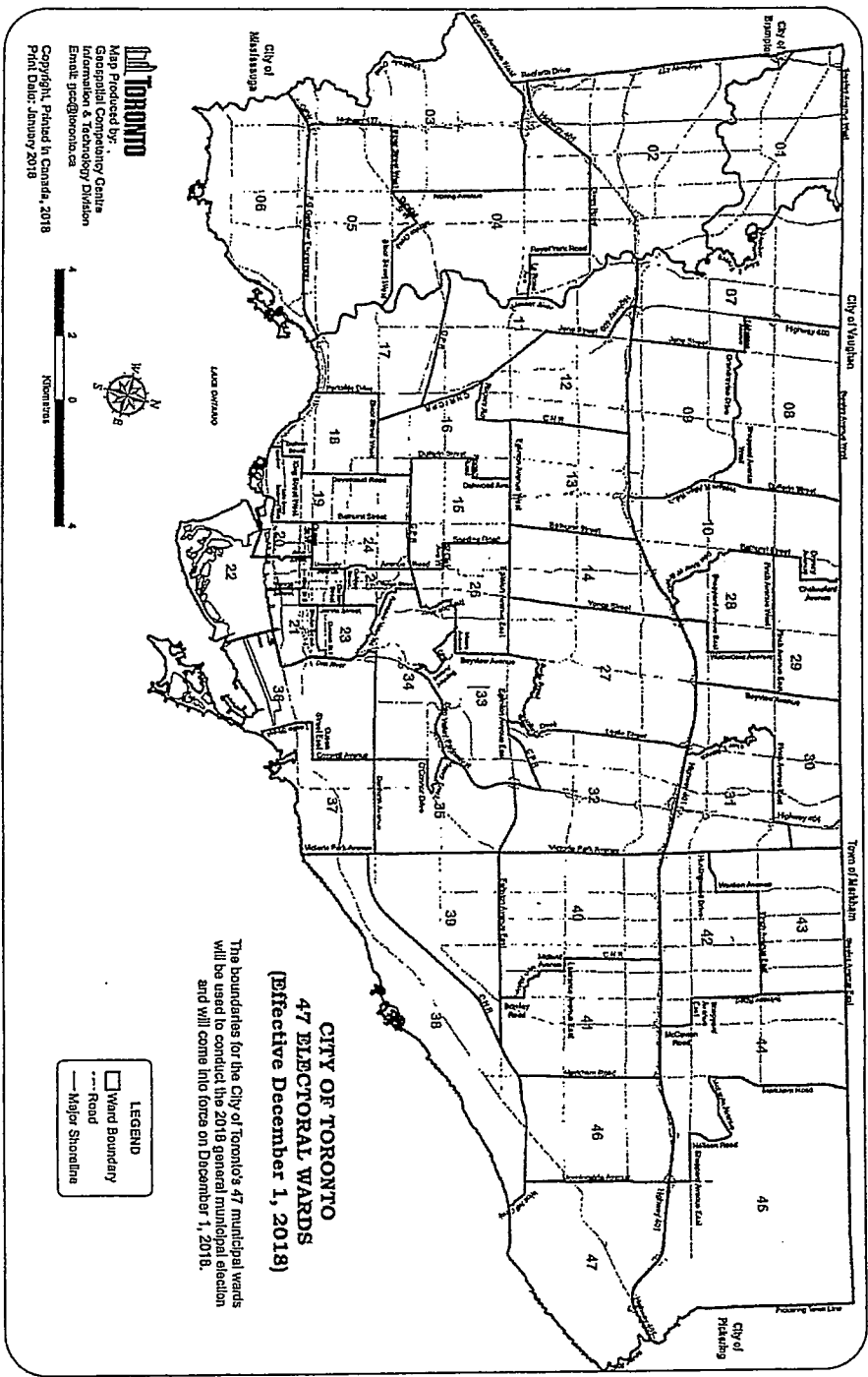
The Council of the City of Toronto enacts:

1. The Council of the City of Toronto is composed of:
 - A. the mayor, elected by general vote; and
 - B. forty-seven other members of Council, with one member of Council elected for each ward.
2. This by-law shall come into force on the day the new Council of the City of Toronto is organized after the 2018 municipal regular election.
3. Despite section 2 and in accordance with section 135(5) of the City of Toronto Act, 2006, the 2018 regular municipal election shall be conducted as if this by-law was already in force.

Enacted and passed on May 24, 2018.

Frances Nunziata,
Speaker
(Seal of the City)

This is Exhibit referred to in the affidavit of Ulli S. Watkiss, sworn before me, this 24 day of August, 2018 City Clerk
Commissioner
A Commission...etc.



