



2020 Ward Boundary Review

City of Pickering

Discussion Paper

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Watson & Associates Economists Ltd.
905-272-3600
info@watsonecon.ca

In association with: Dr. Robert J. Williams



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1. Background

The City of Pickering has retained Watson & Associates Economists Ltd. and Dr. Robert J. Williams, hereafter referred to as the Consultant Team, to conduct a comprehensive and independent Ward Boundary Review.

The primary purpose of the study is to prepare Pickering City Council to make decisions on whether to maintain the existing ward structure or to adopt an alternative. Other matters that are integral to a comprehensive review are:

- What guiding principles will be observed in the design of the wards?
- Is it appropriate to consider changing the composition (size) of Council as part of the same review?
- Is it appropriate to consider dissolving the wards to elect councillors at-large (in what the Municipal Act calls a “general vote” system)?

This review is premised on the legitimate democratic expectation that municipal representation in Pickering will be effective, equitable and an accurate reflection of the contemporary distribution of communities and people across the municipality.

2. Setting

The basic electoral arrangements in Pickering have been in place since the inception of the Town (now City) of Pickering in 1974: the municipal Council has seven members consisting of a Mayor elected at-large and six Councillors, three of whom are Regional Councillors. The City is divided into three wards, each of which elects one Regional Councillor and one City Councillor who sits only on City Council. The Mayor and the three Regional Councillors sit on both the Regional and City Councils.

The number and distribution of Councillors representing local municipalities on the Regional Council is determined through a process established in the *Municipal Act, 2001* s. 218. A by-law passed in 2016 by Durham Regional Council under these provisions affirmed that the number of Pickering Regional Councillors would remain at three for the 2018 and 2022 municipal elections and cannot be modified unilaterally by Pickering City Council.



There are, however, three basic, and inter-connected, components of an electoral system that lower-tier municipalities in Ontario such as Pickering can address under existing provincial legislation:

- a) the size of the council of a local municipality (referred to as “the composition of Council” in the *Municipal Act, 2001* s. 217 (1));
- b) the method of election for Councillors that may be “by general vote or wards or by any combination of general vote and wards” (*Municipal Act, 2001* s. 217 (1) 4); and
- c) assuming that Council will be elected by wards, the actual ward configuration, including the number of wards, the number of Councillors to be elected in each ward (what may be termed the ward magnitude) and the boundaries of the wards (as implied in the *Municipal Act, 2001* s. 222 (1)).

The wards in which Councillors are elected in Pickering have remained unchanged since 1982 with one exception, a minor adjustment in 2005. Population estimates from 2019 indicate that the wards are unbalanced in population and that the overall population of the City is expected to grow by over 50% by 2030, primarily in the present Ward 3. A review of Pickering’s ward boundaries is overdue and the case for a review of the wards in 2020 is undeniable.

3. Parameters for an Electoral Review

The next section will deal with matters to be addressed in an electoral review, using the three legislated powers listed above. First of all, it is important to note that Council has the authority to decline to make changes to any or all of these features of its electoral structure and indeed is under no obligation to consider them - even in response to a petition submitted by electors related to wards (*Municipal Act 2001* s. 223).¹

The intention of this paper is to provide information to assist Council in making determinations about whether to change some existing electoral arrangements and the alternatives open to it. Any decisions resulting from points a) and b) will shape the second phase of this review (part c) above.

¹ Note that bylaws in relation to Council composition (s. 217) are not open to appeal to LPAT.



3.1 “The Composition of Council”

Despite the long history of municipal institutions in Ontario, the premises and practices used for determining the overall composition of councils has never been satisfactorily or definitively addressed, either in legislation or regulation. There are no clear principles at play, no “standards” and no formulas to apply. Each municipality has its own history, its own traditions and its own attributes. Furthermore, there is no established timetable to require that municipal councils review the continuing validity of the number of places at the council table.

The *Municipal Act 2001* establishes the minimum size for the council of a local municipality in Ontario as five, “one of whom shall be the head of council” who must be elected by general vote (s. 217 (1) 1 and (1) 3). There are no references to a maximum or to an “appropriate” size associated with, for example, the population of the municipality. This absence contrasts with the provisions of regulations issued under the *Education Act* (O. Reg 412/00) which include a detailed formula to determine both the number of trustees and their distribution across each School Board’s area of jurisdiction before each regular municipal election.

As a result, the composition of local councils in Ontario varies widely and can be unconventional. Pickering council is composed of seven members, two above the minimum of five, a configuration that matches the composition of the councils in municipalities such as Goderich, Tillsonburg, Bancroft, Amherstburg and Minden Hills. At the same time, Pickering’s council is smaller than those elected in cities like Brockville, Midland, Niagara Falls, Belleville and Stratford. See Figure 1 to compare Pickering to other municipalities in the Region of Durham.

