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## APPENDIX D

Legislative  
Assembly  
of OntarioAssemblée  
législative  
de l'Ontario1ST 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

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#### 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Section 129 of the Act, which governs petitions asking city council for changes to City wards, is repealed.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.

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Bill 5

2018

**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001  
and the Municipal Elections Act, 1996**

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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*.

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**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 (3) 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.**

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**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.

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**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.

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**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.



APPENDIX E

Français

Education Act

ONTARIO REGULATION 412/00  
 ELECTIONS TO AND REPRESENTATION ON DISTRICT SCHOOL BOARDS

Consolidation Period: From July 30, 2018 to the e-Laws currency date.

Last amendment: 391/18.

Legislative History: 432/00, 460/00, 155/02, 45/03, 235/04, 471/05, 74/06, 211/06, 381/06, 181/08, 42/10, 345/13, 344/17, 513/17, 391/18.

*This is the English version of a bilingual regulation.*

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INTERPRETATION

1. (1) In this Regulation,
- "board" means a district school board, ("conseil")
  - "board area" means the area of jurisdiction, expressed in square kilometres, of a board, as set out in Table 1; ("territoire du conseil")
  - "density" means the quotient, calculated to two decimal places, obtained by dividing the total population of the board's electoral group, as reported under subsection 2 (3), by the board area; ("densité")
  - "election year" means the year of a regular election; ("année d'élections")
  - "electoral group" means, with respect to a board, the group composed of all persons who reside within the area of jurisdiction of the board and are,
    - (a) persons entitled to vote at elections of members of the board,
    - (b) supporters of the board, or
    - (c) dependents of persons referred to in clause (a) or (b); ("groupe électoral")
  - "municipality" includes, other than in section 10 and subsection 11 (4),
    - (a) unorganized territory that is deemed to be a district municipality under Ontario Regulation 468/97, and
    - (b) if unorganized territory is attached to a municipality for election purposes, the municipality together with the unorganized territory; ("municipalité")
  - "regular election" means a regular election under the *Municipal Elections Act, 1996*; ("élections ordinaires")
  - "school board election clerk" means, with respect to the election of members of a board, a person who is responsible for conducting the election in a municipality; ("secrétaire des élections scolaires")
  - "ward" means a ward of a municipality; ("quartier") O. Reg. 412/00, s. 1 (1); O. Reg. 45/03, s. 1.

(2) A reference in this Regulation to a municipality or ward shall be deemed, with respect to the election of members of a board, to be a reference to the municipality or ward with the boundaries that will apply for the purposes of the election, as determined on January 1 of the election year, subject to the following rules:

1. A decision affecting a boundary that may be appealed shall not be taken into account if, on January 1 of the election year,
  - i. the period during which an appeal may be commenced has not expired, or
  - ii. an appeal has been commenced but has not been finally determined.
2. The municipality or ward shall be deemed not to include any area that is outside the area of jurisdiction of the board. O. Reg. 412/00, s. 1 (2), O. Reg. 74/06, s. 1, O. Reg. 211/06, s. 1.

(2.1) Despite subsection (2), a reference in this Regulation to wards of the City of Toronto shall be deemed, with respect to the election of members of a board in 2018, to be a reference to the wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City. O. Reg. 391/18, s. 1 (1).

*Note: On October 23, 2018, subsection 1 (2.1) of the Regulation is revoked. (See: O. Reg. 391/18, s. 1 (2))*

(2.2) For the purposes of subsection (2.1), the electoral districts for Ontario are those determined under section 2 of the *Representation Act, 2015*. O. Reg. 391/18, s. 1 (1).

*Note: On October 23, 2018, subsection 1 (2.2) of the Regulation is revoked. (See: O. Reg. 391/18, s. 1 (2))*

(3) For the purposes of this Regulation, territory without municipal organization that is within the area of jurisdiction of a board and that is deemed to be a district municipality under Ontario Regulation 468/97 is deemed to be a district municipality for purposes of board elections. O. Reg. 412/00, s. 1 (3).

#### POPULATION DATA

2. (1) Before February 15 in each election year, the Municipal Property Assessment Corporation shall, in respect of each board, for each area set out in subsection (2), determine the population of the board's electoral group who are resident in the area on January 1 of that year. O. Reg. 412/00, s. 2 (1), O. Reg. 155/02, s. 1 (1).

(2) The areas referred to in subsection (1) are:

1. Each municipality that is not divided into wards.
2. Each ward of a municipality that is divided into wards. O. Reg. 412/00, s. 2 (2).