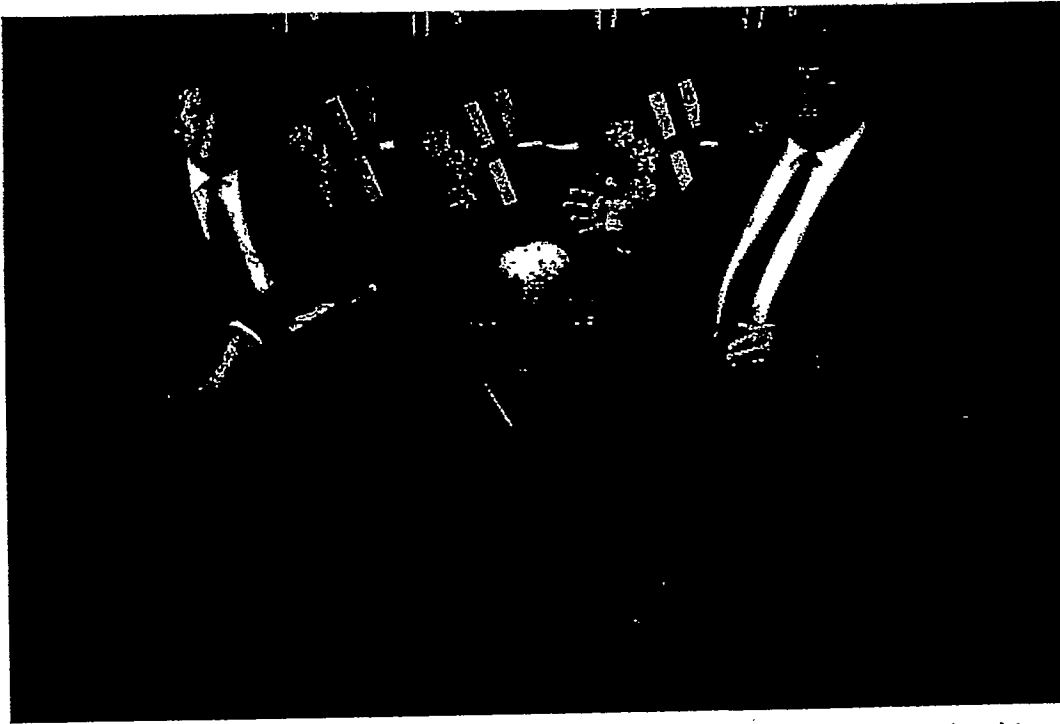
TAB D



SUBSCRIBE LOGIN

Doug Ford throws Ontario elections into turmoil

ANN HUI >, OLIVER MOORE > AND JILL MAHONEY >
PUBLISHED JULY 26, 2018
UPDATED 2 DAYS AGO



Toronto Mayor John Tory, left, and Ontario Premier Doug Ford meet inside the Premier's office at Queen's Park in Toronto on July 9.

TIJANA MARTIN/THE CANADIAN PRESS

Ontario Premier Doug Ford's sudden decision to rewrite the rules for an election already under

This is Exhibit D referred to in the
affidavit of Rocco Achanpong
sworn before me, this 22
day of August, 2018

[Signature]
A Commissioner, etc.

SUBSCRIBE

LOG IN

Within hours of the announcement, two new candidates entered Toronto-area mayoral races: ousted Progressive Conservative leader Patrick Brown in Brampton, and former chief planner Jennifer Keesmaat in Toronto.

STORY CONTINUES BELOW ADVERTISEMENT

Mr. Ford said on Friday his proposed changes, which must be approved in a vote in the Legislature, are meant to “dramatically improve the decision-making process” for local governments. Mr. Ford was a Toronto councillor from 2010 until 2014, and said that during his term, he witnessed the gridlock caused by a large local government. His plan would reduce city council seats to 25 from 47, with the newly drawn wards to mirror provincial and federal electoral boundaries. The plan, he said, could save the province up to \$25-million over four years.

Friday’s announcement set off a level of turbulence at Toronto’s City Hall not seen since Mr. Ford’s tumultuous time on council, when he served alongside his late brother, then-mayor Rob Ford.

SUBSCRIBE

LOG IN

THE CANADIAN PRESS

Registrations for the election opened in May, and many candidates had begun fundraising and door-knocking.

On Friday morning, the usually sedate Mayor John Tory, who told reporters he learned details of the decision from media reports the night before, and had a "lengthy and animated" conversation with Mr. Ford.

"You don't change the rules in the middle of the game. That's not right and that's not fair," he said in a news conference on Friday. "Mr. Ford promised to be a government for the people. Be true to your words. If you are truly a government for the people, let them decide." He's asked the province to delay the change and have a referendum on it.