Two components of Pickering Council are outside the control of the municipality: there must be a “head of council” elected by general vote (see above) and three other members are assigned to the City by Durham Regional Council (see above). From this perspective, four of the seven members of Pickering City Council are each elected to participate in governing two municipalities since the Mayor is, in the classic Ontario regional government model, both the Head of Council in Pickering and also one of the municipality’s representatives on Durham Regional Council.

This leaves three City Councillors whose duties are devoted exclusively to governing the City. The number of these councillors has not changed since the inception of



Pickering in 1974 when the population of the then-Town was less than 40,000 people; the 2016 Census of Canada reports a population of approximately 92,000 for Pickering with sizeable further population growth forecast. On this basis, there is presently one City Councillor in Pickering for approximately every 31,000 people.

Figure 1: Composition of Councils - Region of Durham

Municipality	2016 Population	Mayor PLUS		Total
		Regional Councillors	Local Councillors	
Ajax	119,677	3	3	7
Brock	11,642	1	5	7
Clarington	92,013	2	4	7
Oshawa	159,458	5	5	11
Pickering	91,771	3	3	7
Scugog	21,617	1	5	7
Uxbridge	21,176	1	5	7
Whitby	128,377	4	4	9

Source: Statistics Canada, 2016 Census of Population.

The status quo is the default “solution”, however, endorsing the status quo is an option, as much as would be a decision to elect any number of City Councillors. The status quo therefore requires a rationale rather than simply being accepted because it is familiar.

The optimal size of a Council for Pickering depends on the purpose and role Council is expected to play as a decision-making and representative body. Three interconnected factors could be considered: the capacity of council to provide effective political management, effective representation and accountability.



Effective political management

A certain number of elected representatives are required to carry out the essential governmental functions of a municipality. The workload of representatives varies with each individual councillor. Part will be driven by the personal preferences and commitment of individual councillors, but a large element is a result of the range of responsibilities that the municipality provides. How much material must councillors review and understand before participating effectively in council decision-making? How much constituency casework is directed to councillors? What committees, agencies or other bodies do councillors participate in or chair? The size of the council has an impact on the amount of time councillors can allocate to such formal duties and to casework, as well as to their personal, family and non-political obligations.

Also, is it assumed that City Councillors are expected to serve on a part-time basis? Is compensation and support consistent with that expectation? Is this reasonable if the number of constituents has grown, thereby impinging on the potential workload of Councillors? Would it be more appropriate to increase the number of (part-time) City Councillors rather than create a situation where a small number of City Councillors are elected to serve on a full-time basis?

Effective representation

The heart of “effective representation” (to be discussed more fully in relation to the guiding principles for a ward system) is the conviction that councillors must be able to maintain contact with constituents. Logically, the larger the council, the smaller the individual ward and the more likely the representative can maintain such contact. Conversely, the smaller the council, the larger ward and the greater the challenge to deliver such representation successfully.

As noted earlier, each City Councillor in Pickering in theory is elected to represent roughly one third of the city. Between elections, however, Councillors must not only engage with residents but with community, business and neighbourhood groups (and others) located in the ward and in some cases across the entire city. Does the present Council composition have an impact on the capacity of Councillors to act as an intermediary between residents and the City? Note: this is not a comment on the performance of incumbent Councillors, but rather a question about the reasonable



expectations associated with being an elected (part-time) representative in this configuration.

Another aspect of representation relates to what will be referred to as “coherence”: wards are designed to represent communities of interest within the City (again, to be discussed more fully in relation to the guiding principles for a ward system). Ideally, wards will include a grouping of well-defined neighbourhoods and districts that are as similar as possible. A ward system built around three City Councillors will of necessity include a larger and more diverse collection of neighbourhoods in each ward than a system built around a larger number of wards and City Councillors. In the present wards, the capacity of distinctive communities of interest to be effectively represented may be hampered.

Accountability

Municipal councillors are not only “political managers” of the municipal corporation but are accountable for their decisions through an election. An effective democratic electoral system should provide voters with an adequate range of opportunities to select municipal legislators: if, as the adage has it, municipal government is “closest to the people”, the number of representatives subject to public accountability for their actions is a key indicator of how close or remote the council is to the community.

With a municipal council of seven members in a City of more than 90,000 people (and three members who are dealing exclusively with City issues) the question must be raised whether that size of council can offer such close connections.

Other considerations:

- At the present time, a majority decision of Council requires four votes.
- A majority of members of Pickering Council serve on two municipal Councils, thus reducing the time they can devote to governing the City itself.
- Council size can impact the degree of debate and discussion and ensure that diverse perspectives are heard before decisions are taken.

