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## Ward Boundary Review Update Information Report

Report Number: INFO-2023-34

Department(s): Legislative Services

Author(s): Sarah Niezen, Records and Project Coordinator

Date: December 6, 2023

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

### Purpose

The purpose of this report is to provide an update regarding the ward boundary review recommended in 2020 and the decision to defer it to this term of Council.

### Background

Newmarket's current ward system boundaries were established by By-law 2002-62 for implementation for the 2003 Municipal Election. Primarily, a review of ward boundaries is intended to achieve "effective representation" or "voter parity" as established by the Supreme Court of Canada<sup>1</sup>. The ward boundaries established in Newmarket in 2002 were established with significant variation, but with anticipated future development they were expected to meet the test of voter parity within 5 to 10 years. Further future development beyond the original 5-to-10-year projections including density increases, population shifts, and intensification were not a factor that was considered at the time the ward boundaries were established.

The Municipal Act, 2001 ("The Act") gives municipalities the authority to determine the composition (including size) of Council, subject to certain parameters. Municipalities may determine ward boundaries through a process outlined in the Act. Residents may also petition Council to create or revise a ward structure, and a failure to act upon such

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<sup>1</sup> Reference re Prov. Electoral Boundaries (Sask.), [1991] 2 SCR 158, 1991 CanLII 61 (SCC), <<http://canlii.ca/t/1fsl>>

a petition may be appealed to the Ontario Land Tribunal (OLT). Any Council decision with respect to ward boundaries may be subject to appeal through the OLT. **Attachment 1** outlines the legislative framework for establishing or changing ward boundaries as well as the process for an elector requested petition.

In January 2020, staff presented Council with a report and recommendation to conduct a [Ward Boundary Review](#). Council chose to defer this decision for consideration by the 2022-2026 term of Council.

## Discussion

Staff have not received any feedback from Council or the public with respect to concerns about Newmarket's ward boundaries. To better understand the current wards, staff compiled current and projected ward population numbers using new data available from the Region.

Population variances of between 25% to 33% are generally accepted as the maximum variance to achieve voter parity. As show in **Attachments 2 and 3** current ward population in Ward 7 is greater than the acceptable variances at 45% above the average.

The projections for 2026 and 2030 shown in **Attachment 3** growth is expected to slow but with a continued variance between Wards 3 and 7. With slow growth in Ward 3 and continued steady growth in Ward 7, Ward 3 will continue to be overrepresented and Ward 7 underrepresented.

Housing development in Newmarket continues and further intensification is expected to occur along the Davis and Yonge St corridors. It is likely that the Town will see continued changes in development over the next several years that may affect population growth and affect the estimated variance between wards.<sup>2</sup>

## Conclusion

Newmarket is seeing intensification and continues to grow and diversify as a community. Due to this growth, we are currently seeing a significant variance in population between wards. That last several years has seen many changes in provincial housing policy that have affected Newmarket's growth. It is currently unknown how these changes will affect our estimates for population.

It is likely that a ward boundary review will need to be conducted in the future. As such, staff will review the updated population numbers during the 2026-2030 term of Council and present Council with information at that time.

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<sup>2</sup> For further information on the factors affecting housing development and the resulting population growth see [Town of Newmarket Housing Pledge Report 2023-70](#).

## **Business Plan and Strategic Plan Linkages**

This report aligns with Town's mission of Making Newmarket even better.

## **Consultation**

The Finance Department was consulted on this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

**Attachment 1** – Municipal Act Framework

**Attachment 2** – Map of current ward populations

**Attachment 3** – Estimated Ward Populations

## **Approval**

Lisa Lyons, Director Legislative Services / Town Clerk

Ester Armchuk, Commissioner Corporate Services

## **Contact**

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## Attachment 1 – Municipal Act Framework for Establishing Wards

Section 222 of the Municipal Act provides the framework for establishing and changing ward boundaries.

### **A municipality may establish and change its ward boundaries.**

Subsection 222(1) states that a municipality is authorized to “divide or re-divide the municipality into wards or to dissolve the existing wards.”

### **A municipality is required to provide public notice of a Council-approved ward boundary by-law.**

Subsection 222(3) provides that a municipality is required to give public notice that a ward boundary by-law has been passed within 15 days after the by-law is passed. The notice must specify the last date for filing a notice of appeal.

