

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011**

Item 1, Report No. 53, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 29, 2011.

**1 TOW TRUCK INDUSTRY - GENERAL LICENSING BY-LAW REVIEW**

The Committee of the Whole (Working Session) recommends:

- 1) That consideration of this matter be deferred to allow further consultation with consumer groups such as CAA to reflect a more neutral position in the City of Vaughan;
- 2) That the following deputations be received:
  1. Mr. E. Mark Lockwood, RBC Insurance, 6880 Financial Drive, Suite No. 300, Mississauga, L5N 7Y5;
  2. Mr. Elliott Silverstein, Canadian Automobile Association, 60 Commerce Valley Drive East, Thornhill, L3T 7P9;
  3. Ms. Suzy Goncalves, Co-up Towing Services Ltd., 620 Garyray Drive, Toronto, M9L 1R1;
  4. Mr. Frank Zoghi, YRTA, 71 Villarboit Crescent, Suite No. 2, Concord, L4K 4C7; and
  5. Mr. Joey Gagne, Abrams Towing, 124 Le Page Court, Toronto, M3J 1Z9; and
- 3) That the following Communications be received:
  - C1. Mr. Kenneth Lindhardsen, Vice President, Claims Operations, Ontario, Atlantic and Western Regions, Desjardins General Insurance Group, 3 Robert Speck Pkwy, Mississauga, L4Z 3Z9, dated November 16, 2011; and
  - C2. Presentation Material.

**Recommendation**

The Commissioner of Legal and Administrative Services & City Solicitor, in consultation with the Director of Budgeting & Financial Planning and Manager of Special Projects, Licensing & Permits recommend:

- 1) That Licensing By-law 315-2005, as it pertains to the Tow Truck Industry, be amended as follows:
  - a) By establishing a maximum \$175 non-collision rate, inclusive of dollies (towing apparatus that may be attached to the wheels of towed vehicle to assist with towing), and \$3.58 per kilometer of travel time outside City limits.
  - b) The establishment of a maximum Storage Fee of \$55 per day for outside storage of a vehicle and a storage fee of \$60 per day for indoor storage over a 24 hour period.
  - c) The establishment of a maximum rate of \$67 per hour for waiting time (hourly rate) after the first hour.
  - d) That every owner and operator shall provide and maintain on or in every Tow Truck the following equipment: safety vests, a pry bar of at least 1.5 meters in length and wheel straps.
  - e) That every Towing Operator shall complete a Towing Authorization form from a City of Vaughan issued Towing Authorization Book for any towing service provided.
  - f) That the maximum kilometre rate charge for travel outside City limits be increased from the present rate of \$2.00 per kilometre to \$3.58 per kilometre.

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011**

Item 1, CW(W/S) Report No. 53 – Page 2

**Contribution to Sustainability**

N/A

**Economic Impact**

The proposed amendments will have impact on the charges imposed on vehicle owners. There is no economic impact on the general operations of the City of Vaughan as a result of the adoption of this report.

**Communications Plan**

Public notice for the proposed amendments to the Licensing By-law 315-2005, as amended, has been provided in accordance with Notice By-law 394-2002, as amended.

**Purpose**

The purpose of this Report is to recommend amendments to the Licensing By-law 315-2005, as it pertains to the Tow Truck Industry.

**Background - Analysis and Options**

Council, at its meeting of September 27, 2011, adopted the following (Item 1, Report No. 40):

- 1) That the General Licensing By-Law be approved with the exception of those matters pertaining to the tow truck industry, and that matters respecting the tow truck industry be referred to a Committee of the Whole (Working Session) to which representatives of the industry, including the insurance industry, shall be invited.

The following are the amendments as it pertains to the Tow Truck Industry. These amendments were in part, included in the Communication C4 at the committee of the Whole report of September 13, 2011.

All Communications received can be found on the City's website.

• ***Tow Truck Provisions***

Tow truck services are provided to consumers in vulnerable and stressful circumstances, usually as a result of a road accident or being stranded after a vehicle breakdown. These circumstances put consumers at the mercy of the tow truck operator with respect to fees that are charged. Accordingly, consumer protection is especially important in this context. In the past, the Licensing By-law addressed this issue by capping certain rates that a tow truck operator could charge. For example, a tow truck operator can only charge a maximum of \$250 for towing services from a collision, a maximum of \$100 for an off-road recovery, and a maximum of \$2.00 per kilometer of travel time outside City limits. However, Staff have begun to receive complaints from the public and the insurance industry regarding the fees charged for non-regulated areas, such as non-collision tows, overnight storage fees, wait times at collision centres, and the use of tow truck related equipment. In some cases, Staff have seen towing inflated invoices totaling over \$3000, notwithstanding the \$250 collision rate.