The legislative authority to determine the number of City councillors (*Municipal Act, 2001 s. 217*) rests with the municipal council and is distinct from the determination of the method by which they are to be elected. A fundamental question for an electoral review in Pickering must be whether a council of this size – based on the City and



Regional components – is appropriate to govern an increasingly complex municipality that is approaching 100,000 people.

3.2 The Method of Election for Councillors

As in the previous discussion, the *Municipal Act, 2001* offers no guidance on the question of whether a municipality should elect its Councillors “by general vote or wards or by any combination of general vote and wards.” In addition, there is no consistency across Ontario municipalities: some municipalities with small populations use wards (such as the Townships of Zorra (8,000) and Georgian Bay (2,300)) while some municipalities with larger populations (such as Niagara Falls (85,000) and Sarnia (75,000)) do not. However, no municipality in Ontario with a population greater than 100,000 elects its council in a general vote system. A handful use a mixed ward-general vote system (most notably Thunder Bay) as permitted under the *Municipal Act, 2001*.

The Town of Pickering was established in 1974 with a ward system. The wards in which Councillors are elected in Pickering have remained unchanged since 1982 with one exception, a minor adjustment in 2005. This is the status quo - the default “solution” – that was originally adopted as part of the transition from the Township of Pickering into the new municipality. Again, the status quo requires a rationale rather than simply being accepted because it is familiar.

There is no definitively “better” system; rather, there is a system that best matches contemporary Pickering. For example:



A general vote system would be most appropriate if . . .	A ward system would be most appropriate if . . .
<ul style="list-style-type: none"> • Pickering is (or should be) considered one political community. • councillors are expected to place the well-being of the entire City ahead of the well-being of its particular parts. • members of the public are prepared to approach any Councillor for assistance. • electors want more choices. 	<ul style="list-style-type: none"> • Pickering is composed of a number of distinctive political communities. • councillors should be mindful of the impact of City-wide decisions on particular communities within the municipality. • members of the public prefer to approach a Councillor who has some connection to their neighbourhood or community. • electors want clear choices.

It is primarily because of the presence of several distinct and/or historically important settlements and neighbourhoods in Pickering such as Claremont, Kinsale, Whitevale, Greenwood, West Shore, Seaton and Brougham that this review should proceed on the supposition that Pickering’s Council will continue to be elected in wards as a way to ensure that the voices of the City’s particular localities are found around the Council table.

Of course, if the alternative of dissolving the wards to elect City Councillors is widely supported in the public consultations the Consultant Team would share that information with Council along with the reasons why residents support it.

3.3 The Method of Election for Regional Councillors

The present practice of electing one Regional Councillor and one City Councillor in a single ward is not mandatory. It is the conventional practice in the more urbanized municipalities in Durham such as Ajax, Oshawa, Pickering and Clarington (see Figure 1) that the number of wards is linked directly to the number of Regional Councillors. In some other parts of Ontario, however, regional councillors are elected by general vote



(for example in York Region, Vaughan and Richmond Hill and in the three cities within Waterloo Region) while lower-tier councillors are elected in wards.

In Pickering this practice means that, for at least the next two elections, the ward system would need to provide for an equitable arrangement to elect three Regional Councillors presumably based on wards used to elect City Councillors. However, if Regional Councillors were elected by general vote and City Councillors in wards, an adjustment of the number of City Councillors could be addressed on its own merits (see above) without being constrained by the number of Regional Councillors.

A Regional Council has the authority under the *Municipal Act, 2001* s. 218 (1) 5, to determine the method of election of councillors (“by general vote or wards or by any combination of general vote and wards”) where members of a council of the upper-tier municipality are “directly elected to the upper-tier council and not to the council of a lower-tier municipality”.² This is, of course, not the situation in Pickering since Councillors serve on both councils. However, as discussed earlier, under the *Municipal Act, 2001* s. 217 (1) 4, local councils have the authority to determine how the members of a such a council are to be elected (“other than the head of council, [they] shall be elected by general vote or wards or by any combination of general vote and wards”). This section of the Act does not appear to distinguish between councillors elected to the lower-tier council and those elected to the upper-tier council.

Historically, a change of this kind (from electing regional councillors by ward to electing them by general vote or vice versa) has only been implemented by the Province; it has not been implemented within any Region on its own initiative and the legislation is not clear. There is also no case law on how “representation” is to be understood in such a context. It is worth noting that the idea has actually been raised in Pickering: in late 2010, Council approved a resolution (#158/10) directing staff to engage a consultant to undertake a ward boundary review and “to investigate the election of Regional Councillor’s being elected at large”. After completing research on the process and costs for such a review, staff recommended that a review of these two matters “not be

² Under Section 218 (2) (b), an upper-tier council has the power to change “the method of selecting members of the council” but this refers to “having members directly elected to the upper-tier council and not to the council of a lower-tier municipality, members elected to serve on both the upper-tier and lower-tier councils or members elected to the lower-tier councils and appointed to the upper-tier council by the lower-tier municipalities, or a combination of methods of election.”



undertaken at this time”.³ Perhaps the idea should be re-considered as part of this review as a way to address some of the constraints associated with requiring three (or a multiple of three) wards to elect Pickering’s regional councillors.

