

Haldimand County 2024-25 Ward Boundary Review Backgrounder

Discussion Paper D: Guiding Principles to Design Wards

Working on the sound assumption that a ward system to elect councillors should be maintained in Haldimand County, the Ward Boundary Review addresses the considerations that are taken into account when designing a set of wards that provide effective representation to the County's residents.

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 Haldimand County should be based primarily on the County's own circumstances and objectives.

Our starting point will be the guiding principles set out by the then-Municipal Clerk in a report to Haldimand County Council on August 29, 2023:^[1]

"The Supreme Court of Canada has stated that "effective representation" is the standard for determining electoral boundaries in Canada, and not just representation by population on its own. There are five guiding principles generally used in Ontario municipalities when determining ward boundaries, which are based on the Carter decision, a 1991 case heard by the Supreme Court of Canada. The five principles are:

1. **Representation by Population** – based on the premise that each person should get one vote and all votes count equally. Thus, each elected official should generally represent the same number of constituents.
2. **Protection of Communities of Interest** – defined as settlement patterns, traditional neighbourhoods and community groupings (social, historical, economic, religious and political diversities). The

^[1] Report CLE-10-2023 Ward Boundary Review Project – Scope and Budget.



application of this principle means that communities of interest should not be divided by a ward.

3. **Consideration of Present and Future Population Trends** – ward structure should accommodate anticipated changes in size and location of population.
4. **Consideration of Natural and Physical Boundaries** – attributes such as rivers, valleys, highways, etc., should be taken into account when designing ward boundaries to reflect communities of interest.
5. **Effective Representation** – includes the basic premise of voter parity but balances it with all the other criteria.

Some variations of plus or minus 25% population distribution above or below the optimal ward size are considered acceptable, as long as they are supportive of the effective representation principles outlined above.”

Drawing from its experiences in conducting ward boundary reviews across Ontario, the Consultant Team will use these five guiding principles to evaluate the present ward system in Haldimand County and to formulate alternative options, albeit in a slightly different way than set out above. That is, the principle articulated in the preamble to the list and as the fifth principle (“effective representation”) will be considered an over-arching principle that is achieved by meeting the other principles. In other words, the principle of effective representation is considered more a result than a condition to be met and assessed independently, as is the case with the other principles. To repeat, taken together, the articulated principles contribute to achieving the over-arching principle of ensuring effective representation and will be discussed below as they apply to Haldimand County.

Representation by Population: Normally a primary – but not exclusive – goal of any electoral review is the achievement of population parity; that is, to the extent possible, residents should be equally represented and wards should have reasonably equal population totals. A degree of population variation, however, is acceptable in recognition of varied population densities and characteristics and the distribution of established communities of interest across the municipality. For the Haldimand County Ward Boundary Review, variances of between plus or minus 25% of what is called the “optimal” ward population are generally accepted as the maximum variance to achieve voter parity.^[2] 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 (see Discussion Paper B).^[3]

^[2] The concept of “optimal” population is explained in Discussion Paper E.

^[3] NOTE: This principle is based on the total population of the municipality not the number of electors, a distinction upheld originally in several Ontario Municipal Board decisions.



Protection of Communities of Interest: Acceptable municipal electoral arrangements in Ontario typically consider communities of interest and neighbourhoods within the municipality as shaping the relationship between residents with each other and with the municipal government. In this context, the “communities of interest” principle is deemed to include residential and commercial clusters, but also geographic, social, historical, economic, and/or cultural factors, including the identifiable rural and agricultural component of the County. The basic premise is that existing and future communities of interest should not be fragmented or divided between multiple wards if at all possible.

Consideration of Present and Future Population Trends: Ward boundary reviews consider population trends in a dynamic way; that is, the review takes account of changes that can be measured since the present wards were established, but also accounts for anticipated population growth in Haldimand County, specifically over a three-election cycle (that is, 12 years). As a result, wards should be designed to keep the population of the wards in reasonable parity over that time. 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.

Consideration of Natural and Physical Boundaries: Ward boundaries will be drawn impartially and with consideration for natural and human-made features within the County that may already serve as effective internal boundaries. Such features should be leveraged since they may naturally divide municipal residents from one another and may facilitate the effective representation of the ward’s residents. Since Haldimand County includes a large rural area, some attention will be paid to the geographic size and shape of the wards. As well, 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 Canada.^[4] The concept of effective representation was derived from the equality provision of the *Charter of Rights and Freedoms* related to the right to vote and, by extension, the right to be represented equitably in the deliberations of government. The Court noted, however, that relative parity of voting power was a prime, but not an exclusive, condition of representation since other factors – such as those summarized above – contribute to the achievement of effective representation. It may be necessary to place a higher priority on principles other than population parity (such as respecting a community of interest) to create plausible and coherent electoral districts that better contribute to “effective representation” rather than electoral areas that are drawn simply to achieve population parity.

^[4] Reference re *Provincial Electoral Boundaries (Sask.)* [1991], known as the Carter decision.



Overview: 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 – The Haldimand County Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- Discussion Paper C – The Method of Election
- Discussion Paper D – Guiding Principles to Design Wards
- Discussion Paper E – Why a Ward Boundary Review?