

Civic Works Committee

December 29 2020

City of London

Sent via e mail

**The Issue. (Aldersbrook Gate London)**

**Implementing speed bumps on Aldersbrook Gate.**

**Background.**

The amount of traffic using Aldersbrook Gate in general and as a cut through to main thoroughfares has been an issue for several years for many residents on this short street.

Concerned residents have made many suggestions to City Hall Officials to alleviate the traffic issue. Some if not all, would have minimal cost associated with the implementation of these suggested measures.

After several meetings with City Officials, all of these alternative suggestions were rejected by City Officials. To date there has been no clear reasons given for denying the suggested alternatives.

The only option City Officials would consider was implementing speed bumps on Aldersbrook Gate.

City Officials indicated implementing the speed bumps would require a vote by all residents of Aldersbrook Gate.

The first vote was scheduled for the spring in 2020. Due to the Covid 19 pandemic that vote was postponed until later.

In the fall of 2020 a second ballot was sent to residents. However, that ballot did not contain a pre- paid stamped return envelope.

Another ballot was sent out with the proper requirements included. The vote and ballots cast were supposed to be completed by December 18 2020

In these communications to residents the question/issue to be voted on was clearly indicated in the notice sent to residents. It states in part:

In order to proceed with this project a minimum of 51% of residents must vote in favour of installing the speed cushions. **“IF YOU DO NOT VOTE YOU ARE ASSUMED TO BE A NO VOTE”**

It has to be stated at this point that the general traffic volume and cut through traffic causing the issues, has to lie at the door of the City Planning process.

For many years this area was mostly farm land. The City authorized and approved multiple residential and commercial projects surrounding Aldersbrook Gate.

In this planning and approval process, little or no thought was given to the effect all of the additional traffic from these increased dwellings and commercial properties would have on the residents of this street.

The increase in residential and commercial builds that occurred is due in main part to the fact Aldersbrook Gate was the only way for vehicles to access the main thoroughfares. This was their only available access thereby increasing the traffic and cut through traffic volume.

Dalmagarry was opened many years later. However, that has proved to have little effect on the traffic volume on Aldersbrook Gate.

Returning to the policy at issue in this matter where it states **“persons who do not vote will be assumed to be a no vote”**.

I strongly suggest the City policy that dictates such a formula is not defensible, and seriously interferes with the democratic voting process.

Simply put, the City cannot “deem” people who did not vote to be automatically considered a “no vote”

By doing so, you are in fact engaging and casting a vote you are not entitled to do, which affects the result of a democratic voting process.

The issue was clearly identified to all eligible voters, and each voter was given the opportunity to cast a vote either in favour or against the proposition being proposed.

Residents who did not vote may have many reasons for not doing so.

1) They may not care or have a position one way or another regarding the proposition being voted on.

2) They may simply do not believe in any voting process, and will never cast a vote in any election.

That is their choice which should not be interfered with. If they choose not to vote their choice should be respected and accepted by City Officials, in addition, City Officials and every one of the residents who took the time to vote should accept the result of votes received, and the

majority of votes received will be the only determining factor as to whether speed bumps on Aldersbrook Gate are implemented.

Those who chose not to vote can have no recourse, and will have to accept the result of the democratic process. All voters were given equal opportunity to make their wishes known and will have to live with the result.

It certainly is not up to City Officials or anyone else to change an absent vote into a “no vote”

That simply is an unreasonable and an unwarranted interference in the democratic process.

Most if not all elections and parliamentary processes are carried out in accordance with “Roberts Rules”

My understanding of the basic principles of these rules are as follows:

- 1) Abstentions are counted and noted but not as a “yes” or “no” vote.
- 2) An abstention does not affect the voting result.
- 3) A person has a right to abstain and cannot be compelled to vote.
- 4) A person has an obligation to abstain if he or she has a direct personal interest in the matter that amounts to a legal conflict.

In assuming non-votes to be deemed to be “no votes” it appears that this policy conflicts with the rules mentioned above.

Several courts have also weighed in on similar processes regarding protecting the democratic process, below are some excerpts which I believe supports a strong belief that the democratic process must be followed and protected

Courts have listed some additional principles. In *Di Biase v. Vaughan (City)* (2007), 43 M.P.L.R. (4th) 287 (S.C.J.) at para. 15, the City clerk formulated the following list of principles:

- (i) The secrecy and confidentiality of the voting process is paramount;
- (ii) (ii) The election shall be fair and non-biased;
- (iii) (iii) The election shall be accessible to the voters;
- (iv) (iv) The integrity of the process shall be maintained throughout the election;
- (v) (v) There is to be certainty that the results of the election reflect the votes cast; and
- (vi) (vi) Voters and candidates shall be treated fairly and consistently.

All forms of democratic government are founded upon the right to vote. Without that right, democracy cannot exist. The marking of a ballot is the mark of distinction of citizens of a democracy. It is a proud badge of freedom. While the Canadian Charter of Rights and Freedoms guarantees certain electoral rights, the right to vote is generally granted and defined by statute. That statutory right is so fundamental that a broad and liberal interpretation must be given to

it. Every reasonable effort should be made to enfranchise citizens. Conversely, every care should be taken to guard against disenfranchisement.

In *Raeburn v. Lorje* (2000), 95 A.C.W.S. (3d) 655 (Sask. Q.B.), Hunter J. stated at para. 48: The will of the electorate as expressed by their votes in the election is not to be lightly interfered with.

*Wrzenewskyj vs, Attorney General of Canada* (2012 SCR (3))

In the final analysis, I believe that the Court was correct in *Haig [v. Canada, [1993] 2 S.C.R. 995]*, to define s. 3 with reference to the right of each citizen to play a meaningful role in the electoral process.

(J. P. Boyer, *Election Law in Canada: The Law and Procedure of Federal, Provincial and Territorial Elections* (1987), of course, is a form of government in which sovereign power resides in the people as a whole. In our system of democracy, this means that each citizen must have a genuine opportunity to take part in the governance of the country through participation in the selection of elected representatives. The fundamental purpose of s. 3, in my view, is to promote and protect the right of each citizen to play a meaningful role in the political life of the country. Absent such a right, ours would not be a true democracy.

In conclusion, I am strongly requesting the City Officials review this policy and change it to reflect a true democratic process which is **all votes cast and received determine the outcome.**

I also ask the results of the recent vote be held in abeyance until this policy has been amended or voted on by City Council.

Should you have any questions please do not hesitate to get in touch.

Thank you for your assistance in changing this policy and restoring this process to reflect a true democratic outcome.

Best Regards

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