(3) Not later than February 15 of the election year, the Municipal Property Assessment Corporation shall,

- (a) report to the Minister each of its determinations under subsection (1);
- (b) report to the school board election clerk for each municipality each of its determinations under subsection (1) in respect of each board, the area of jurisdiction of which is wholly or partially the same as the municipality; and
- (c) report to the secretary of each board each of its determinations under subsection (1) in respect of that board. O. Reg. 412/00, s. 2 (3), O. Reg. 155/02, s. 1 (2).

(4) For the purpose of this Regulation, a determination of whether a municipality has a larger population of a board's electoral group than another municipality shall be made using the information reported under subsection (3). O. Reg. 412/00, s. 2 (4).

(5) Subsection (4) does not apply to a municipality if it does not exist at the time the determination is made, unless a person or body does exist who is responsible for conducting the election in the municipality. O. Reg. 412/00, s. 2 (5).

**2.0.1** (1) Before August 7, 2018, the Municipal Property Assessment Corporation shall, in respect of each board that has jurisdiction in the City of Toronto, determine the population of the board's electoral group who are resident in each ward of the City of Toronto on January 1 of that year. O. Reg. 391/18, s. 2 (1).

(2) Not later than August 7, 2018, the Municipal Property Assessment Corporation shall,

- (a) report to the Minister each of its determinations under subsection (1);
- (b) report to the school board election clerk for the City of Toronto each of its determinations under subsection (1) in respect of each board set out in subsection (1); and
- (c) report to the secretary of each board each of its determinations under subsection (1) in respect of that board. O. Reg. 391/18, s. 2 (1).

*Note: On October 23, 2018, section 2.0.1 of the Regulation is revoked. (See: O. Reg. 391/18, s. 2 (2))*

#### DETERMINATION OF NUMBER OF MEMBERS

**2.1** The number of members of a board for the purposes of a regular election is the number of members determined under subsection 58.1 (10.0.1) or (10.0.3) of the Act, subject to,

- (a) any reduction in the number of members pursuant to a resolution passed under subsection 58.1 (10.1) of the Act, and  
(b) the rules set out in section 3 of this Regulation. O. Reg. 42/10, s. 2.
3. (1) If there has been a demographic change in a board's geographical area of jurisdiction or a change in the size of the board's geographical area of jurisdiction, a board may, not later than March 31 in an election year, determine the number of members to be elected to the board in accordance with this section. O. Reg. 42/10, s. 3 (1).
- (2) For the purposes of this section, the number of members of a board is determined as follows:
1. Determine the total population of the board's electoral group by calculating the sum of the populations reported under subsection 2 (3) for all the areas referred to in subsection 2 (2).
  2. Determine the number of members based on population set out in Table 2 for the total population of the board's electoral group determined under paragraph 1.
  3. Determine the number of additional members based on density by taking the lesser of,
    - i. the number of additional members set out in Table 3 based on the density of the board, and
    - ii. the number of additional members set out in Table 4 based on the board area of the board.
  4. Determine the number of additional members based on dispersal in accordance with the following rules:
    - i. If the dispersal factor set out for the board in Table 5 is 0, the number of additional members based on dispersal is 0.
    - ii. If the dispersal factor set out for the board in Table 5 is greater than 0 and less than 10, the number of additional members based on dispersal is 1.
    - iii. If the dispersal factor set out for the board in Table 5 is 10 or more but less than 25, the number of additional members based on dispersal is 2.
    - iv. If the dispersal factor set out for the board in Table 5 is 25 or more but less than 50, the number of additional members based on dispersal is 3.
    - v. If the dispersal factor set out for the board in Table 5 is 50 or more, the number of additional members based on dispersal is 4.
  5. Take the number of members based on population determined under paragraph 2, plus the number of additional members determined under paragraph 3 or 4, whichever is greater.
  6. Take the greater of,
    - i. the number determined under paragraph 5, and
    - ii. the number set out in Table 6 for the day school average daily enrolment of pupils of the board within the meaning of the most recent regulations made under section 234 of the Act, not counting pupils enrolled in junior kindergarten.
  7. The number of members of the board is the greater of the numbers determined under paragraph 6 and section 2.1, subject to any reduction in the number of members pursuant to a resolution passed under subsection 58.1 (10.1) of the Act. O. Reg. 412/00, s. 3 (2); O. Reg. 432/00, s. 1; O. Reg. 45/03, s. 2 (1); O. Reg. 42/10, s. 3 (2, 3).
- (3) REVOKED: O. Reg. 42/10, s. 3 (4).
- 3.1 The date before which a resolution may be passed under subsection 58.1 (10.1) of the Act is March 31 in an election year. O. Reg. 45/03, s. 3.