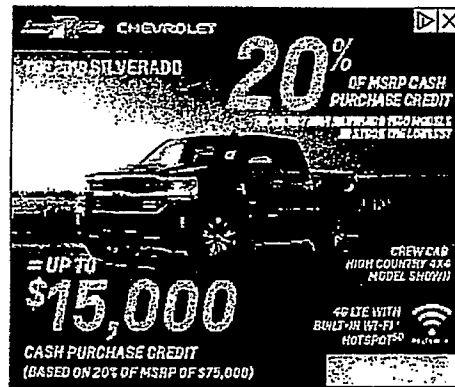
And while a number of councillors – many of them from suburban wards or former allies of Mr. Ford – supported the Premier's plan on Friday, others accused him of using his new role to settle grudges against them for previous clashes.

"This is Doug Ford taking revenge out on Toronto and just throwing a stick of dynamite at council and saying: Figure it out," long-time councillor Joe Mihevc said. Under the proposal, many incumbent councillors would be pitted against one another, a move Mr. Mihevc described as an attempt to rid the city of progressive politicians.

STORY CONTINUES BELOW ADVERTISEMENT

SUBSCRIBE

LOG OUT



“This is not about thoughtful decision making.”

Councillor Kristyn Wong-Tam called the Premier’s proposal “extremely anti-democratic,” and “an affront to our democracy.”

By Friday afternoon, the news appeared to motivate at least one new entrant into the mayoral race – the first real challenger to Mr. Tory since he registered in May.

Less than an hour before the 2 p.m. deadline, Ms. Keesmaat, the high-profile former City of Toronto chief planner, arrived at City Hall to register her run for mayor.

Ms. Keesmaat did not answer directly when asked whether the provincial plan had prompted her to run. But she acknowledged it was a last-minute choice.

“It was a very impromptu decision, but one that comes deeply from my heart and passion for

SUBSCRIBE

LOG IN

Hundreds of protesters descended on City Hall in the afternoon, filling the council chamber to capacity and chanting "shame, shame, shame" as a debate over Mr. Ford's plan wrapped up inconclusively, to resume on Monday.

The effects of the Premier's announcement reverberated far beyond Toronto, particularly the decision to cancel elections for the regional positions in Peel, York, Niagara and Muskoka. The proposal would reverse the decision to fill the positions by election rather than appointment, as was done in the past.

Mr. Brown had been registered to run for the Peel chair. But by Friday afternoon, he decided to enter the race for mayor in Brampton.

Mr. Brown was ousted as PC leader after a CTV News report on sexual-misconduct allegations against him. Mr. Brown denies the allegations and has launched legal action against the network.

Mr. Brown said he was "shocked" by the plan to change municipal governance mid-campaign without consultations.

"You can't look backwards, you can only look forwards," he said. "I want to make sure Peel Region is treated properly. I want to make sure we create prosperity in Peel Region and in Brampton, and so that's my task now."

Mr. Brown, who has represented ridings in Barrie federally and provincially, told The Globe and Mail last month that he moved to a rented home in Mississauga with his fiancée a few months ago. The address he provided when he registered to run for chair of Peel Region earlier this month was a sprawling house on Mississauga's waterfront.

On Friday, Mr. Brown said the couple have also been renting a house in Brampton, and that

"The province has the constitutional authority to change the rules," he said. "They can create municipalities, they can change municipalities, and they can do away with municipalities."

He cited as an example the provincial government's decision under premier Mike Harris in the mid-1990s to amalgamate the City of Toronto against fierce opposition.

Still, he questioned the timing of the proposal, and the manner in which it was announced – in a campaign period, and on the cut-off date for registering to run. That deadline will be pushed back to September.

"While I said that the province has the authority to do it, I think the question is going to be: 'Are they doing it correctly?'"

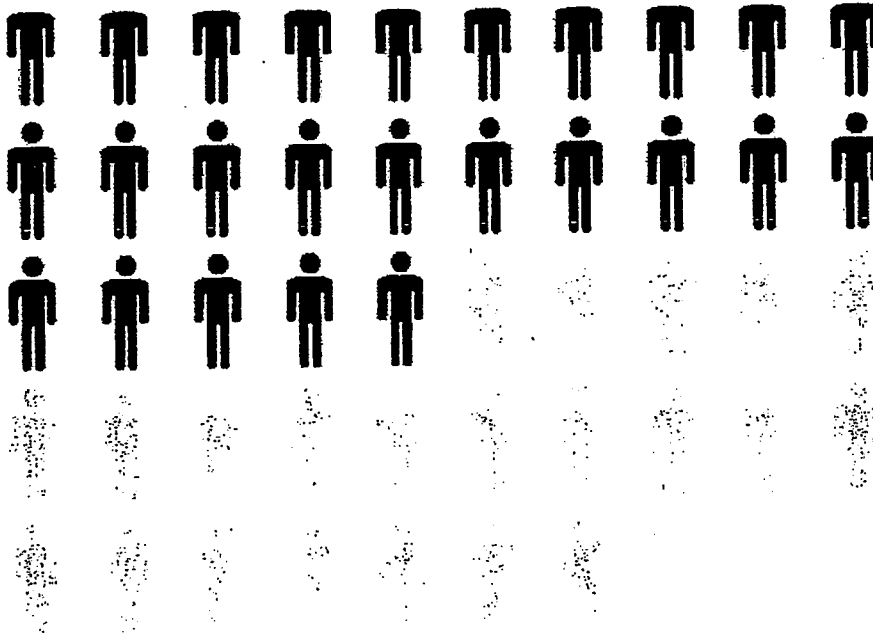
On Friday evening, a weary-looking Ulli Watkiss, Toronto's city clerk, who administers city elections, answered questions in the council chamber from councillors about the proposal.