Staff met with approximately 30 members of the tow truck industry on May 3, 2011 to discuss the regulation of these areas. While the tow truck industry was not against capping the fees for these non-regulated areas, they voiced concerns regarding the high cost of living and the high costs associated with running a business. In an effort to balance these concerns with the City's duty to protect the consumer, Staff are recommending the regulation of fees in the following areas:

.../3

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011

Item 1, CW(WS) Report No. 53 – Page 3

**a) Non-Collision Tow Fees**

A non-collision tow would be defined as a tow that is provided in any circumstances other than where the towed vehicle is involved in a collision. This would include situations where a vehicle breaks down on the side of the road or where a vehicle is towed from a storage facility. **Staff are recommending a maximum \$175 non-collision rate, inclusive of dollies (towing apparatus that may be attached to the wheels of towed vehicle to assist with towing), and \$3.58 per kilometer of travel time outside City limits.** This rate is lower than the collision rate because it is assumed that a tow truck will use dollies with a vehicle involved in a collision whereas this may not be the case with towing a non-collision vehicle. Also, preparing a non-collision vehicle for towing usually takes less time.

**b) Storage Fees**

Towing services are often provided late at night or on weekends when the hirer's auto body or motor vehicle repair shop is closed. In this case, it will be necessary to store the vehicle elsewhere. Some tow truck companies store the vehicle on their premises, or they bring the vehicle to storage facilities. **Staff is recommending that tow truck operators be prohibited from charging, or permitting to be charged by any other person, a storage fee of more than \$55 per day for outside storage of a vehicle and a storage fee of more than \$60 per day for indoor storage of a vehicle. These charges apply for storage over a 24 hour period.** The higher amount for indoor storage reflects the higher costs, such as heating. The City Toronto allows for a maximum storage fee of \$20, while under police contract, the City of Mississauga allows for a maximum storage fee of \$60, and the City of Brampton allows for a maximum storage fee of \$35 for facilities open during regular business hours and \$60 for facilities opened 24 hours a day. The storage fees charged by the tow truck industry have generated the greatest number of complaints from the public.

**c) Collision Reporting Centre Waiting Time (Hourly Rate) Fees**

Police may require that vehicles involved in a collision be brought to a Collision Reporting Centre so that the police may prepare a collision report. Once a tow truck brings this vehicle to the Collision Reporting Centre, they are not permitted to release the vehicle from the tow truck, and the operator must wait for the police to finish their report. The Licensing By-law allows a tow truck operator to charge for up to one hour of wait time, however, the Licensing By-law allows the tow truck operator to set the rate for this hour. **Staff is recommending that this rate be capped at \$67 per hour after the first hour.** This rate is the result of a cost analysis of an hourly operational cost of a 5 ton commercial vehicle and the average hourly wage of a transportation industry employee. On most occasions, this accident process will take less than an hour.

**d) Safety Items**

The Licensing By-law mandates that all tow trucks have certain safety-related equipment. These include fire extinguishers, flares, and first aid kits. **Staff is recommending that the Licensing By-law be amended to require safety vests, a pry bar of at least 1.5 meters in length, and wheel straps.** Tow truck operators continually provide services on or beside a highway. A safety vest will ensure the safety of the tow truck operator as well as passing motorists. Pry bars and wheel straps will further assist tow truck operators in providing towing services safely.

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011**

Item 1, CW(WS) Report No. 53 – Page 4

**e) Towing Authorization Form**

Staff is recommending the implementation of a Towing Authorization Form to be used by tow operators each time towing services are provided to a vehicle not having a gross weight of more than 2271 kg. This form would outline the rights and responsibilities of the hirer, the rates for towing services, and a section where the hirer would sign to confirm the rate. This form will assist in making towing services in Vaughan more transparent. Such a form has been successfully implemented in the Town of Caledon.

**f) Kilometre Rate**

**Staff recommends that the kilometre rate charge for travel outside City limits be increased from the present rate of \$2.00 per kilometre to \$3.58 per kilometre.** This rate is a more accurate reflection of operational costs incurred by the Tow Truck industry for the towing of a vehicle.

**Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

**Regional Implications**

N/A

**Conclusion**

The Licensing By-law regulates many businesses in the City with a view to protect the consumer, protect the health and safety of its citizens, and abate nuisances. Given these important objectives, Staff regularly review the Licensing to address emerging issues and to streamline current provisions. The proposed amendments will bring further clarity to the Licensing By-law which will assist in its administration and enforcement. The proposed amendments will also afford greater protection to the public.

**Attachments**

None

**Report prepared by:**

Joseph Chiarelli, Manager – Licensing and Permits, Insurance – Risk Management  
David Madore, Supervisor, Licensing and Permits

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011**

Item 2, Report No. 53, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 29, 2011.

2

**WARD BOUNDARY REVIEW SUMMARY**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the City Clerk, dated November 22, 2011, be approved;
- 2) That staff provide a report in January 2012 outlining next steps and options for a ward boundary review; and
- 3) That the deputation of Mr. Antony Niro, 333 Laurentian Blvd., Maple, L6A 2V3, be received.

**Recommendation**

The City Clerk recommends:

- 1) That this report be received for information.

**Contribution to Sustainability**

A balanced ward system that provides effective representation is a key component of a sustainable governance structure.

**Economic Impact**

No outside consulting costs were incurred for the 2008/2009 Ward Boundary Review, however a new Ward Boundary Review will involve expenditures for public consultation and planning projections at an estimated cost of approximately \$40,000. If after adoption of a ward boundary by-law the by-law is appealed to the Ontario Municipal Board additional expenditures will be incurred. Funds for the project will be addressed in an upcoming 2012 budget report on contributions to the Election Reserve.

**Communications Plan**

A public consultation plan will be a key component of a Ward Boundary Review if one is commenced.

**Purpose**

The purpose of this report is to respond to the recommendation of Committee of the Whole (Working Session) adopted by Council at its meeting of May 24, 2011 [Committee of the Whole (Working Session) Report No. 29, Item 2] that a report be provided summarizing information determined from the previous Ward Boundary Review to enable Council to decide whether a further ward boundary review should be conducted.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011

Item 2, CW(WS) Report No. 53 – Page 2

#### **Background - Analysis and Options**

##### Legislative Framework

Council has authority under the *Municipal Act, 2001*, Section 222, to divide or re-divide the municipality into wards or dissolve the existing wards. Though there is no statutory direction given for how a review is to be conducted. When conducting a review municipal councils must be cognizant of the principles established by the courts on electoral representation, as discussed later in this report.

Following a council's approval of a ward boundary by-law, notice of passing is given within 15 days and the Minister of Municipal Affairs and Housing or any other person may appeal the by-law to the Ontario Municipal Board within 45 days of passing. If appealed, the OMB may make an order affirming, amending or repealing the by-law. If passed (and, if appealed, approved or amended) before January 1 of an election year, the election is administered as if the revised wards are already in place. For all other purposes the revised wards take effect when the new council takes office.

##### Background

In 2008, the City of Vaughan, facing an increasing disparity in population size amongst the existing five wards, conducted a Ward Boundary Review. The objective of the review was to establish new municipal ward boundaries for the 2010, 2014 and 2018 general municipal elections. A public consultation process ensued on the basis of options prepared by the City Clerk and with the addition of options submitted by Members of Council and the public.

On May 5, 2009, following the submission of additional options by Members of Council, Council adopted By-law 89-2009 to implement a revised five ward system. Notice of the by-law was provided pursuant to Section 222 of the *Municipal Act, 2001*, specifying the last date for the filing of an appeal.

The by-law was appealed to the Ontario Municipal Board by Lucia Milani. The OMB's order amended By-law 89-2009 by altering the ward boundaries for wards 1, 4 and 5 (Appendix #1), which revised boundaries formed the basis of the 2010 general municipal election.

##### Recent Review History

Vaughan has undertaken four ward boundary reviews since 1994, (1994, 2000, 2005 and 2008/2009). The city consisted of three wards for the 1982 – 1994 Term of Council, and five wards since that time. General municipal elections took place in 1994, 1997, 2000, 2003, 2006 and most recently, 2010.