#### DISTRIBUTION OF MEMBERS TO GEOGRAPHIC AREAS

4. (1) A board that has jurisdiction in more than one municipality shall, not later than March 31 in each election year,
- (a) pass a resolution designating one or more municipalities within the board's area of jurisdiction as low population municipalities and directing that an alternative distribution of members be done in respect of them for purposes of the election of board members, or
  - (b) pass a resolution stating that the board has decided not to designate any municipality within the board's area of jurisdiction as a low population municipality. O. Reg. 412/00, s. 4 (1).
- (2) A resolution under clause (1) (a) shall provide that the sum of the electoral quotients for the municipality or municipalities designated as low population municipalities shall be increased by one or two. O. Reg. 412/00, s. 4 (2).
- (3) A resolution under subsection (1) shall be effective only for the regular election of board members in that election year and for any by-election held during the term that commences immediately after that election. O. Reg. 412/00, s. 4 (3).
- (4) In carrying out its duties under this section, the board shall have regard to the following principles:
1. Municipalities with low populations should receive reasonable representation.

2. Evidence of historic, traditional or geographic communities should be taken into account.
3. To the extent possible, the identification of low population municipalities should permit the establishment of geographic areas that coincide with school communities.
4. Representation should not deviate unduly from the principle of representation by population. O. Reg. 412/00, s. 4 (4).
5. (1) Not later than March 31 in each election year, every board shall distribute the positions of the members to be elected to the board in accordance with section 6 or 7, whichever is applicable. O. Reg. 412/00, s. 5.

(2) REVOKED: O. Reg. 513/17, s. 1.

5.1 (1) Not later than August 14, 2018, every board that has jurisdiction only in the City of Toronto shall distribute the positions of the members to be elected to the board in accordance with section 6 and shall notify the Minister in writing that this has been done. O. Reg. 391/18, s. 3 (1).

(2) Not later than August 14, 2018, every board that has jurisdiction in both the City of Toronto and in other municipalities shall distribute the positions of the members to be elected to the board in the City of Toronto in accordance with section 6.1 and shall notify the Minister in writing that this has been done. O. Reg. 391/18, s. 3 (1).

(3) If any board has not completed the distribution and provided the notice required under subsection (1) or (2) by August 14, 2018, the Minister shall distribute the positions of the members to be elected to the board in accordance with section 6 or 6.1, whichever is applicable. O. Reg. 391/18, s. 3 (1).

(4) If the Minister is required to distribute the positions of members under subsection (3), the Minister shall do so by August 17, 2018. O. Reg. 391/18, s. 3 (1).

**Note:** On October 23, 2018, section 5.1 of the Regulation is revoked. (See: O. Reg. 391/18, s. 3 (2))

6. (1) If a board has jurisdiction in only one municipality or a resolution under clause 4 (1) (b) is in effect, a distribution of the positions of the members to be elected to the board shall be made according to the following rules:

1. Calculate the electoral quotient for each municipality and ward using the following formula:

$$\text{Electoral quotient} = a \times b / c$$

where,

a = the population of the board's electoral group resident in the municipality or ward, as reported under subsection 2 (3) or 2.0.1 (2).

**Note:** On October 23, 2018, the definition of "a" in paragraph 1 of subsection 6 (1) of the Regulation is amended by striking out "or 2.0.1 (2)" at the end. (See: O. Reg. 391/18, s. 4 (2))

b = the total number of members determined for the board under section 2.1,

c = the total population of the board's electoral group, as reported under subsection 2 (3) or 2.0.1 (2).

**Note:** On October 23, 2018, the definition of "c" in paragraph 1 of subsection 6 (1) of the Regulation is amended by striking out "or 2.0.1 (2)" at the end. (See: O. Reg. 391/18, s. 4 (2))

2. Combine every municipality and every ward within the area of jurisdiction of the board into a number of geographic areas that does not exceed the number determined for "b" in paragraph 1.
3. The number of members that represent the electors of the board's electoral group in each geographic area shall be, as nearly as practicable, the sum of the electoral quotients of the constituent municipalities and wards that form the geographic area. O. Reg. 412/00, s. 6 (1); O. Reg. 45/03, s. 4; O. Reg. 42/10, s. 5; O. Reg. 391/18, s. 4 (1).

(2) A distribution under subsection (1) shall be made in such a way that, to the extent practicable, geographic areas are formed for which the sum of the electoral quotients of the constituent municipalities and wards is a whole number greater than zero. O. Reg. 391/18, s. 4 (3).

- 6.1 (1) A distribution required under subsection 5.1 (2) shall be made according to the following rules:

1. Calculate the electoral quotient for each ward using the following formula:

$$\text{Electoral quotient} = a \times b / c$$

where,

a = the population of the board's electoral group resident in the ward, as reported under subsection 2.0.1 (2).

b = the total number of members determined for the board for the City of Toronto, as reported under section 9,

c = the total population of the board's electoral group for the City of Toronto, as reported under subsection 2 (3) or 2.0.1 (2).

