

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Review of Ward Boundaries
Date: March 1, 2021

Recommendation

That, on the recommendation of the City Clerk, the report dated March 1, 2021 entitled "Review of Ward Boundaries" BE RECEIVED for information.

Executive Summary

The *Municipal Act, 2001* (the "Act") provides authority for a municipality to pass a by-law dividing or re-dividing the municipality into wards or dissolving the existing wards. In keeping with Council Policy 5(35) "Review of Ward Boundaries", this report provides the Municipal Council with information regarding potential ward boundary reviews in the City of London.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Corporate Services Committee – May 28, 2019 – Council Policy Manual

Corporate Services Committee – February 27, 2017 – Proposed By-law to Amend City of London Ward Boundaries Public Participation Meeting

Corporate Services Committee – January 24, 2017 – Review of City of London Ward Boundaries

Corporate Services Committee – January 10, 2017 – Review of City of London Ward Boundaries – Public Participation Meeting

Corporate Services Committee – July 19, 2016 – Amendments to the Municipal Elections Act

Finance and Administration Committee – May 4, 2011 – Proposed Ward Boundary Review Policy

Committee of the Whole – March 10, 2009 – Final Report of the Governance Task Force

1.2 Legislative Context

Sections 222 and 223 of the Act provides authority for a municipality to pass a by-law dividing or re-dividing the municipality into wards, or a by-law dissolving the existing wards. The Act also sets out the right to appeal. However, there is no explicit requirement in the Act for a municipality to conduct a review of its ward boundaries at any time. The Act does not provide any criteria to govern the establishment or dissolution of ward boundaries. There is also no specific criteria or process for establishing and reviewing ward boundaries prescribed by the Minister of Municipal Affairs and Housing. That being the case, common law in Canada requires that the principle of "effective representation" be applied when reviewing ward boundaries.

Although the existing provincial legislation provides for municipalities to establish and amend ward boundaries on their own, it is important to note that the provincial government has the ultimate authority in the determination of municipal ward boundaries, council size, and council structure. Additionally, residents of London may also petition Municipal Council to create or revise an existing ward structure, and a failure to act upon such a petition may be appealed to the provincial Local Planning Appeal Tribunal (LPAT) – previously the Ontario Municipal Board (OMB). Any Municipal Council decision with respect to ward boundaries may be subject to appeal through the LPAT.

1.3 Council Policy 5(35) “Review of Ward Boundaries”

On May 9, 2011, the Municipal Council adopted Council Policy 5(35) entitled “Review of Ward Boundaries.” This policy sets out the frequency of ward boundary reviews and the guiding principles that need to be considered during any ward boundary review process.

On June 11, 2019, the Municipal Council adopted an update to Council Policy 5(35) “Review of Ward Boundaries”, which states as follows:

5(35) Review of Ward Boundaries

The City Clerk shall, as required, undertake a review of the municipal ward boundaries, in sufficient time to allow the implementation of any appropriate ward boundary changes for the next municipal election, in accordance with applicable legislative requirements. The review shall take into consideration balancing population distribution among the wards, both now and in the future based on projections; respecting established neighbourhoods and communities within the municipality; geographical features defining natural boundaries within the municipality; and, infrastructure boundaries such as roads, bridges, rail lines and transit routes. Upon conclusion of the City Clerk’s review, the City Clerk shall recommend if and how the wards should be re-divided for the upcoming election, based upon their findings and in keeping with the public interest.

1.4 Previous Ward Boundaries Reviews

The last significant change to the City of London Ward boundaries took place prior to the 2010 Municipal Election with the elimination of the Board of Control, resulting in a 14 Ward system. Since that time, prior to each municipal election, the Civic Administration has reviewed the ward boundaries using available population data within the context of the Council Policy 5(35) “Review of Ward Boundaries”.

On May 30, 2017, the Municipal Council passed a by-law to re-divide the wards in the City of London, adjusting the boundaries of Ward 5, Ward 6, Ward 7, Ward 8, Ward 9, Ward 10, Ward 12 and Ward 13. The revised ward boundaries came into force and effect on December 1, 2018, following the 2018 Municipal Election. The above-noted actions resulted in London’s current ward boundary map, which is illustrated in the attached Appendix ‘A’.

Few concerns have been raised by the public since the changes made to the ward boundaries in 2018. The regular review of the ward boundaries, as required under Council Policy 5(35) “Review of Ward Boundaries”, will help to ensure the ward boundaries continue to remain balanced and to assist in achieving the goal of effective representation.

2.0 Discussion and Considerations

2.1 Ward Boundary Review Considerations

In the absence of standard practices and principles, municipalities conducting ward boundary reviews use previous OMB decisions, case law and best practices to establish appropriate criteria for an effective review of ward boundaries. Primarily, a review of ward boundaries is intended to achieve “effective representation” or “voter parity” as established by the Supreme Court of Canada. Ward based electoral systems are structured to reflect this principle and ward boundary reviews are generally conducted to reflect changing community demographics and achieve a balanced population in all wards more appropriately. In accordance with Council Policy 5(35), ward boundary reviews in the City of London, including any reports and preliminary adjustments for revised ward boundaries, are guided by the following principles:

1. A balanced population distribution among wards, both now and in future based on projections;
2. Voter parity;
3. Respecting and protecting established neighbourhoods and communities within the municipality;
4. Respecting geographical features and natural defining boundaries within the municipality;
5. Reviewing existing and proposed developments for future population growth projections; and,
6. Ward history.

The above-noted principles embody criteria like those adopted in recent ward boundary reviews across Ontario and reflect those cited in relevant OMB decisions.