3.4 Guiding Principles to Design Wards

Pickering Council has established guiding principles and other directions for this electoral review and the reason is simple: provincial legislation is silent on the matters that could be considered by a municipality when establishing or modifying its electoral system. There are some precedents that can be gathered from a review of best practices and successful electoral reviews in other Ontario municipalities and cases previously heard by the Ontario Municipal Board (now LPAT) that may be applicable, but a review of electoral arrangements in Pickering should be based on Pickering’s own circumstances and objectives.

As stated in the Terms of Reference for this review adopted by Council in December 2019⁴, the “overarching focus of a ward boundary review is to achieve fair and effective representation for all constituents”. Five guiding principles were articulated there that will be used to evaluate the present system and to formulate alternative options:

- Representation by Population;
- Protection of Communities of Interest and Neighbourhoods;
- Current and Future Population Trends;
- Physical Features as Natural Boundaries; and
- Effective Representation.

Representation by Population

- it is desirable that voters should be equally represented and wards should have reasonably equal populations.
- A degree of population variation is acceptable in recognition of varied geography, population densities and characteristics, and established communities of interest.

³ Report CAO 01-11, “Ward Boundary Review” (January 10, 2011).

⁴ Report CLK 05-19 “Ward Boundary Review” Attachment #1.



- The principle is intended to ensure that residents have comparable access to their elected representative and that the workload of these representatives is relatively balanced.

NOTE: This principle is based on the total population of the municipality not the number of electors, a distinction upheld in several OMB decisions.

Protection of Communities of Interest and Neighbourhoods

- Existing communities of interest and neighbourhoods within the municipality should not be fragmented.
- Communities of interest shall be deemed to include geographic, social, historic, economic, and/or cultural interests.
- Where possible, existing and future communities of interest should not be divided between multiple wards.

Current and Future Population Trends

- The review shall consider anticipated population trends to ensure the ward structure provides effective representation for the 2022 Municipal Election and beyond.
- Where possible, reliable and accurate data will be used to generate current and future population projections, including but not limited to census data, approved building permits, approved development proposals and estimated population growth.

Physical Features as Natural Boundaries

- The review shall take into consideration natural and manmade features within the City that may serve as effective boundaries within the community.
- Where possible, natural and artificial features should be used to define ward boundaries, including but not limited to arterial roads, highways, creeks, railway lines, and hydro corridors; and
- Where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.



Effective Representation

- The specific principles (listed above) are all subject to the overriding principle of “effective representation” as enunciated by the Supreme Court of Canada⁵ so as to provide meaningful on-going representation after the election.
- It may be necessary to place a higher priority on principles other than population parity (such as protecting a community of interest) to create plausible and coherent electoral areas that better contribute to ‘effective representation’ than electoral areas that are equal in population.

No ward design is likely to meet all of the principles in their entirety, however; the best designs maximize adherence to the principles, especially in relation to representation by population and effective representation. As noted in the terms of reference, “Any deviation from the specific principles must be justified by other Carter decision criteria in a manner that is more supportive of effective representation”.

3.5 Is a Ward Boundary Review Necessary?

The objective of a Ward Boundary review is to conduct a comprehensive review of Pickering’s electoral arrangements to develop an effective and equitable system of representation. By their nature, electoral maps inevitably have a limited lifespan since they are intended to capture the distribution of the municipality’s population at a specific time. As the population grows and is redistributed within the municipality, the “fit” is less plausible.

Pickering’s present ward design dates from a time when the municipality’s population was fewer than 40,000 and has been subject to only minor modifications in 2005 that affected fewer than 500 residents⁶. Today the population is greater than 90,000 and projected growth could take that number over 150,000 within the next ten years. As the community changes, so must the electoral arrangements, more than ever when there are perceptible and inequitable discrepancies in the population of existing wards.

A necessary step in a Ward Boundary Review is to assess the extent to which the existing wards meet the guiding principles for a ward system approved by Council (see

⁵ *Reference re Provincial Electoral Boundaries (Sask.)*, [1991], known as the Carter decision.

⁶ Report CS 41-05 “Ward Boundary Alterations,” page 2.



previous section). The status quo will therefore be subject to the same “tests” as any alternative designs (population parity, recognition of communities of interest, the incorporation of natural boundaries and the capacity to maintain population parity over time) to identify strengths and weaknesses.