2. Combine every ward within the City of Toronto into a number of geographic areas that does not exceed the number determined for "b" in paragraph 1.

3. The number of members that represent the electors of the board's electoral group in each geographic area shall be, as nearly as practicable, the sum of the electoral quotients of the constituent wards within the City of Toronto. O. Reg. 391/18, s. 5 (1).

(2) A distribution under subsection (1) shall be made in such a way that, to the extent practicable, geographic areas are formed for which the sum of the electoral quotients of the constituent wards is a whole number greater than zero. O. Reg. 391/18, s. 5 (1).

**Note: On October 23, 2018, section 6.1 of the Regulation is revoked. (See: O. Reg. 391/18, s. 5 (2))**

7. (1) If a resolution under clause 4 (1) (a) is in effect, a distribution of the positions of the members to be elected to the board shall be made according to the following rules:

1. Calculate the electoral quotient for each municipality and ward using the following formula:

$$\text{Electoral quotient} = a \div b / c$$

where,

a = the population of the board's electoral group resident in the municipality or ward, as reported under subsection 2 (3),

b = the total number of members determined for the board under section 2.1,

c = the total population of the board's electoral group, as reported under subsection 2 (3).

2. Place the municipalities in two groups, one of which shall be comprised of the municipality or municipalities designated under clause 4 (1) (a) and one of which shall be comprised of the remaining municipalities in the board's area of jurisdiction.
3. Calculate the sum of the electoral quotients for each of the two groups of municipalities.
4. Add the number determined by the resolution of the board under subsection 4 (2) to the sum of the electoral quotients for the group of municipalities that are designated under clause 4 (1) (a).
5. Subtract the number that was added under paragraph 4 to the sum of the electoral quotients for the group of municipalities designated under clause 4 (1) (a) from the sum of the electoral quotients for the group of the remaining municipalities.
6. Calculate the alternative electoral quotient for each municipality and ward using the following formula:

$$\text{Alternative electoral quotient} = a \div b / c$$

where,

a = the population of the board's electoral group resident in the municipality or ward, as reported under subsection 2 (3),

b = the number calculated under paragraph 4 or 5, as the case may be, and

c = the total population of the board's electoral group resident in the group of municipalities to which the municipality or ward belongs, as reported under subsection 2 (3).

7. Combine every municipality and every ward within each group of municipalities into a number of geographic areas which does not exceed the number determined for "b" in paragraph 1. No geographic area shall include municipalities or parts of municipalities in both the designated group and the remaining group of municipalities.
8. The number of members that represent the electors in each geographic area shall be, as nearly as practicable, the sum of the electoral quotients of the municipalities and wards that form the geographic area. O. Reg. 412/00, s. 7 (1); O. Reg. 45/03, s. 5; O. Reg. 42/10, s. 6.

(2) In carrying out its duties under paragraph 7 of subsection (1), the board shall, to the extent practicable, form geographic areas for which the sum of the electoral quotients of the constituent municipalities and wards is a whole number greater than zero. O. Reg. 412/00, s. 7 (2).

8. REVOKED: O. Reg. 42/10, s. 7

8.1 Where a board has formed a geographic area that consists of all or part of two or more municipalities, the board shall identify which of those municipalities has the largest population of the board's electoral group for the purpose of identifying the school board election clerk referred to in subsection 11 (2). O. Reg. 235/04, s. 1.

#### REPORT ON DETERMINATION AND DISTRIBUTION

9. (1) On completion of the determination and distribution of members of the board, the board shall prepare a report that includes,

(a) the results of the determination and distribution;

- (b) where a geographic area consists of all or part of two or more municipalities, the identification made under section 8.1 of the municipality with the largest population of the board's electoral group, and
- (c) a copy of the data and calculations by which the determination and distribution referred to in clause (a) were made and by which the identification referred to in clause (b) was made. O. Reg. 235/04, s. 2.

(2) The board shall send a copy of the report to,

(a) the Minister,

(b) the school board election clerks for all the municipalities within the area of jurisdiction of the board; and

(c) the secretary of every other board, the area of jurisdiction of which is wholly or partially within the area of jurisdiction of the board. O. Reg. 412/00, s. 9 (2); O. Reg. 42/10, s. 8 (1).

(3) The copy of the report referred to in subsection (2) shall be sent by April 3 in the election year. O. Reg. 513/17, s. 2.

**9.1** (1) A board that completes the distribution under subsection 5.1 (1) or (2) shall prepare a report that includes,

(a) the results of the distribution; and

(b) a copy of the data and calculations by which the distribution was made. O. Reg. 391/18, s. 6 (1).

