



Remarks by Doug Earl, Charter City Toronto
To the Special Committee on Governance
12 April, 2015

Mr. Chairman and Committee Members:

My name is Doug Earl a member of the Steering Committee of a group called Charter City Toronto. I'll get to the work of our group in a second, but first, I was very glad to hear Professor Eidelman say it's necessary to look at what the problem is before you go to solutions.

I'm wondering whether or not you have done that up to this point.

I think governance of the city of Toronto is about more than arena boards and community councils and more efficient meetings; it's about democracy itself.

And what's really happening here—the reason this committee exists—is that the government of Ontario has taken the decision that the government of Toronto is not competent to manage its own affairs. And so it has taken the decision to impose direct rule of the city from Queen's Park. On governance. On transit. On who knows what else in the future?

I understand this committee has a responsibility to clean up the governance mess that was dumped on your doorstep by Doug Ford but I think you have to go beyond that because the truth is that Toronto has no governance.

It was taken away by Bill 5 and Doug Ford when he not only cut council, but revoked the city's ability to determine its own governance—a right enjoyed by every other municipality in this province.

It was taken away in the 90s when Mike Harris unilaterally amalgamated the city into chaos.

It was taken away by Kathleen Wynne when she revoked Toronto's power to toll its own roads.

It was taken away again this week when an entirely new transit regime for the city of Toronto was announced by the province without even telling the mayor of the city of Toronto in advance what they were planning.

If you don't find that shocking...I don't know what is. I find it completely and utterly unacceptable.

It was also taken away just yesterday in the (provincial) budget when the province casually revoked \$1.1 billion dollars for transit repairs and maintenance without telling anybody. Without telling a single person in the government or the bureaucracy of the city of Toronto.

So: we don't have governance
We don't have power
We don't have agency
We don't have democracy

To me, trying to grow democratic institutions in this atmosphere is like trying to grow pansies on the moon. It's not going to happen. There's no oxygen for it.

Trying to make the best of a bad situation is meaningless if you don't devote at least part of your energy to fixing the bad situation.

So my ask of you as you try to sort out the scope of this committee is this:

Ask the real questions and get to the heart of the matter.

Devote at least part of the time and energy of this committee to addressing the real problem.

Charter City Toronto proposes two ways to do this.

We think the vehicle to get our democracy back is a new City Charter for Toronto—the negotiating of which will not only restore our governance but also give the city undisputed jurisdiction over affairs that are properly those of a municipal government. Such as governance, but in other areas as well.

It would also make clear who is responsible for what and most importantly where the money comes from. It would end the practice in Ontario whereby Toronto sends billions of dollars to the province and then has to beg for every penny back. In 2005, the difference between what we gave the province and feds and what we got back was \$11 billion a year. I'm sure it's more now. And this while we struggle to fill potholes in our neglected streets.

So a City Charter.

The second vehicle we propose is a single-province amendment to the Canadian constitution under Section 43. This would protect the City Charter by requiring the consent of the city to change it. This would remove the province's power to act unilaterally.

These are not new ideas and they're not difficult.

In the US there are hundreds of charter cities—Los Angeles is one. Their City Charters give them defined tax powers, exclusive jurisdiction over municipal affairs and they are protected in the state constitution. They can't be changed—not by the state, not by city council; only by a referendum of the people.

Single province amendments are also common—there have been 8 or 9 since 1982.

New Brunswick did one to give equal rights to French and English-speaking citizens. Newfoundland did one to transform its denominational school boards to a secular school board system.

They're relatively easy to get. It only takes a vote of the province, of the House of Commons and maybe the Senate to achieve. You do not need seven provinces with 50 per cent of the population.

So these are not radical ideas. To me the radical idea is that a senior level of government can take over and dictate to a city. That doesn't happen anywhere except banana republics and authoritarian regimes. Yet here we are today.

So I understand that you need to do the things that you need to do for the short-term governance of the city, but I think you have to look at the longer term as well.

I understand the kind of thing I'm talking about isn't going to happen while the current government is in power at Queen's Park. But we think you have to start now to lay the ground work so that when the political winds are blowing a little more favourably there, you have a proposal ready to get some of the power back and really, to organize an empowered city.

We think you should be working with the political parties that want to get into power at the next election and try to get planks in their platforms that are along the lines of what I'm talking about.

What really bothers me is the compliant collaboration that is being offered up by City Council. And I heard Professor Eidelman say, you know we're going to take a whole bunch of things off the table right from the start because we can't do them. That's not right.

Chairman: Could I ask you to start to close please?

I'm right there, actually.

Chairman: Thank you.

Sorry, it was the compliant collaboration, I guess, when I ran out of time.

(laughter)

In closing, I just want to say this. Doug Ford is not the problem. The problem is the system that allows the province of Ontario, whoever is in charge, to rule the city from Queen's Park. That's what needs changing most about our city's governance.

Thank You.

Chairman: Thank You. Are there any questions?

Councillor Gord Perks: Thank you for raising Section 43. I know quite a number of people are talking about it. One thought that I've heard is that perhaps rather than sitting here waiting for a provincial government that might be amenable—an Ontario provincial government that might be amenable to it—is to see whether there is another large city and provincial government that might go ahead with it. Have you heard any conversations like that?

Doug Earl: I have heard conversations like that. From the point of view of a citizen of Ontario and Toronto, my preference would be that it happen here. I think Toronto has the greatest argument for it. We're the biggest city in the country. We have more people in community housing than Prince Edward Island has citizens. And yet they have control over their own affairs as a province does, and we have nothing. So there's 3 million people in this city that really don't have any political power over municipal affairs when you get right down to it.

So if somebody wants to come up in say, Calgary or Edmonton where they have negotiated City Charters recently, and take this approach that they should protect it in the constitution, I would totally support that. But my focus is here and I would hope if there are people in that province who think similarly that they would support us.

Chairman: Thank You.