##### Residential Growth/Population Projections

According to the 2010 City of Vaughan Official Plan, "The population of Vaughan grew from 15,000 in 1971 to over 100,000 in 1991, when it was incorporated as a City. In the 1990's population growth continued to an incredibly fast pace ... The pace of growth has continued into the 21<sup>st</sup> century. In 2006, Vaughan had a residential population of 249,300 people ... Provincial and Regional forecasts see Vaughan reaching a population of 416,600 people and 266,100 jobs by 2031". The population of Vaughan in 2010, during the last general municipal election was estimated by York Region to be 295,202 as of October 31, 2010, an increase of 18.4% over the 2006 census of 249,300. As noted in Charts #1 and #2 below, distribution of population in the existing wards was far from balanced.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011**

Item 2, CW(WS) Report No. 53 – Page 3

The 2003 & 2006 Ward Boundary Reviews

Responding to a need to address perceived growing population inequalities between the various wards, prior to the 2003 general municipal election Council directed that a ward boundary review be conducted for implementation in the 2006 general municipal election.

The matter was considered at a Committee of the Whole (Working Session) meeting Item 1, Report 18, on March 22, 2005, which was adopted without amendment by Council on April 11, 2005, and at a Special Committee of the Whole (Working Session) meeting, Item 1, Report 21 on April 4, 2005 and was adopted as amended by Council on April 11, 2005. Council considered in detail a number of 5, 6 and 7 ward configurations for local representation and also reviewed the matter of Regional representation.

In examining various options, Council was mindful of the cost of increasing the size of Council and the possibility that Council may eventually expand should the City of Vaughan gain an additional representative on Regional Council. There was, at the time, an anticipated review of regional representation by the Council of The Regional Municipality of York.

Council ultimately adopted the recommendation “that a five ward option that addresses the current inequality in ward population be considered as an interim measure for the 2006 election and that a review be undertaken prior to the 2009 election”. The review was guided by principles such as respect for existing communities, ratepayer association territories and easily recognizable boundaries, such as arterial roads and major highways.

The City continued to grow, predominantly in the new urban areas established in OPA #600. The result was a disproportionate growth in some wards as compared to others. In 2006, based on census data, Ward 1 had a population of approximately 58,000 people, while the smallest ward, Ward 5, had a population of approximately 36,700 people. This resulted in a variation of population from the average ward size of 22% more, and 23% less, respectively. Chart #1 provides greater detail:

CHART #1

(The following table illustrates the population according to 2006 Census information across the then existing 5 local wards and the resulting ratios of Councillors to the total population and eligible voters)

<b>Ward</b> (2006 Election)	<b>Population</b> (2006 Census)	<b>Eligible Voters</b> (2006 Election)	<b>Councillor Ratio (Total Population)</b> rounded to nearest '00	<b>Councillor Ratio (Eligible Voters)</b> rounded to nearest '00	<b>% Difference from Average Ward Population</b>	<b>Ratio of Eligible Voters to Total Population</b>
1	58,008	36,643	1:58,000	1:36,600	22	0.63
2	50,374	35,348	1:50,400	1:35,300	6	0.70
3	43,849	30,549	1:43,900	1:30,500	-8	0.70
4	49,500	31,243	1:49,500	1:31,200	4	0.63
5	36,736	26,544	1:36,700	1:26,500	-23	0.72
<b>Total</b> Population	238,467	160,327	1:47,000	1:32,000		

NOTE: 2006 Census populations have been adjusted for undercount.

Population Forecasts

In 2008, with the assistance of Planning Department staff, population projections (Chart #2) were applied to the then existing 5 ward system over the next 3 elections. The results of the analysis showed that the inequalities of the population distribution amongst the wards continued to grow.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011**

Item 2, CW(WS) Report No. 53 – Page 4

By 2018, if not reconfigured, Ward 1 was expected to have a population of approximately 117,200 (85% above the average ward size in 2018), and Ward 5 would have a population of approximately 37,900 (40% below the average ward size in 2018). In 2008, the analysis supported the need for evaluating new ward boundary options for 2010 and beyond.

CHART #2

<b>EFFECT OF POPULATION INCREASE ON EXISTING 5 (2006) WARDS</b>							
Ward	2010		2014		2018		
	Population	Variation from Average Ward Population (%)	Population	Variation from Average Ward Population (%)	Population	Variation from Average Ward Population (%)	
1	79,013	47	103,081	70	117,245	85	
2	51,939	-3	51,939	-14	51,939	-18	
3	47,257	-12	55,217	-9	55,217	-13	
4	52,993	-2	54,744	-10	54,744	-14	
5	37,873	-30	37,873	-37	37,873	-40	
Total Population	269,075		302,854		317,018		
Average Population per Ward	53,815		60,571		63,404		
*Average Deviation from Ward Avg. Pop.	10,079	19	17,004	28	21,537	34	

\*Average Deviation reflects how effective a particular ward option is at balancing the population amongst the proposed wards. The lower this deviation number, the more closely the population of each ward is to the average ward population in that option. This figure allows a direct comparison between ward options with respect to population distribution.