(2) The board shall send a copy of the report to,

(a) the Minister,

(b) the school board election clerk for the City of Toronto; and

(c) the secretary of every other board that has jurisdiction in the City of Toronto. O. Reg. 391/18, s. 6 (1).

(3) The copy of the report referred to in subsection (2) shall be sent by August 17, 2018. O. Reg. 391/18, s. 6 (1).

**Note:** On October 23, 2018, section 9.1 of the Regulation is revoked. (See: O. Reg. 391/18, s. 6 (2))

**9.2** (1) If the Minister completes the distribution under subsection 5.1 (3), the Minister shall prepare a report that includes,

(a) the results of the distribution; and

(b) a copy of the data and calculations by which the distribution was made. O. Reg. 391/18, s. 6 (1).

(2) The Minister shall send a copy of the report to,

(a) the board for which the distribution was completed;

(b) the school board election clerk for the City of Toronto; and

(c) the secretary of every other board that has jurisdiction in the City of Toronto. O. Reg. 391/18, s. 6 (1).

(3) The copy of the report referred to in subsection (2) shall be sent by August 17, 2018. O. Reg. 391/18, s. 6 (1).

**Note:** On October 23, 2018, section 9.2 of the Regulation is revoked. (See: O. Reg. 391/18, s. 6 (2))

#### APPEALS ON DISTRIBUTION

**10.** (1) The council of a municipality within the area of jurisdiction of a board may appeal to the Local Planning Appeal Tribunal the results of the distribution under section 6 or 7. O. Reg. 412/00, s. 10 (1); O. Reg. 391/18, s. 7 (1).

(2) An appeal under subsection (1) may only be made if the distribution made under section 6 or 7 allots to a geographic area a number of members that is different from the sum of the applicable electoral quotients for the geographic area by an amount that is greater than 0.05 times the total number of members. O. Reg. 412/00, s. 10 (2).

(3) The appeal shall be commenced by filing with the secretary of the board a notice of appeal setting out the objection to the distribution and the reasons for the objection and be accompanied by the fee, if any, required under the *Local Planning Appeal Tribunal Act, 2017*. O. Reg. 412/00, s. 10 (3); O. Reg. 45/03, s. 6 (1); O. Reg. 391/18, s. 7 (2).

(3.1) The secretary of a board who receives a notice of appeal under subsection (3) shall ensure that,

(a) a record is compiled consisting of the notice of appeal and the reasons for the objection;

(b) the record and the fee are forwarded to the Local Planning Appeal Tribunal within 15 days after the notice and the fee are received; and

(c) such other information as the Local Planning Appeal Tribunal may require in respect of the appeal that is within the board's possession is forwarded to the Local Planning Appeal Tribunal. O. Reg. 45/03, s. 6 (2); O. Reg. 391/18, s. 7 (1).

(3.2) Despite clause (3.1) (b), if the appeal is withdrawn within 15 days after the notice of appeal and the fee are filed, the board is not required to forward the materials described under clauses (3.1) (b) and (c) to the Local Planning Appeal Tribunal. O. Reg. 45/03, s. 6 (2); O. Reg. 391/18, s. 7 (1).

(4) The appeal must be commenced no later than April 21 in the election year. O. Reg. 513/17, s. 3 (1).



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- (5) If no appeal is commenced, the board shall be deemed to be properly constituted despite any defect in the distribution. O. Reg. 412/00, s. 10 (5).
- (6) The secretary of the board shall forward any notices of appeal to the Local Planning Appeal Tribunal by April 25 in the election year. O. Reg. 513/17, s. 3 (2); O. Reg. 391/18, s. 7 (1).
- (7) The parties to the appeal are the municipality, the board and any other person added as a party by the Tribunal. O. Reg. 412/00, s. 10 (7); O. Reg. 391/18, s. 7 (3).
- (8) The Tribunal is not required to hold a hearing on the appeal. O. Reg. 391/18, s. 7 (4).
- (9) The Tribunal may,
  - (a) dismiss the appeal, or
  - (b) allow the appeal, in whole or in part, and make an order varying the distribution. O. Reg. 412/00, s. 10 (9); O. Reg. 391/18, s. 7 (3).
- (10) The Tribunal shall determine the appeal not later than June 10 in the election year. O. Reg. 412/00, s. 10 (10); O. Reg. 391/18, s. 7 (3).