### **A Council-approved ward boundary by-law may be appealed to the Ontario Land Tribunal**

Subsection 222(4) states that within 45 days of the ward boundary by-law being passed, it may be appealed to the OLT by “the Minister or any other person or agency. The appeal is made by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections. The municipality is required to forward any notices of appeal to the OLT within 15 days after the last day for filing the notice [Subsection 222(5)].

### **The timing for new ward boundaries to come into force, depends on when Council approves the ward boundary by-law.**

Subsection 222(8) provides that a by-law to establish ward boundaries comes into force for the next regular election if the by-law is passed before January 1 of a regular election year and no notices of appeal are filed, or if any notices of appeal are withdrawn prior to January 1 of the election year, or if notices of appeal are filed and the OLT issues an order to affirm or amend the by-law before January 1 of the election year. In all other cases, except when a by-law is repealed by the Tribunal, the by-law comes into force for the second regular election after the by-law is passed.

In order for any ward boundary changes to be in effect for the **2026 Municipal Election**, any by-law establishing new ward boundaries must be in **force before January 1, 2026**. Specifically, if the by-law establishing new ward boundaries is appealed to the OLT, the notices of appeal must be withdrawn, or the Tribunal must have issued an order to affirm or amend the by-law before that date.

**If Council does not pass a by-law electors may use a petition to request a change to ward boundaries. An application to change ward boundaries may be made to the Local Planning Appeal Tribunal.**

## Appendix D – Municipal Act Framework for Establishing Wards

Under Subsection 223(1), electors in a municipality may at any time “present a petition to the council asking the council to pass a by-law dividing or re-dividing the municipality into wards or dissolving the existing wards.”

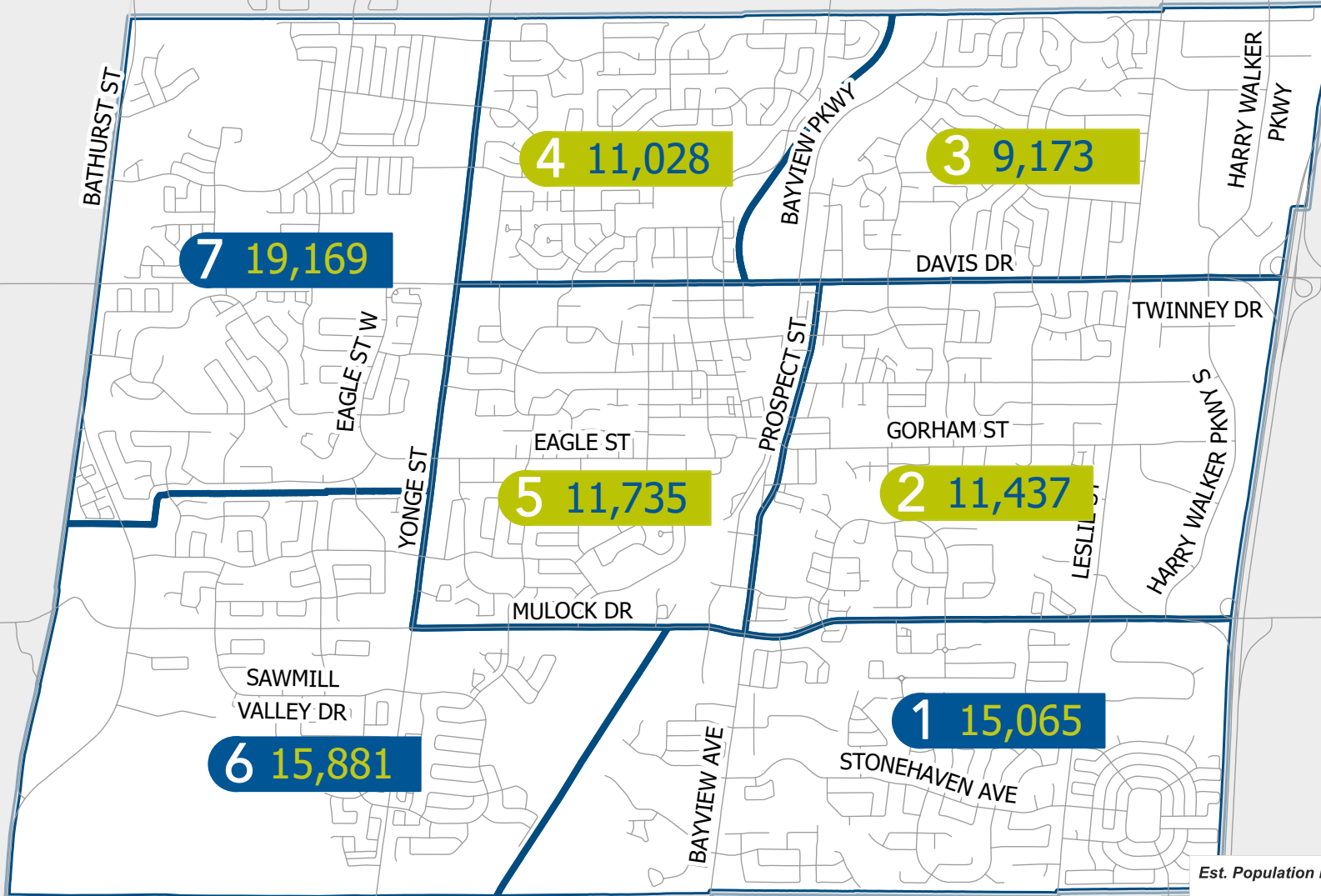
The petition requires the signatures of one per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less. Since one per cent of electors in Newmarket would be 612<sup>1</sup> electors, a petition to Newmarket Council asking for a ward boundary review would require 500 elector signatures.