The claim that residents are “familiar with” certain arrangements and that change may be disruptive (since new ward boundaries may cause confusion among electors, for example) are often the main defenses of the status quo. While some aspects of the current wards may continue to be valid, ward boundaries are, as just noted, actually temporary groupings of a set of communities and neighbourhoods for the purpose of electing municipal representatives. Prolonging their use for the sake of “convenience” or leaving them unexamined because of indifference in the face of demonstrable weaknesses is not justifiable.

3.6 A Consultation Process

Before 2006, the *Municipal Act* required Council to hold a public meeting before adopting a by-law to modify its ward boundaries. Today that is no longer a legislated requirement, but a municipal electoral system must be subject to a public consultation process to ensure the legitimacy of the recommendations placed before Council. This expectation has been affirmed in a number of OMB decisions.

At the outset of the review, the plan was to undertake public engagement activities under Pickering’s established protocols and policies. The goal is both informing residents about the review (including the key factors that are being considered) and gathering informed evaluations from residents about the existing system and alternative designs. In the light of restrictions related to the COVID-19 pandemic, the review was delayed for approximately four months. More importantly, public engagement activities were modified into virtual events. Details of the changed process are found at: <https://www.pickering.ca/wbr>.

The initial sessions are intended to inform the public on the ward boundary review process, the composition of Council and the guiding principles adopted for the project. Those who participate will have an opportunity to provide input on potential changes to the arrangements for electing Council and the priority to be attached to the various guiding principles.



It is important to be clear that a ward boundary review is not a popularity contest to see which alternative “wins” and that the integrity of the review and the recommendations made to Council are not inherently compromised if the consultations take a different form or even if there is a low level of public participation in the consultations.

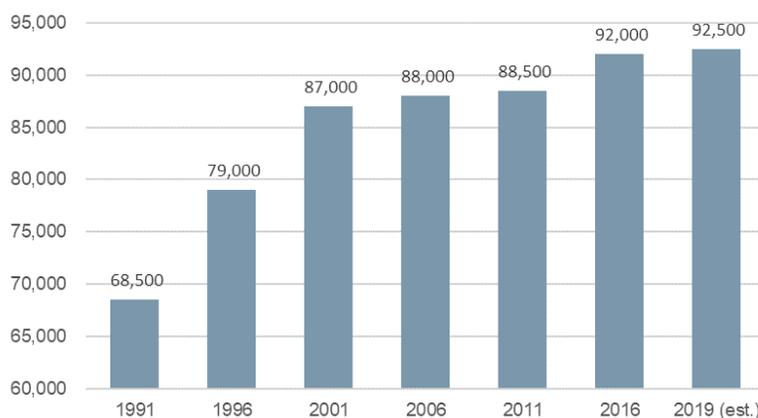
One important consequence of conducting an effective and independent review is that residents will be well-informed about the conduct of the entire review and should be satisfied with its integrity and with the decision eventually reached by Council. As a result, there should be no incentive to appeal a by-law to LPAT under s. 222 (4) of the *Municipal Act, 2001*.

4. Population and Growth Trends

4.1 Existing population

Since the development of the current ward configuration in 1974, the City has seen some significant population growth and will continue to see this growth over the next 10-years and beyond. In 1991, the population of Pickering was approximately 68,500⁷ and in 2019 the population was estimated at 92,500⁸, a growth of approximately 28% as shown in Figure 2.

Figure 2: City of Pickering Historical Population, 1991-2019



Source: 1991-2016 Statistics Canada,
2019 est derived from City of Pickering 20 Year Forecast

⁷ Source: 1991 Statistics Canada

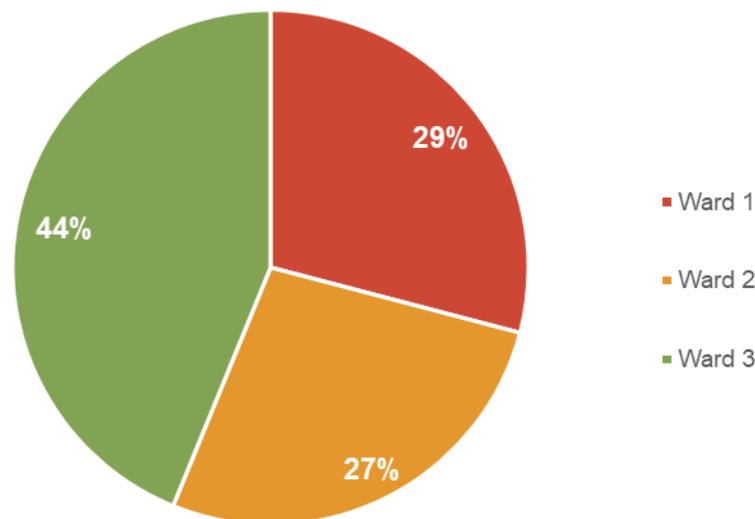
⁸ Source: City of Pickering 20 Year Population Forecast (2020).