**CONDUCT OF ELECTIONS**

- 11. (1) This section applies to regular elections and by-elections of members of a board from a geographic area formed for a board under section 6 or 7, if the geographic area is composed of all or part of two or more municipalities. O. Reg. 45/03, s. 7.
- (2) Subject to subsection (5), the person responsible for conducting the election of members of the board from the geographic area is the school board election clerk of the municipality wholly or partly within the geographic area having the largest population of the board's electoral group. O. Reg. 45/03, s. 7.
- (3) Nominations shall be filed with the school board election clerk referred to in subsection (2), who shall send the names of the candidates by registered mail within 48 hours after the closing of nominations to the school board election clerk of each municipality that is wholly or partly within the geographic area. O. Reg. 45/03, s. 7.
- (4) If the distance between the residence of a person seeking nomination and the office of the school board election clerk with whom nominations must be filed is greater than 100 kilometres, the clerk shall, for the purpose of making it easier for the person or the person's agent to file the nomination, delegate such of his or her powers as may be necessary to,
  - (a) the school board election clerk of the municipality in which the person seeking nomination resides, if the person resides in a municipality;
  - (b) the school board election clerk of the municipality to which the unorganized territory in which the person seeking nomination resides is attached for election purposes, if the person resides in unorganized territory that is attached to a municipality for election purposes and the territory that is attached is part of the same geographic area as the municipality for election purposes;
  - (c) the school board election clerk whose office is in the same geographic area and is closest to the person's residence, in any other case. O. Reg. 45/03, s. 7.
- (5) The school board election clerk of each municipality wholly or partly within the geographic area is the person responsible for conducting the election of members of the board in the municipality and shall promptly report the vote recorded to the clerk referred to in subsection (2) who shall prepare the final summary, announce the result of the vote and forward the result to the secretary of the board and to the Minister. O. Reg. 45/03, s. 7.

**PART II** (ss. 12., 13.) REVOKED: O. Reg. 42/10, s. 10

**14.-26.** REVOKED: O. Reg. 45/03, s. 8.

**PART III** (ss. 27.-29.) REVOKED: O. Reg. 45/03, s. 8.

TABLE 1  
**BOARD AREAS**

Item	Name of Board	Area (km <sup>2</sup> )
1.	District School Board Ontario North East	21,922
2.	Algoma District School Board	9,623
3.	Rambow District School Board	14,757
4.	Near North District School Board	17,020
5.	Keweenaw-Patricia District School Board	7,245
6.	Rainy River District School Board	10,552
7.	Lakehead District School Board	5,274
8.	Superior-Greenstone District School Board	18,959
9.	Bluewater District School Board	8,686

10.	Aven Marland District School Board	5,639
11.	Greater Essex County District School Board	1,872
12.	Lambton Kent District School Board	5,505
13.	Thames Valley District School Board	7,278
14.	Toronto District School Board	634
15.	Durham District School Board	1,963
16.	Kawartha Pine Ridge District School Board	6,908
17.	Trillium Lakelands District School Board	12,133
18.	York Region District School Board	1,774
19.	Simcoe County District School Board	4,901
20.	Upper Grand District School Board	4,192
21.	Peel District School Board	1,258
22.	Halton District School Board	970
23.	Hamilton-Wentworth District School Board	1,127
24.	District School Board of Niagara	1,883
25.	Grand Erie District School Board	4,067
26.	Waterloo Region District School Board	1,383
27.	Ottawa-Carleton District School Board	2,806
28.	Upper Canada District School Board	12,112
29.	Limestone District School Board	7,193
30.	Renfrew County District School Board	8,740
31.	Hastings and Prince Edward District School Board	7,300
32.	Northeastern Catholic District School Board	25,464
33.	Nipissing-Parry Sound Catholic District School Board	10,597
34.	Huron-Superior Catholic District School Board	9,815
35.	Sudbury Catholic District School Board	9,317
36.	Northwest Catholic District School Board	11,965
37.	Kenora Catholic District School Board	3,070
38.	Thunder Bay Catholic District School Board	4,936
39.	Superior North Catholic District School Board	18,710
40.	Bruce-Grey Catholic District School Board	8,686
41.	Huron-Perth Catholic District School Board	5,639
42.	Windsor-Essex Catholic District School Board	1,872
43.	London District Catholic School Board	7,278
44.	St. Clair Catholic District School Board	5,505
45.	Toronto Catholic District School Board	634
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	10,324
47.	York Catholic District School Board	1,774
48.	Dufferin-Peel Catholic District School Board	2,754
49.	Simcoe Muskoka Catholic District School Board	10,640
50.	Durham Catholic District School Board	1,963
51.	Halton Catholic District School Board	970
52.	Hamilton-Wentworth Catholic District School Board	1,127
53.	Wellington Catholic District School Board	2,696
54.	Waterloo Catholic District School Board	1,383
55.	Niagara Catholic District School Board	1,883
56.	Brant Haldimand Norfolk Catholic District School Board	4,067
57.	Catholic District School Board of Eastern Ontario	12,112
58.	Ottawa Catholic District School Board	2,806
59.	Renfrew County Catholic District School Board	7,851
60.	Algonquin and Lakeshore Catholic District School Board	16,101
61.	Conseil scolaire de district du Nord-Est de l'Ontario	46,499
62.	Conseil scolaire public du Grand Nord de l'Ontario	65,681
63.	Conseil scolaire Viamonde	68,014
64.	Conseil des écoles publiques de l'Est de l'Ontario	38,041
65.	Conseil scolaire de district catholique des Grandes Rivières	25,452
66.	Conseil scolaire de district catholique Franco-Nord	10,597
67.	Conseil scolaire de district catholique du Nouvel-Ontario	19,226
68.	Conseil scolaire de district catholique des Aurores boréales	38,587
69.	Conseil scolaire catholique Providence	28,980
70.	Conseil scolaire catholique MonAvenir	40,407
71.	Conseil scolaire de district catholique de l'Est ontarien	5,326
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	33,543