3.0 Financial Impact/Considerations

Should Municipal Council determine that no changes to the existing Ward boundaries is necessary there are no financial implications.

4.0 Key Issues and Considerations

4.1. Current Ward Boundaries

The typical indicator of an effective ward based electoral system is the extent to which all the individual wards approach an “optimal” size. The “optimal” size is determined to be the average population for all wards. Based on the City of London’s current ward structure and overall census population in 2016 (including an enumeration of post-secondary students conducted in 2017), the optimal population size per ward in London is currently **28,803**.

In accordance with applicable case law and past OMB decisions, population variations of up to 25% above or below the optimal (average) ward size for the City are considered generally acceptable (i.e. no ward should have population greater than 25% above or below the average for all wards). This range is consistent with legislated federal redistribution provisions. Based on population information from the 2016 census, including an enumeration of post-secondary students conducted in 2017, ward populations in the City of London currently fall within this range (see Table 1).

Table 1: 2018 Population Data by Ward

Ward	Population	Population Variance Prior to 2018 Review	Population	Population Variance Post 2018 Review
1	25,846	-10.27%	25,846	-10.27%
2	25,015	-13.15%	25,015	-13.15%
3	27,150	-5.74%	27,150	-5.74%
4	30,341	5.34%	30,341	5.34%
5	31,916	10.81%	32,116	11.50%
6	28,927	0.43%	29,857	3.66%
7	37,523	30.27%	35,026	21.61%
8	32,619	13.25%	29,391	2.04%
9	31,371	8.92%	28,017	-2.73%
10	26,712	-7.26%	28,429	-1.30%
11	29,509	2.45%	29,509	2.45%
12	29,769	3.35%	31,406	9.04%
13	22,262	-22.71%	26,857	-6.76%
14	24,288	-15.68%	24,288	-15.68%
Total	403,248			
Average	28,803			

Source: Corporate Services Committee – May 23, 2017 – Review of City of London Ward Boundaries (Table 13).

Table 2 in this Report includes 2020 ward population received from City Planning.

4.2. Post-Secondary School Population

Prior to the 2018 review, to provide an accurate representation of ward population, the Civic Administration undertook the task of enumerating both on and off-campus post-students for the year 2017, as students are not typically captured in census data. The Civic Administration contacted post-secondary institutions in London to enquire about the total enrolment, requirements about updating addresses and postal codes, the number of students living in on-campus residence and any information regarding the approximate number of students living in off-campus housing. This information was added to the most recent census data for 2016, for Municipal Council's consideration. A total of **19,426** post-secondary students were added to the 2016 census population for London, plotted by postal code or residence, and then re-divided into wards, as noted in the 'Review of City of London's Ward Boundaries' report dated on May 23, 2017. If further direction is received, the Civic Administration will reach out to post-secondary institutions in London for an updated and accurate representation of off-campus students for the applicable year. The Civic Administration will continue to work with the post-secondary institutions to try to refine the available data, however, it should be recognized that the inclusion of post-secondary students in the total population counts is an estimate only.

For 2020 population and ward variance estimates, only students living in residence at Western University and Fanshawe College have been included. A total of 2,056 students living in residence have been added to Ward 3 and a total of 6,339 students living in residence have been added to Ward 6.¹

¹The Western number (6,339) comes from the Institutional Planning and Budgeting – Western facts 2020 website. Fanshawe number is provided by main web site and includes 1,660 units in three traditional on-campus residences and an additional 396 units in an off-campus townhouse complex.

Table 2: 2020 Population Data by Ward

Ward	2018 Population	2018 Population Variance	2020 Population	2020 Population Variance
1	25,846	-10.27%	28,002	-8.23%
2	25,015	-13.15%	26,612	-12.79%
3	27,150	-5.74%	28,860	-5.42%
4	30,341	5.34%	31,606	3.58%
5	32,116	11.50%	33,529	9.88%
6	29,857	3.66%	29,322	-3.90%
7	35,026	21.61%	37,454	22.75%
8	29,391	2.04%	29,536	-3.20%
9	28,017	-2.73%	31,893	4.52%
10	28,429	-1.30%	31,232	2.36%
11	29,509	2.45%	31,146	2.07%
12	31,406	9.04%	33,436	9.58%
13	26,857	-6.76%	28,583	-6.33%
14	24,288	-15.68%	25,974	-14.88%
Total	403,248		427,185	
Average	28,803		30,513	

Source: Population data received from City Planning November 2020.

4.3. Current Eligible Elector Counts Per Ward

For reference, the most recent City of London eligible elector counts per ward are listed in Table 3 of this report.

Table 3: Total Electors per Ward from 2018 Municipal Election

Ward	Eligible Electors
1	17,018
2	16,816
3	15,472
4	16,381
5	20,786
6	13,911
7	21,150
8	16,574
9	19,919
10	19,226
11	19,608
12	18,762
13	15,716
14	16,873
Total	248,212

Source: Total electors data as of October 22, 2018 obtained from the Official Statement of Votes from the City of London 2018 Municipal Election.

Conclusion

As demonstrated by the Statistics Canada Census information and the enumeration of post-secondary students completed in 2017, the fluctuations in each ward from the optimal (average) do not currently meet or exceed the thresholds of up to 25% above or below the optimal ward size for the City. As such, the Civic Administration does not recommend proceeding with a review of the existing ward boundaries at this time.

Prepared by: Jeannie Raycroft, Manager, Licensing and Elections
 Submitted by: Sarah Corman, Manager II, Licensing and Elections
 Recommended by: Cathy Saunders, City Clerk