If Council did not pass a by-law in accordance with the submitted petition within 90 days of receiving the petition, Subsection 223(4) provides that “any of the electors who signed the petition may apply to the Local Planning Appeal Tribunal to have the municipality divided or re-divided into wards or to have the existing wards dissolved.”

The Tribunal is required to hear the application and may make an order “dividing or re-dividing the municipality into wards or dissolving the existing wards” [Subsection 223(5)].

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<sup>1</sup> Based on elector data from the 2022 Municipal Election.



### Estimated Population =

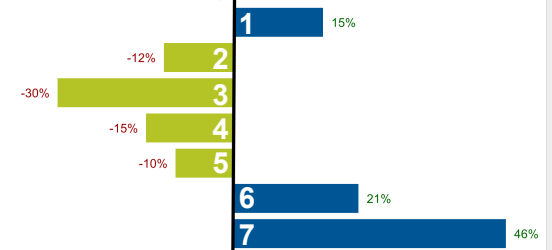
Population figures include an adjustment for the Census undercount. The population estimates are calculated by the following method:

- a) CMHC housing completion data is added to the 2016 occupied households, and minor adjustments are made to the total occupied households for demolitions and vacancies.
- b) A declining person per unit factor by household type is applied to the occupied household estimates to derive a population estimate.
- c) An estimate of the population in institutions is then added to the preliminary population estimate.
- d) An undercount adjustment is then applied to generate a final population estimate.
- e) The population estimates do not include an analysis of migration and natural increase data.

Source: York Region, Corporate Services, Long Range Planning Branch, based on Statistics Canada data and CMHC Housing Completion data.

### Est. Population By Ward

Avg. = 13, 104  
Under Avg. Above Avg.



Attachment 3 - Estimated Ward Populations 2023, 2026, 2030

Ward	2021 Census*	2023 Est. Pop	Deviation from Avg Pop (%)	2026 Est. Pop	Deviation from average Pop (%)	2030 Est. Pop	Deviation from Avg Pop (%) <sup>2</sup>
1	14,520	15,065	14.97%	15,552	11%	15,892	11%
2	10,735	11,437	-12.73%	11,809	-17%	12,078	-17%
3	8,455	9,173	-29.99%	9,470	-45%	9,680	-45%
4	10,330	11,028	-15.85%	11,364	-21%	11,616	-21%
5	11,090	11,735	-10.44%	12,106	-14%	12,377	-14%
6	14,860	15,881	21.19%	16,383	16%	16,756	16%
7	17,955	19,169	46.28%	19,758	30%	20,191	30%
Total	87,945	91,731		94,700		96,800	
Average		13,355		13,777		14,084	

\*The population figures for each ward from the 2021 Census were sourced from the Community Data Program's Custom Geographies, which are based on data from Statistics Canada's 2021 Census. The population estimates for the years 2023, 2026, and 2030 were obtained from York Region's Future Forecasts and calculated based on historic growth and current planned development.