O. Reg. 42/10, s. 11; O. Reg. 345/13, s. 1; O. Reg. 344/17, s. 1, 2



TABLE 2  
NUMBER OF MEMBERS BASED ON ELECTORAL GROUP POPULATION

Item	Total Population of Electoral Group	Number of Members
1.	Less than 30,000 persons	5
2.	30,000 to 44,999 persons	6
3.	45,000 to 59,999 persons	7
4.	60,000 to 99,999 persons	8
5.	100,000 to 149,999 persons	9
6.	150,000 to 249,999 persons	10
7.	250,000 to 399,999 persons	11
8.	400,000 to 999,999 persons	12
9.	1,000,000 to 1,499,999 persons	17
10.	1,500,000 persons or more	22

O. Reg. 412/00, Table 2

TABLE 3  
NUMBER OF ADDITIONAL MEMBERS BASED ON BOARD DENSITY

Item	Density	Number of Additional Members
1.	Less than 1.00	7
2.	1.00 or more but less than 1.25	6
3.	1.25 or more but less than 1.50	5
4.	1.50 or more but less than 2.00	4
5.	2.00 or more but less than 3.00	3
6.	3.00 or more but less than 4.00	1
7.	4.00 or more	0

O. Reg. 412/00, Table 3

TABLE 4  
MAXIMUM NUMBER OF ADDITIONAL MEMBERS BASED ON BOARD DENSITY

Item	Board Area	Number of Additional Members
1.	Less than 8,000 square kilometres	0
2.	8,000 square kilometres or more but less than 12,000 square kilometres	1
3.	12,000 square kilometres or more but less than 25,000 square kilometres	3
4.	25,000 square kilometres or more but less than 40,000 square kilometres	6
5.	40,000 square kilometres or more	The lesser of 7 and the difference between 12 and the number of members based on electoral group population set out in Table 2 for the population of the board's electoral group

O. Reg. 412/00, Table 4, O. Reg. 432/00, s. 3

TABLE 5  
DISPERSAL FACTORS

Item	Name of Board	Dispersal Factor
1	District School Board Ontario North East	16.9
2	Algoma District School Board	13.9
3	Rainbow District School Board	2.6
4	Keewatin-Patricia District School Board	47.1
5	Lakehead District School Board	7.7
6	Superior-Greenstone District School Board	50.0
7	Northeastern Catholic District School Board	23.1
8	Huron-Superior Catholic District School Board	40.0
9	Northwest Catholic District School Board	16.7
10	Kenora Catholic District School Board	20.0
11	Superior North Catholic District School Board	33.3
12	Algoma and Lakeshore Catholic District School Board	2.7
13	Conseil scolaire de district du Nord-Est de l'Ontario	55.6
14	Conseil scolaire public du Grand Nord de l'Ontario	20.0
15	Conseil scolaire Viamonde	10.2
16	Conseil des écoles publiques de l'Est de l'Ontario	5.9
17	Conseil scolaire de district catholique des Grandes Rivières	27.3
18	Conseil scolaire de district catholique du Nouvel-Ontario	20.7
19	Conseil scolaire de district catholique des Aurores boréales	80.0
20	Conseil scolaire catholique Providence	10.7
21	Conseil scolaire de district catholique du Centre-Est de l'Ontario	1.8
22	All other boards	0.0

O. Reg. 345/13, s. 2; O. Reg. 344/17, s. 1; O. Reg. 513/17, s. 4.

TABLE 6  
MINIMUM NUMBER OF MEMBERS BASED ON BOARD ENROLMENT

Item	Day School Average Daily Enrolment	Minimum Number of Members
1	10,000 to 13,999 pupils	6
2	14,000 to 21,499 pupils	7
3	21,500 to 29,999 pupils	8
4	30,000 to 44,999 pupils	9
5	45,000 to 84,999 pupils	10
6	85,000 or more pupils	11