She cited a long list of preparations that would need to be re-done, from testing equipment to printing ballots to revising voting locations. Vote tabulators would have to be re-calibrated, she explained, which may not be done in time. And if necessary, clerks might have count by hand.

"We cannot run an election with a nomination [period] that ends on Sept. 14 and be ready to have an advance vote on Oct. 6," she told them. "I can't even print ballots in three weeks."

SUBSCRIBE

LOG IN



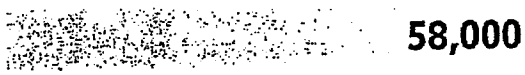
How Toronto's new structure stacks up against other Canadian cities

APPROXIMATE POPULATION PER COUNCILLOR

Toronto (25 councillors)



Toronto (47 councillors)



Calgary (14 councillors)



[REDACTED]
Ottawa (23 councillors)

[REDACTED] 41,000

Montreal (46 councillors*)

[REDACTED] 37,000

Hamilton (15 councillors)

[REDACTED] 36,000

Halifax (16 councillors)

[REDACTED] 25,000

Saskatoon (10 councillors)

[REDACTED] 25,000

Note: Mayors not included

*Montreal has an additional 18 borough mayors that sit on city council.

The 46 councillors represent districts within these boroughs. There is a total of 64 elected officials in Montreal's city council, excluding the mayor.

TRISH McALASTER / THE GLOBE AND MAIL

SOURCE: CITY WEBSITES, POPULATION DATA IS FROM 2016 CENSUS

FOLLOW ANN HUI, OLIVER MOORE AND JILL MAHONEY ON TWITTER
@ANNHUI @MOORE_OLIVER @JILLSMAHONEY

REPORT AN ERROR EDITORIAL CODE OF CONDUCT

SUBSCRIBE

LOGIN

- 1 Fintech startup looks to expedite tax-free shopping online for First Nations
- 2 'Emoluments' clause of U.S. Constitution could be Trump's undoing
- 3 Thousands gather at small N.S. town for annual Stan Rogers Folk Festival
- 4 Crisis, what crisis? Now Facebook wants to be Netflix
- 5 Review: BMW's M2 Competition is pure pleasure

TERMS & CONDITIONS COMMUNITY GUIDELINES PRIVACY POLICY COOKIES

SUBSCRIBE

BUSINESS SERVICES

CONTACT US

READER SERVICES

ABOUT US

© Copyright 2018 The Globe and Mail Inc. All rights reserved.
 351 King Street East, Suite 1600, Toronto, ON Canada, M5A 0A1
 Phillip Crawley, Publisher



TAB E



This is Exhibit E referred to in the
 affidavit of Rocco Achampong **NEWS**
 sworn before me, this 27
 day of August, 2018 Office of the Premier

A Commissioner, etc.
The Better Local Government Act
 July 27, 2018 9:35 A.M.

So what is happening to Toronto City Council?

The Better Local Government Act would, if passed, amend the City of Toronto Act to reduce the number of councillors and wards in the city from 47 to 25 with boundaries aligning with current federal and provincial electoral boundaries with all changes in place in time for the October 22, 2018 municipal election.

The act would also remove the City of Toronto's ability to establish, divide or dissolve wards or the composition of council.

Why is the Government changing the size of Toronto City Council?

At 44 seats, growing to 47 seats, Toronto City Council has become increasingly dysfunctional and inefficient through a combination of entrenched incumbency and established special interests. A streamlined Toronto City Council would empower Toronto's mayor and help ensure that Toronto taxpayers can count on an efficient and effective municipal government. This change is estimated to save Toronto taxpayers over \$25.5 million over four years.

What will happen to individuals nominated to run for existing Toronto municipal boundaries?

The Better Local Government Act would, if passed, amend the Municipal Elections Act to extend the nomination period for candidates for Toronto council and school boards for 2018 only. The nomination period would close on September 14, 2018.

Do any of these changes impact the powers of the Mayor of Toronto or the Mayoral campaign?

No. The deadline for nominations for Mayor would remain July 27, 2018 and the powers of the Mayor's Office would remain unchanged under the act.

How will the Better Local Government Act impact the races for Toronto area School Board Trustees?

School Board trustees are elected under the Education Act. There are no changes to the Education Act and the number of school board trustees will remain unchanged. The nomination deadline would be extended to September 14, 2018. Ontario Regulation 412/00 under the Education Act would be amended to ensure that Toronto school board trustee seats are aligned to the revised Toronto ward boundaries.