Pickering consist of two large urban communities to the south (Southern Pickering and Seaton Lands) and a more rural community to the north. These two very different communities have resulted with population concentrations in the south and central with sparse populations in the north. Approximately 95% of Pickering’s population resides within the urban areas of Southern Pickering and Seaton Lands, and 5% in the northern rural communities.

2019 population figures show an imbalance of population within the current ward structure. Approximately 44% of the population of Pickering resides within Ward 3, 29% within Ward 1 and 27% within Ward 2 as shown in Figure 3. This population distribution, when compared to the Optimal 3-ward size of 30,800 (see section 5) shows that Ward 3 is outside the range at a 1.31 variance, while Ward 1 and Ward 2 are both slightly outside the range on the lower end at 0.87 and 0.81 variance.

Figure 3 - Population Distribution by Ward (2019 est.)



4.2 Forecast population growth 2021 – 2031

The Consultant Team working on this review will prepare a population forecast extending out 3 electoral periods from Early 2021 to Early 2031. This review will look at historical building activity from 2016 through 2020 to develop a 2021 base population estimate by community and at a sub geographic area (S.G.U.). The Consultant Team will review active development applications, site plans of subdivisions and intensification



opportunities within the City to help inform and prepare accurate and credible population estimates.

It is anticipated that the City of Pickering will grow by more than 50% over the next 10-year horizon, bringing the population to over 150,000 persons. Similar to recent trends, a majority of this population growth is expected to occur within Ward 3 and the urban communities.

Some residents may question the relevance and validity of future population growth as the basis for wards in 2020. This is a legitimate question since, for example, the determination of constituency boundaries for the House of Commons is always about “catching up.” The allocation of seats and the relevance of constituency boundaries is evaluated after each Census and, where there have been population changes, adjustments are made. However, in Ontario, municipalities only review the suitability of their representative bodies on a discretionary basis, meaning that councils may choose to keep the same wards in place indefinitely and the principle of ‘one person, one vote’ that anticipates that each person’s vote would be weighted equally is eroded.

One of the ways to keep wards in sync with population changes – in addition to establishing a policy to review boundaries on a pre-determined cycle – is to design the wards with an eye to the future. In the Pickering ward boundary review, that horizon will be population forecasts for a ten-year period (that is after two elections in 2022 and 2026 and ahead of the third scheduled municipal election in 2030). As discussed above (and in the guiding principles), anticipated population trends over that time can be determined with some confidence and will be applied in the designs. In other words, a new set of wards can be adopted that are not out-of-date the day after they are approved.

The “representation by population” guiding principle directs the Consultant Team to seek population parity in wards for the next election; that is, to move from boundaries that reflected Pickering’s population in 1974 to boundaries built around the population distribution in 2020. Given that Pickering is expected to grow significantly over the next decade, however, some preliminary ward options will also be developed that place a higher priority on this future development than on achieving population parity based on 2020 figures. They would, in other words, reflect the change in population from 1974 out to 2030. It is important to note that in the OMB Toronto ward boundary decision in 2017



that endorsed a 47-ward plan⁹, a majority of the Board ruled that the by-law adopted by Council, built on correcting “the current population imbalance” but growing into parity “based on the anticipated further development in specific areas in the City,” was an acceptable approach. In the words of the City’s primary review consultant, “it is more appropriate to allow wards to grow towards voter parity than away from voter parity”.¹⁰

5. Preliminary Evaluation of the Status Quo

Whether or not a ward system can be considered successful involves evaluating how well it provides “fair and effective representation for all constituents”. Before using the guiding principles to develop alternatives to the current system, then, it is appropriate to apply the same guiding principles to the current system to determine whether it is actually still viable and, if not, what shortcomings need to be considered in designing alternatives.

Representation by Population

One goal of this Review is to design a system of representation that achieves relative parity in the population of the wards now, with some degree of variation acceptable in light of population densities and demographic factors across the City. The indicator of success in a ward design is the extent to which all the individual wards approach an “optimal” size. Based on the City’s overall 2019 population (92,500) and a three-ward system, the optimal population size for a ward will be 30,800.

Optimal size can be understood as a mid-point on a scale where the term “optimal” (O) describes a ward with a population within 5% on either side of the calculated optimal size. The classification “below/above optimal” (O+ or O-) is applied to a ward with a population between 6% and 25% on either side of the optimal size. A ward that is labelled “outside the range” (OR+ or OR-) indicates that its population is greater than 25% above or below the optimal ward size. The adoption of a 25% maximum variation is based on federal redistribution legislation but is widely used in municipalities like Pickering where there are urban concentrations as well as extensive rural territory and significant residential developments expected in the future.

⁹ Later overridden in July 2018 through the *Better Local Government Act*, 2018.