O. Reg. 412/00, Table 6.

Français

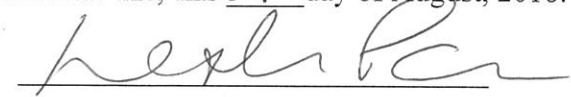
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Special Committee of the Whole Board (Public) August 9, 2018	Page <b>54</b>	Board Services Agenda Record <b>CWB:006A</b> Agenda Item 4.
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This is Exhibit "E" referred to in the  
Affidavit of Andrew Gowdy  
Sworn before me, this 24<sup>th</sup> day of August, 2018.

A handwritten signature in dark ink, appearing to read 'Leola Pon', written over a horizontal line.

A Commissioner for Taking Affidavits

**Leola Pon**

LSO# 52354E

## SUMMARY OF DECISIONS

### Special Meeting

August 9, 2018

*This document is a summary of decisions made by the Board and is not intended to provide a record of information items that were received. Information items can be found in the meeting agenda and related committee meeting agendas on the Web site.*

Presented in Committee of the Whole Board, Report No. 2, August 9, 2018	Agenda Item 3.1.	Agenda Page 1
<p><b>Revised Trustee Determination and Distribution - 2018 Municipal Election [3467]</b></p> <p>The Board decided:</p> <p>Whereas the Toronto District School Board is required to align its electoral boundaries with municipal ward boundaries in the City of Toronto;</p> <p>Whereas on February 7, 2018, the Board approved new trustee ward boundaries to align with the City of Toronto's decision to increase the number of councillors from 44 to 47 based on extensive community consultations conducted by the City and the Board;</p> <p>Whereas the municipal and school board boundary changes were in effect prior to the start of the municipal and school board electoral process and well before the opening of candidate nominations and the start of the campaign period for the Municipal Election being held on October 22, 2018;</p> <p>Whereas on the day before nominations were to close, the Ontario government announced its intention to introduce legislation to reduce the number of municipal councillors to 25 from 47 to align with the current provincial and federal ridings and shortly after introduced the enabling legislation, Bill 5, <i>The Better Local Government Act</i>, and related amendments to Regulation 412, Elections to and Representation on District Boards;</p> <p>Whereas, as a result, these changes require the Toronto District School Board to once again realign its trustee ward boundaries using the 25 provincial/federal boundaries in the City of Toronto;</p> <p>Whereas the province has confirmed the Board must communicate its intended determination (number) and distribution (geographic allocation) to the Minister of Education by August 14, 2018;</p> <p>Whereas the Board has met to consider options to determine how to divide the governance responsibilities of 22 trustees over 25 electoral ridings; and</p> <p>Whereas because of timelines imposed by the province the Board will not have an opportunity to conduct any public consultation on the changes to trustee ward boundaries,</p> <p>(a) That the staff report: Revised Trustee Determination and Distribution – 2018 Municipal Election be received;</p>		

- (b) That Option 1.1, Distribution of Schools, as presented in the staff report, be approved without prejudice to any future legal action the Board may take;
- (c) Notwithstanding the above, that the Board express its opposition to Bill 5 and amendments to Regulation 412 under the *Education Act* in so far as it requires the electoral and ward boundaries to be changed in the middle of an election and without any opportunity for public notification and consultation which is not reflective of reasonable public expectations for consultation, transparency, accountability and the proper administration of government;
- (d) That the Board support the City's consideration of legal action, as follows, "*City Council request the City Solicitor to consider the validity and constitutionality of any Provincial legislation, including its potential violation of the rights of the citizens of Toronto to fair and effective representation, the practicality of conducting the election, the City Clerk's capacity to implement the changes and any errors or flaws in the legislation and to report back to City Council at a special meeting to be held on Monday, August 20, 2018 with options for City Council's consideration.*" and
- (e) That in communicating this decision to the public, the Board note clearly that these changes may be provisional as legal challenges may alter the course of the election, boundaries, timing, and other factors.

**ONTARIO  
SUPERIOR COURT OF  
JUSTICE**

**PROCEEDING COMMENCED AT  
TORONTO**

**AFFIDAVIT OF Andrew Gowdy  
SWORN AUGUST 24, 2018**

**Toronto District School Board**  
Legal Services  
5050 Yonge, Street, 5<sup>th</sup> Floor  
Toronto, ON M2N 5N8

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Lawyer for the Respondent  
Toronto District School Board

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT  
TORONTO**

**MOTION RECORD**

**Toronto District School Board**  
Legal Services  
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