What is happening to Regional Chair Elections?

In 2016, the previous Government changed the Municipal Act, without consultation, to require all regional municipalities (with the exception of Oxford County) to select their regional chair by direct election. Previously, regional municipalities could decide to select their regional chair by election or appointment.

The Better Local Government Act would, if passed, effectively reintroduce the ability for a municipality to determine how their regional chair is selected in 2022 and thereafter.

Why are you halting direct election for regional chairs in these regions?

The imposed decision to add a fourth level of elected government in these regions invited dysfunction and discord. This additional level of government competes with local municipalities, who are already responsible for delivering key municipal services.

Previously, regional municipalities could decide to select their regional chair by election or appointment.

The Better Local Government Act would, if passed, effectively reintroduce the ability for a municipality to determine how their regional chair is selected in 2022 and thereafter.

What will happen to the Regions of Waterloo, Durham and Halton and Oxford County?

There would be no changes to the powers or, methods of selection, for chairs in these areas under the Better Local Government Act.

What is the long-term plan for regional governance?

The Minister of Municipal Affairs and Housing will be conducting a review of regional governance across Ontario. This review will include consultations with municipal partners starting with consultations at the upcoming Association of Municipalities of Ontario (AMO) conference from August 19-22, 2018.

News Release

Ontario's Government for the People Announces Reforms to Deliver Better Local Government

Legislation would reduce the size of Toronto City Council to align with current federal and provincial boundaries and restore municipal decision-making on how York, Peel, Niagara and Muskoka Regions select their regional chairs

July 27, 2018 9:35 A.M. | Office of the Premier

TORONTO — Ontario voters can be more confident in their municipal governments, should the Ontario legislature pass the Better Local Government Act, a series of local government reforms proposed by Ontario Premier Doug Ford and Minister of Municipal Affairs and Housing Steve Clark today.

"We ran on a commitment to restore accountability and trust, to reduce the size and cost of government, including an end to the culture of waste and mismanagement," Ford said. "Because one thing every politician at every level and in every region needs to remember, is that we all share the same boss. We all work for the people."

The Better Local Government Act is intended to institute a series of reforms to municipal governments in the City of Toronto as well as the York, Peel, Niagara and Muskoka regions.

The proposed reforms include:

- Align the City of Toronto's municipal wards and the number of councillors with the number and configuration of the current 25 provincial and federal electoral districts
- Allow for the redistribution of Toronto-area school board trustees to align with the proposed new ward boundaries, while maintaining the existing number of trustees
- Extend the nomination deadline for some council candidates and school board trustees from July 27 to September 14, 2018, with additional regulations to help previously nominated candidates transition to the new riding ward boundaries
- Amend the Municipal Act and the Municipal Elections Act to reverse changes, introduced in 2016, that mandate the election of new regional chairs in York, Peel, Niagara and Muskoka Regions and return the system that was in place prior to 2016. Other regional chair elections will remain unchanged

These changes would be in effect for the upcoming October 22, 2018 municipal elections and the election date would remain unchanged. Changes to Toronto's municipal election timelines would only apply to city council and school board trustee elections and would only apply for the current election cycle. Reducing the size of Toronto City Council is estimated to save Toronto taxpayers more than \$25.5 million over four years.

"What you see time and time again is that the municipal level of government is often closest to the day-to-day lives of most people," said Clark. "This is another example of the province getting out of the way and making local government work harder, smarter and more efficiently to make life better for everyone."

Media Contacts

Simon Jefferies
Premier's Office
Simon.Jefferies@ontario.ca

TAB F

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 5

**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001
and the Municipal Elections Act, 1996**

The Hon. S. Clark
Minister of Municipal Affairs and Housing

Government Bill

1st Reading July 30, 2018
2nd Reading
3rd Reading
Royal Assent

This is Exhibit F referred to in the
affidavit of Rocco Achampong
sworn before me, this 27
day of August, 2018



EXPLANATORY NOTE

The Bill amends various Acts. The major elements of the Bill are described below.

SCHEDULE 1
CITY OF TORONTO ACT, 2006

Section 127 of the *City of Toronto Act, 2006* currently sets out the division of the City of Toronto into wards. The section is amended to provide that the current division of the City into wards no longer applies after city council is organized following the 2018 regular election.

Currently, section 128 of the Act sets out rules regarding the City's authority to divide or redivide the City into wards or to dissolve existing wards. The section is re-enacted to set out rules that provide that the City is divided into wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City, commencing on the day city council is organized following the 2018 regular election.

Section 129 of the Act, which governs petitions asking city council for changes to City wards, is repealed.

Section 130 of the Act sets out the current composition of city council. The section is amended to provide that the current composition no longer applies after city council is organized following the 2018 regular election.