¹⁰ Ontario Municipal Board case MM170033 (December 15, 2017), para. 27.



As illustrated in Figure 4, the current population data suggests that one of the wards (Ward 3) is beyond the upper end of the defined range of variation, while the other two are in the lower range of variation. None of the wards can be classified as “optimal.”

Figure 4: Population by Ward

Ward	Population 2019 (est.)	Variance	
1	26,902	0.87	O -
2	25,058	0.81	O -
3	40,539	1.31	OR +
Total	92,500	Optimal: 30,833	

Source: City of Pickering 20 Year Population Forecast (2020).

Protection of Communities of Interest and Neighbourhoods

Electoral districts in Canada are not traditionally considered to be merely arithmetic divisions of the electorate designed to achieve parity of voting power. Rather, they are part of a system “which gives due weight to voter parity but admits other considerations where necessary” (Carter decision, page 35). One of the customary other considerations is “community of interest”. The rationale is that electoral districts should, as far as possible, be cohesive units and areas with common interests related to representation.

In the municipal context “community of interest” is frequently linked to “neighbourhoods” since the neighbourhood is the most identifiable geographic point in most people’s lives; it is where they live. More importantly, the responsibilities of the municipality are also closely associated with where people live: roads and their maintenance, the utilities that are connected to or associated with their dwelling and the myriad of social, cultural, environmental and recreational services are often based on residential communities. Even municipal taxation is inextricably linked to one’s dwelling. Identifying such



communities of interest recognizes that geographic location brings shared perspectives that should be reflected in the municipal representational process.

In most municipalities there are more communities of interest or neighbourhoods than there are electoral districts, so wards will of necessity have to be created by grouping together such building blocks for the purposes of representation. This principle addresses two perspectives: what is divided by ward boundaries and what is joined together. Alternative ward configurations will therefore be assessed in terms of how successfully they separate or aggregate certain communities of interest into plausible units of representation. The first priority is that communities ought not to be divided internally; as a rule, lines are drawn around communities, not through them. Secondly, as far as possible wards should group together communities with common interests.

Pickering's urban settlement area contains several distinctive neighbourhoods located primarily in Wards 1 and 2, but more importantly also in Ward 3. The Bay Ridges and West Shore neighbourhoods are placed in two separate wards on either side of Frenchman's Bay, even though both are isolated from the remainder of their own ward by the multi-lane Highway 401 and two C.N.R. railway lines, making for a tenuous connection between the two parts of Wards 1 and 2. North of the 401, a recognized urban neighbourhood on either side of Fairport Road (Dunbarton) is divided while two other urban areas (east of Liverpool Road and west of Rosebank Road) are split from adjacent neighbourhoods and placed in the same ward as each other even though they are not contiguous and share few demographic similarities. All told, the population in urban settlement area of Pickering may have been divided internally to address the goal of population parity but is grouped in a fashion that makes it difficult to claim that the wards constitute coherent electoral units.

The majority of the Pickering's geography is located in Ward 3; it is an active agricultural area dotted with numerous hamlets that can be differentiated from the urban area by its significantly lower population density and distinctive social and economic characteristics. It is also the area where most future residential development will occur in Pickering (namely in Seaton). We understand that in 1974 the areas on the eastern and western sides of the Ward south of Finch Avenue were largely rural and it would have been appropriate to place them in Ward 3. Today that is not the case and Ward 3 thus includes not only rural Pickering but significant existing urban communities as well as the rapidly developing new communities along the Brock Road corridor. All of this means this ward is also not a coherent electoral unit.



Current and Future Population Trends

The population in the present Ward 3 already exceeds that of Ward 1 and Ward 2. The development of Seaton will push that difference further from parity, although forecast growth in the City Centre neighbourhood will offset some of that growth.

Physical Features as Natural Boundaries

Ward boundaries in Pickering are largely based on transportation corridors; the only exception is a notional line across Frenchman's Bay from the C.N.R. right of way to the sandspit that separates the bay from Lake Ontario. However, three of the transportation features are not used consistently: a C.N.R. right-of-way serves as a boundary between the Toronto boundary and Rosebank Road but not further east; a Canadian Pacific Railway right-of-way serves as a ward boundary but only between Rosebank and Fairmont Roads; and Highway 401 is ward boundary between the Ajax boundary and Liverpool Road but not further west. These are largely visible boundaries within the community but each appears to be a "natural" boundary in one part of the City but not in another.

Two of the three north-south ward boundaries (along Rosebank and Liverpool Roads) are significant arterial roadways that divide the neighbourhoods on either side of the road. This is much less so with Fairmont Road, which is more of a neighbourhood street than a divider.

On the whole, the boundaries of the existing wards fall short of meeting the expectation of "natural" boundaries in the sense of being easily identifiable.