In 2003, Council size increased by one Regional Councillor to reflect Vaughan's increasing population and size relative to other York Region municipalities. It is also noted that the Mayor and Local and Regional Councillors are elected at large across Vaughan although other options exist in other regions. Alternative means of representation on Regional Council will likely form part of a Regional review of representation options.

CHART #3

(The following chart reflects how the previous City of Vaughan five-ward configuration compared to other neighbouring councils, as of the 2006 census.)

	POP. (2006 CENSUS)	NO. OF WARDS	COUNCIL SIZE	NO. LOCAL	NO. REGIONAL	RATIO/ LOCAL	RATIO/ REGIONAL
Vaughan	238,467	5	9	5	3	1:47,6931	1:79,489
Richmond Hill	167,747	6	9	6	2	1:27,957	1:83,873
Markham	269,681	8	13	8	4	1:33,710	1:67,420
Brampton	447,253	10	11	5	5	1:89,450	1:89,450
Mississauga	689,274	11	12	11	-	1:62,661	-
Oakville	165,613	6	13	6	6	1:27,602	1:27,602
					AVERAGE:	1:48,321	1:57,972

2008/2009 Ward Boundary Review

Since the previous Ward Boundary Review the City continued to grow, predominantly in the new urban areas established in OPA #600. This resulted in some wards growing in population disproportionately to other wards.



## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011

#### Item 2, CW(WS) Report No. 53 – Page 5

2006 census population data was analyzed at the census dissemination level (roughly equivalent to the neighbourhood level except in sparsely populated areas) and then adjusted to project estimated populations for the next three elections. Proposed ward boundary options were created using the following criteria:

- No population variances greater than 15% based on the average populations between the wards;
- The maintenance of distinct communities;
- Acknowledgement of natural or built boundaries between communities;
- Use of easily identifiable boundaries;
- Recognition of communities of interest; and
- Accommodation of future growth

Public consultation formed a major component of the review. Several methods of garnering public input were employed, including a survey and public consultation meeting. Though criticized in the course of the appeal, public consultations stimulated discussion amongst members of the public and generated one ward option submission by a member of the public. Numerous other submissions were made by Members of Council.

#### Ontario Municipal Board Appeal

An Ontario Municipal Board hearing was held in October, 2009. In the Board's decision of November 24, 2009, the Board allowed the appeal, in part. Large areas of the ward boundary map were not disputed, with the result that the OMB's order adjusted only the boundaries between Ward 4 and 5, and Wards 1 and 4.

In the Board's decision, the Board indicated its hope that there would be another Ward Boundary review prior to the 2014 election.

The resulting, and now familiar ward boundaries, by the Board's own words is a solution that "is manifestly imperfect". A population analysis of the OMB approved ward boundaries was done using the same data that was used during the Ward Boundary Review (Chart #4). The result is, as follows:

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011**

Item 2, CW(W.S) Report No. 53 – Page 6

Chart #4

Ward	2010		2014		2018	
	Population	Variation from Average Ward Population (%)	Population	Variation from Average Ward Population (%)	Population	Variation from Average Ward Population (%)
1	58,040	8	58,466	-3	60,575	-4
2	51,939	-3	51,939	-14	51,939	-18
3	54,400	1	68,284	13	69,331	9
4	38,990	-28	58,459	-3	69,467	10
5	65,706	22	65,706	8	65,706	4
Total Population	269,075		302,854		317,018	
Average Population per Ward	53,815		60,571		63,404	
*Average Deviation from Ward Avg. Pop.	6,680	12	5,139	8	5,717	9

\*Average Deviation reflects how effective a particular ward option is at balancing the population amongst the proposed wards. The lower this deviation number, the more closely the population of each ward is to the average ward population in that option. This figure allows a direct comparison between ward options with respect to population distribution.

While the results seem to indicate ward boundaries that are fairly close (within a 15% population variation) for the 2014 election, population distribution is not the only factor to be considered when evaluating the need for a Ward Boundary Review.