Section 135 currently sets out rules regarding the City's authority to change the composition of city council. The section is re-enacted to set out rules regarding the composition of city council commencing on the day city council is organized following the 2018 regular election.

The 2018 regular election for the City will be conducted as if the division of the City into wards and the composition of city council, as described above, were already in effect.

Amendments are also made to provisions in the Act that refer to the City's powers with respect to determining the governance structure of the City (see sections 2 and 8 of the Act). Other amendments are made to remove references to the City's power to establish, change or dissolve wards and to change the composition of city council (see subsections 4 (3) and 151 (2) of the Act).

SCHEDULE 2
MUNICIPAL ACT, 2001

Currently, section 218.1 of the *Municipal Act, 2001* provides that for the 2018 regular election the head of council of certain regional municipalities shall be elected by general vote. The section is re-enacted to provide that for the regular election in 2018, the head of council for certain regional municipalities shall be elected by a general vote and that the head of council for certain other regional municipalities shall be selected by appointment. Related regulation making authority is provided. Paragraph 2.1 of subsection 218 (1), which provides that the head of council of certain regional municipalities shall be elected by general vote for a regular election after 2018, is repealed. A new section 218.2 provides that a regional municipality referred to in section 218.1 is not prevented from changing the method for selecting its head of council for any regular election after 2018.

SCHEDULE 3
MUNICIPAL ELECTIONS ACT, 1996

The *Municipal Elections Act, 1996* is amended by adding special rules regarding the 2018 regular election in the City of Toronto. Except for the head of council, the nomination day for this election is September 14, 2018, and the nomination day as set out in section 31 of the Act is deemed not to have occurred. A person who filed a nomination must notify the clerk of the office on the council or on a school board, as the case may be, for which the person wishes to be nominated. Regulation making authority with respect to related and transitional issues is provided.

The Act is also amended to deem nominations for the office of head of council of a municipality referred to in subsection 218.1 (1) of the *Municipal Act, 2001* to have been withdrawn. Regulation making authority with respect to carrying out the 2018 regular election in these municipalities is provided.

Bill 5

2018

**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001
and the Municipal Elections Act, 1996**

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	City of Toronto Act, 2006
Schedule 2	Municipal Act, 2001
Schedule 3	Municipal Elections Act, 1996

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

Short title

3 The short title of this Act is the *Better Local Government Act, 2018*.

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 Paragraph 3 of section 2 of the *City of Toronto Act, 2006* is repealed and the following substituted:

3. Determine the appropriate structure for governing the City other than with respect to the composition of city council and the division of the City into wards.

2 Paragraphs 2 and 3 of subsection 4 (5) of the Act are repealed.

3 Paragraph 1 of subsection 8 (2) of the Act is repealed and the following substituted:

1. Governance structure of the City and its local boards (restricted definition) other than with respect to the composition of city council and the division of the City into wards.

4 Section 127 of the Act is amended by adding the following subsection:

Application

(2) This section does not apply after city council is organized following the 2018 regular election.

5 Sections 128 and 129 of the Act are repealed and the following substituted:

Division of wards after 2018 regular election

128 (1) On the day city council is organized following the 2018 regular election, the City is divided into wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City.

Same

(2) For the purposes of subsection (1), the electoral districts for Ontario are those determined under the *Representation Act, 2015* as it read on the day the *Better Local Government Act, 2018* received Royal Assent.

Conduct of 2018 regular election

(3) The 2018 regular election shall be conducted as if the division of the City into wards, as determined under subsections (1) and (2), was already in effect.

Regulations

(4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section.

Retroactivity

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflicts

(6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails.

Same

(7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails.

By-law not passed

129 A by-law passed under section 128, as that section read immediately before the *Better Local Government Act, 2018* received Royal Assent, is deemed not to have been passed.

6 Section 130 of the Act is amended by adding the following subsection:

Application

(2) This section does not apply after city council is organized following the 2018 regular election.

7 Section 135 of the Act is repealed and the following substituted:

City council following 2018 regular election

135 (1) Commencing with the city council that is organized following the 2018 regular election, city council shall be composed of,

- (a) the head of council; and
- (b) other members, the number of which equals the number of wards as determined under section 128.

Rules re composition of city council

(2) The following rules apply to the composition of city council:

1. The members of city council shall be elected in accordance with the *Municipal Elections Act, 1996*.
2. The head of council shall be elected by general vote.
3. One member of council shall be elected for each of the wards determined under section 128.

Conduct of 2018 regular election

(3) The 2018 regular election shall be conducted as if the composition of city council, as determined under subsections (1) and (2), was already in effect.

Regulations

(4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section.

Retroactivity

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflicts

(6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails.

Same

(7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails.

Rules re previously passed by-law changing city council

135.1 (1) A by-law passed under section 135, as that section read immediately before the *Better Local Government Act, 2018* received Royal Assent, is deemed not to have been passed.