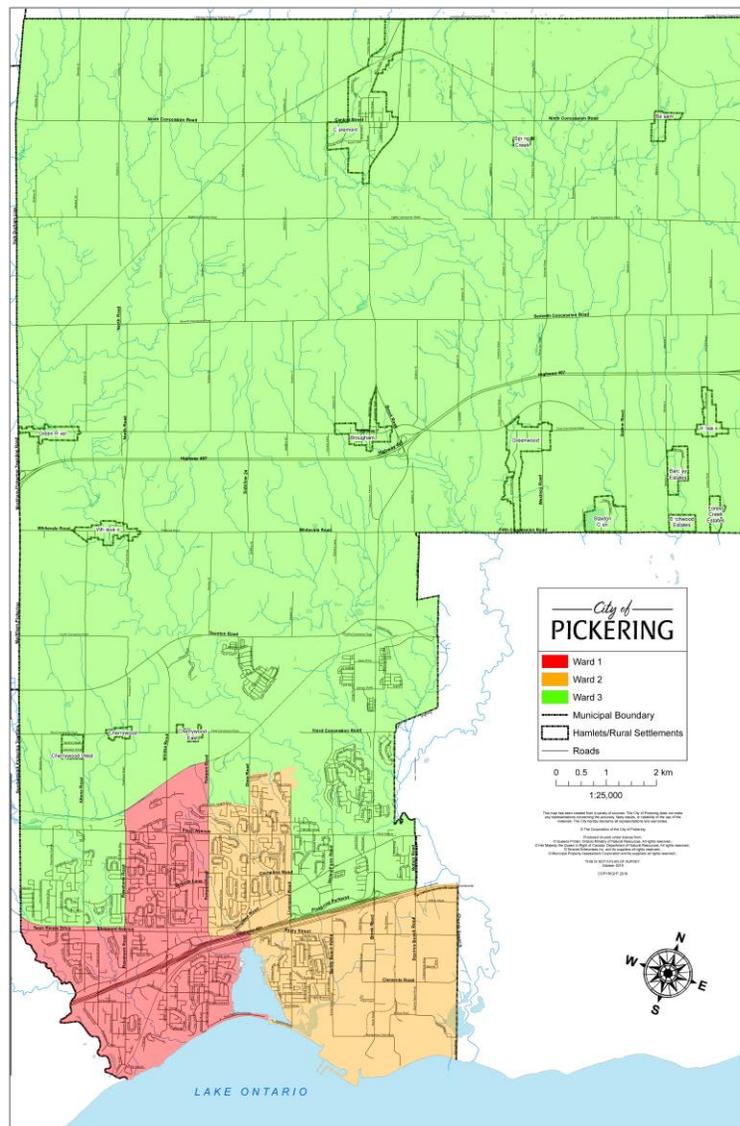
Effective Representation

As noted earlier, effective representation is not based on the performance of incumbent Councillors. It is, rather, a concept that is premised on the on-going relationship between residents and elected officials - not just on the way the resident is "counted" on election day, although that is an important component of a fair system of representation. Are the individual wards each plausible and coherent units of representation? Are they drawn in such a way that representatives can readily play the role expected of them? Do they provide equitable (that is, fair) access to councillors for all residents of the municipality?



The combination of accelerating population imbalances, the mix of neighbourhoods and communities within the wards and the extreme size of Ward 3 compared to the other two wards all suggest that the present wards in Pickering do not contribute to effective representation. One significant factor underpinning these undeniable limitations is the challenge of reflecting the increasing complexity of the City in only three wards.

Figure 5: Existing Ward Map





Summary

The current system largely fails to meet the W.B.R. principles and cannot be said to serve the residents of the City of Pickering well.

Principle	Does the Current Ward Structure Meet the Respective Principle?	Comment
Representation by Population	No	One ward outside the acceptable range of variation and two wards below optimal.
Protection of Communities of Interest and Neighbourhoods	No	None of the ward's coherent electoral units because of limited natural, social or economic connections within them.
Current and Future Population Trends	No	One ward outside the acceptable range of variation and two wards below optimal.
Physical Features as Natural Boundaries	Largely successful	Most markers used as boundaries of the wards are straightforward but are not used consistently.
Effective Representation	No	Effective representation hindered by uneven population distribution and inclusion of rural residents in a ward with predominantly urban population.

6. Preliminary Options

The combination of anticipated growth in Seaton and other areas in Ward 3, such as Duffin Heights and Brock Ridge, and the relative stability of southern neighbourhoods that are presently divided into two much smaller wards, calls for a thorough reconsideration of wards in Pickering. However, there are several ways to address this challenge, depending primarily on which of the guiding principles is given the greatest priority. The next step in this review is to seek contributions from residents about the strengths and weaknesses of the ward system and to gain some sense of which principles should be given priority in the design of a modified ward system.