Ward Boundary Reviews are to follow the principles set out by the Supreme Court of Canada in *Re: Provincial Electoral Boundaries (Sask.)*, the 'Carter' case. The purpose of a review is to achieve 'effective representation'.

In describing the concept, the OMB in its order on the 2008/2009 ward boundary review quoted extensively from the Carter decision:

"In *Carter*, Madame Justice McLachlin (as she then was) stated:

*To what extent, if at all, does the right to vote enshrined in the Charter permit deviation from the "one person – one vote" rule?... The purpose of the right to vote enshrined in s. 3 of the Charter is not equality of voting power per se, but the right to "effective representation"....*

*What are the conditions of effective representation? The first is relative parity of voting power. A system which dilutes one citizen's vote unduly as compared with another citizen's vote runs the risk of providing inadequate representation.... The result will be uneven and unfair representation.*

*But parity of voting power, though of prime importance, is not the only factor... in ensuring effective representation....*

*Notwithstanding the fact that the value of a citizen's vote should not be unduly diluted, it is a practical fact that effective representation often cannot be achieved without taking into account countervailing factors. First, absolute parity is impossible. It is impossible to draw boundary lines which guarantee exactly the same number of voters in each district....*

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011

Item 2, CW(W/S) Report No. 53 – Page 7

*Secondly, such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representation; the list is not closed.*

*It emerges therefore that the deviations from absolute voter parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Beyond this, dilution of one citizen's vote as compared with another's should not be countenanced. I adhere to the proposition asserted in Dixon, that "only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors within the territory governed".*

*... The process (in this case), viewed as a whole, was fair. The original division between urban and rural ridings was the work of an unimpeded commission; the subsequent adjustment largely reflected population changes, and gave due weight to the principle of voter parity. The fact that the Legislature was involved in the readjustment does not in itself render the process arbitrary or unfair...*

*... It may be useful to mention some of the factors other than equality of voting power which figure in the analysis. One of the most important is the fact that it is more difficult to represent rural ridings than urban.... Thus the goal of effective representation may justify somewhat lower voter populations in rural areas. Another factor... is geographic boundaries... Yet another factor is growth projections. Given that the boundaries will govern for a number of years,...projected population changes within that period may justify a deviation from strict equality at the time the boundaries are drawn."*

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the priorities previously set by Council as set out in Vaughan Vision 2020, particularly:

MANAGEMENT EXCELLENCE -  
Demonstrate Leadership and Promote Effective Governance

#### **Regional Implications**

Regional services account for approximately half of the average residential tax bill. Although almost identical in population, the City of Vaughan has one less Regional Council Member than the Town of Markham. Regional Council, on October 20, 2011, gave the direction "That staff prepare a report on options for representation on Regional Council and forward it to a Council Workshop that will be held in the 1<sup>st</sup> quarter of 2012."

Prior to the adoption by Regional Council of a by-law to change its composition it must first seek a regulation from the Minister of Municipal Affairs and Housing to authorize changes to council composition.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2011

#### Item 2, CW(WS) Report No. 53 – Page 8

A by-law to change regional composition would only take effect if:

- a majority of all votes on the upper-tier council are cast in its favour;
- a majority of the councils of all lower-tier municipalities forming part of the upper-tier municipality have passed resolutions consenting to the by-law; and
- the total number of electors in the lower-tier municipalities that have passed resolutions form a majority of all the electors in the upper-tier municipality.

Depending on the process determined by the Region, this review and the required approvals could take from six months to one year to complete.

It should be noted that in addition to the regional activity, the Town of Markham is considering conducting a Ward Boundary Review.

#### **Conclusion**

An equitable system of representation that provides for effective representation will better address the needs of the community both at the Regional and Local level. For the democratic process to be truly representative, a system of maintaining a fair and properly balanced distribution of electoral ward boundaries is essential.

Redistribution is a major undertaking that affects not only citizens but election planning and staffing, and also affects candidates and their finances during the election. Given the scope and magnitude of election administration, decisions regarding a Ward Boundary Review and/or an increase to York Region representation should be made at the earliest opportunity to allow for implementation in sufficient time for the 2014 general municipal election, and that the conduct of a Ward Boundary Review be suitably resourced.

#### **Attachments**

Appendix 1 2010 Ward Boundary Map as approved by the OMB.

#### **Report prepared by:**

Donna Winborn, Election Co-ordinator Ext. 8241  
Todd Coles, Manager of Development Services, Secretary/Treasurer, Committee of Adjustment  
Ext. 8332

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)