Exception re s. 83 (1) of the *Municipal Elections Act, 1996*

(2) An order shall not be made under subsection 83 (1) of the *Municipal Elections Act, 1996* by reason only of the clerk of the City doing anything, before a by-law passed under section 135 of this Act, as it read immediately before the *Better Local Government Act, 2018* received Royal Assent, in relation to the conduct of the 2018 regular election,

- (a) as if the by-law were not already in effect; or
- (b) as if the by-law were already in effect.

8 Paragraphs 3 and 4 of subsection 151 (2) of the Act are repealed.

Commencement

9 This Schedule comes into force on the day the *Better Local Government Act, 2018* receives Royal Assent.

**SCHEDULE 2
MUNICIPAL ACT, 2001**

1 (1) Paragraph 2 of subsection 218 (1) of the *Municipal Act, 2001* is amended by striking out "Subject to paragraph 2.1" at the beginning.

(2) Paragraph 2.1 of subsection 218 (1) of the Act is repealed.

2 Section 218.1 of the Act is repealed and the following substituted:

Head of regional council

Appointment

218.1 (1) On the day the new council is organized following the regular election in 2018, the head of council of the following regional municipalities shall be appointed by the members of council:

1. The District Municipality of Muskoka.
2. The Regional Municipality of Niagara.
3. The Regional Municipality of Peel.
4. The Regional Municipality of York.

General vote

(2) On the day the new council is organized following the regular election in 2018, the head of council of the following regional municipalities shall be elected by general vote in accordance with the *Municipal Elections Act, 1996*:

1. The Regional Municipality of Durham.
2. The Regional Municipality of Halton.
3. The Regional Municipality of Waterloo.

Conduct of 2018 regular election

(3) The regular election in 2018 shall be conducted as if the method of selecting the head of council described in subsection (1) or (2), as applicable, was already in effect.

Regulations

(4) The Minister may make regulations that, in the opinion of the Minister, are advisable or necessary for implementing the purposes of this section and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) varying the operation of any provision of this Act for those purposes;
- (b) governing transitional matters that arise out of the implementation of this section.

Retroactivity

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(6) In the event of a conflict between a regulation made under subsection (4) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (4) prevails.

Power to change method for selecting head of council

218.2 Nothing in section 218.1 limits the power of a municipality referred to in subsection 218.1 (1) or (2) to change the method of selecting its head of council under section 218 for any regular election after 2018.

Commencement

3 This Schedule comes into force on the day the *Better Local Government Act, 2018* receives Royal Assent.

**SCHEDULE 3
MUNICIPAL ELECTIONS ACT, 1996**

1 The *Municipal Elections Act, 1996* is amended by adding the following sections before the heading "Election Officials":

2018 regular election, City of Toronto

10.1 (1) Except as otherwise provided, this section applies with respect to the 2018 regular election within the City of Toronto.

Exception, head of council

(2) Subsections (3) to (9) do not apply to a nomination for the office of head of council.

New nomination day

(3) Despite section 31, nomination day is September 14, 2018 and the following rules apply:

1. Nomination day as set out in section 31 is deemed not to have occurred.
2. The period for filing a nomination is deemed to have run continuously from May 1, 2018 until September 14, 2018.

Notifying the clerk re office on the council

(4) If a person has filed a nomination under section 33 for an office on the council and wishes to continue to be a candidate in the election, the person shall notify the clerk in writing before 2 p.m. on September 14, 2018 of the office on the council, other than the office of head of council, for which the person wishes to be nominated.

Notifying clerk re office on a school board

(5) If a person has filed a nomination under section 33 for an office on a school board and wishes to continue to be a candidate in the 2018 regular election, the person shall notify the clerk in writing before 2 p.m. on September 14, 2018 of the office on the same school board for which the person wishes to be nominated:

Same, not a new nomination

(6) The giving of notice to the clerk under subsection (4) or (5) does not constitute a new nomination.

Same, not multiple campaigns

(7) For the purposes of subsection 88.24 (3), a person who has notified the clerk under subsection (4) or (5) shall not be considered to be a candidate for more than one office on the same council or school board, as the case may be.

Deemed withdrawal of nomination

(8) A person who has filed a nomination is deemed to have withdrawn his or her nomination if he or she has not notified the clerk under subsection (4) or (5).

Notice by clerk

(9) As soon as possible after the day the *Better Local Government Act, 2018* receives Royal Assent, the clerk shall notify in writing each person who filed a nomination under section 33 for an office on the council, other than the office of head of council, or for an office on a school board and the notice shall include the following:

1. A statement that if the person wishes to continue to be a candidate in the 2018 regular election, the person must notify the clerk under subsection (4) or (5), as applicable.
2. A statement that if the person does not notify the clerk under subsection (4) or (5), the person will be deemed to have withdrawn his or her nomination.
3. Any other information as may be prescribed.

