Discussion Paper D:
Guiding Principles to Design Wards

Provincial legislation is silent on the matters that could be considered by a municipality when establishing or modifying its ward system. There are no standard practices, terms of reference, criteria, or guiding principles, either in provincial legislation or regulation, that can be used to review the municipality's ward 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 known as the Ontario Land Tribunal or OLT) that may be applicable, but a review of electoral arrangements in Lincoln should be based primarily on the Town's own circumstances and objectives.

Lincoln's ward boundary review will be guided by the following principles:

- Balancing the present and future population distribution among the wards;
- Respecting established neighbouroods and communities (communities of interest);
- Respecting geographical features and the defining natural and infrastructure boundaries; and
- Effective representation.

Balancing the Present and Future Population Distribution Among the Wards

Voters should be equally represented, and wards should have reasonably equal population totals. Voter parity should be the goal of ward boundary reviews.

Population size variances of between plus or minus 25 percent are generally accepted as the maximum variance to achieve voter parity. 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.

Ward boundary reviews should consider future changes in ward population. Being mindful of anticipated population trends will ensure that a ward and its residents are neither advantaged, nor disadvantaged because of development activity throughout the

Town. Ward boundary reviews should take into consideration anticipated changes in population for a period of twelve years, or three elections.

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.

NOTE: This principle is based on the total population of the municipality not the number of electors, a distinction upheld in several Ontario Municipal Board (OMB) decisions (now referred to as the Ontario Land Tribunal and formerly referred to as the Local Planning Appeal Tribunal).

Respecting Established Neighbourhoods and Communities (Communities of Interest)

The Carter decision recognizes that the protection of communities of interest may justifiably override the principle of voter parity where the inclusion of a community of interest will lead to a system that is more representative of the City's diversity. The Court did not define what constitutes a community of interest; however, it has been leveraged in O.M.B. appeals to recognize historical settlement patterns or existing communities and to represent social, historical, economic, religious, linguistic, or political groups.

Existing communities of interest and neighbourhoods within the municipality should not be fragmented. Where possible, existing and future communities of interest should not be divided between multiple wards.

Respecting Geographical Features and the Defining Natural and Infrastructure Boundaries

Ward boundaries will be drawn impartially and with consideration to using distinct physical and geographic features. Physical features should be leveraged as they create pre-existing boundaries which naturally divide City residents and may facilitate the effective representation of the ward's residents.

Where possible, physical and natural features should be used to define ward boundaries including but not limited to arterial roads, highways, creeks, railway lines, and hydro corridors. Where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable.

Effective Representation

When defining effective representation as the right protected by the Charter, the Supreme Court of Canada[1] noted that the relative parity of voting power was a prime, but not an exclusive, condition of effective representation. Deviations can be justified where the consideration of other factors, such as geography, community history, community interests and minority representation would result in a legislative body that was more representative of Canada's diversity. According to the Court, considering all these factors provides effective representation.

The specific principles are all subject to the overriding principle of "effective representation" as enunciated by the Supreme Court 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 only equal in population.

No ward design is likely to meet all the principles in their entirety; however, the best designs maximize adherence to the principles, especially in relation to representation by population and effective representation. It is our understanding of existing case law that deviations from the specific principles can be justified by other criteria drawn from the Carter decision in a manner that is more supportive of effective representation.

Topical Discussion Papers A to E

Discussion Papers will be available to residents, each addressing one of the topics to be considered in this review:

- Discussion Paper A – Lincoln's Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- Discussion Paper C – The Component Parts of Lincoln's Council
- *Discussion Paper D – Guiding Principles to Design Wards*
- Discussion Paper E – Is a Ward Boundary and Council Composition Review Necessary?

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