Regulations

(10) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) prescribing anything that is referred to, in this section, as prescribed;
- (b) varying the operation of any of the provisions of this Act for the purposes of the 2018 regular election; and
- (c) with respect to this Act, governing transitional matters that arise out of the implementation of this section, including any such transitional matters that may arise for the 2022 regular election or any by-election that takes place before the 2022 regular election.

Same

(11) A regulation made under subsection (10) may limit the circumstances in which an order under subsection 83 (1) may be made in relation to the conduct of the 2018 regular election.

Retroactivity

(12) A regulation made under subsection (10) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(13) In the event of a conflict between a regulation made under subsection (10) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (10) prevails.

2018 regular election, certain regional municipalities**Deemed withdrawal of nominations**

10.2 (1) A person who has filed a nomination for the office of head of council of a municipality referred to in subsection 218.1 (1) of the *Municipal Act, 2001* in the 2018 regular election is deemed to have withdrawn his or her nomination under section 36 of this Act immediately before the applicable deadline set out in that section.

Regulations

(2) The Minister may make regulations that, in the opinion of the Minister, are advisable or necessary for the purposes of carrying out the 2018 regular election for the municipalities referred to in subsection 218.1 (1) of the *Municipal Act, 2001* and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) varying the operation of any of the provisions of this Act for those purposes;
- (b) governing transitional matters that arise out of the implementation of section 218.1 of the *Municipal Act, 2001*.

Same

(3) A regulation made under subsection (2) may limit the circumstances in which an order under subsection 83 (1) may be made in relation to the conduct of the 2018 regular election for the municipalities referred to in subsection 218.1 (1) of the *Municipal Act, 2001*.

Retroactivity

(4) A regulation made under subsection (2) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(5) In the event of a conflict between a regulation made under subsection (2) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (2) prevails.

Commencement

2 This Schedule comes into force on the day the *Better Local Government Act, 2018* receives Royal Assent.

Court of Appeal File No. C65861 (M49615)

Superior Court File No.: CV-18-00602494-0000

Superior Court File No.: CV-18-00603797-0000

Superior Court File No.: CV-18-00603633-0000

ROCCO ACHAMPONG Applicant (Respondent in appeal)	and	ONTARIO Respondent (Appellants)	and	CITY OF TORONTO Respondent (Respondent in Appeal)
THE CITY OF TORONTO Applicant (Respondent in appeal)	and	ATTORNEY GENERAL OF ONTARIO Respondent (Appellant)		
CHRIS MOISE <i>et al.</i> Applicants (Respondent in appeal)	and	ATTORNEY GENERAL OF ONTARIO Respondent (Appellant)	and	CITY OF TORONTO Respondent (Respondent in Appeal)

COURT OF APPEAL FOR ONTARIO
Proceeding commenced at TORONTO

AFFIDAVIT OF JOSHUA MANDRYK
(sworn September 14, 2018)

GOLDBLATT PARTNERS LLP
20 Dundas Street West, Suite 1039
Toronto, ON M5G 2C2
Tel.: 416-977-6070
Fax: 416-591-7333

Howard Goldblatt LS# 15964M
hgoldblatt@goldblattpartners.com

Daniel Sheppard LS# 59074H
dsheppard@goldblattpartners.com

Louis Century LS# 66582C
lcentury@goldblattpartners.com

Lawyers for the Responding Parties,
Chris Moise et al.



Court of Appeal File No. C65861 (M49615)

ROCCO ACHAMPONG and **ONTARIO** and **CITY OF TORONTO**
Applicant Respondent (Appellants) Respondent
(Respondent in appeal) (Respondent in Appeal)

THE CITY OF TORONTO and **ATTORNEY GENERAL OF ONTARIO**
Applicant Respondent (Appellant)

CHRIS MOISE *et al.* and **ATTORNEY GENERAL OF** and **CITY OF TORONTO**
Applicants **ONTARIO** Respondent
(Respondent in appeal) Respondent (Appellant) (Respondent in Appeal)

Superior Court File No.: CV-18-00602494-0000

Superior Court File No.: CV-18-00603797-0000

Superior Court File No.: CV-18-00603633-0000

COURT OF APPEAL FOR ONTARIO
Proceeding commenced at TORONTO

RECORD OF THE RESPONDING
PARTIES, CHRIS MOISE *et al.*
(Motion for Stay Pending Appeal)

GOLDBLATT PARTNERS LLP
20 Dundas Street West, Suite 1039
Toronto, ON M5G 2C2
Tel.: 416-977-6070
Fax: 416-591-7333

Howard Goldblatt LS# 15964M
hgoldblatt@goldblattpartners.com

Daniel Sheppard LS# 59074H
dsheppard@goldblattpartners.com

Louis Century LS# 66582C
lcentury@goldblattpartners.com

Lawyers for the Responding Parties,
Chris Moise *et al.*