



Ward Boundary Review 2020



BACKGROUND

1.0 INTRODUCTION

The City of Ottawa has a long and varied ward boundary review history. Since January 1, 2001, when the new City of Ottawa was established, there have been two ward boundary reviews and a third one is now underway. Several lessons from the two previous reviews can inform the Ottawa Ward Boundary Review (OWBR).

2.0 WARD BOUNDARY REVIEWS 2001 TO THE PRESENT

The *City of Ottawa Act, 1999* dissolved the Regional Municipality of Ottawa-Carleton and 11 other municipalities and established a makeshift ward structure for a new amalgamated City of Ottawa based primarily on the pre-1999 municipalities. It was recognized that the initial ward structure used in the 2000 election did not provide for appropriate representation on City Council and the new City of Ottawa launched a ward boundary review in 2001. It was anticipated that this review would lead to a new ward structure for the 2003 election.¹

The ward boundary review was undertaken by a Citizens' Task Force, appointed by Council. Council also established numerous parameters for the ward boundary review, including, among others, the key ones setting the number of wards at 21 and the voter parity variance range allowable at +/- 33 per cent. The Citizens' Task Force reported in June 2002 and Council adopted a new ward structure based on the Task Force's report.

The proposed ward structure was appealed to the then Ontario Municipal Board (OMB).² The appeal was launched by three local rural community associations and the Ontario Ministry of Municipal Affairs and Housing. The main issues in the appeal revolved around the failure to consider the "rural community of interest", Council's parameters that restricted the review and the lack of public involvement. The appeals

¹ In 2001 municipal elections were held every three years. In May 2006 Ontario Bill 81 changed the timing of municipal elections to every four years.

² Now called the Local Planning Appeal Tribunal (LPAT).

were successful, and the City of Ottawa conducted the 2003 election under its old, flawed ward structure.³

Almost immediately following the 2003 election, the City launched a new ward boundary review referred to as the 2004-2005 Review. The goal was to have a new ward structure in place for the 2006 municipal election. Learning from the previous OMB decision, the City hired independent consultants and established no overriding parameters for the review.

The consultants developed a new methodology and approach for the 2004-2005 Review. It focused on effective representation as defined by the Supreme Court of Canada in the “Carter Case” and included considerable public involvement. Also, the 2004-2005 Review was conducted at “arms-length” from both Council and staff, although the local knowledge of both were sought. The 2004-2005 Review initiated a two-round approach to public involvement. The first round sought general input from the public, stakeholders and Members of Council, while the second round focused on specific ward boundary options displayed in map form.

The consultants’ recommendations provided for a 23-ward configuration, adding two new wards to accommodate suburban growth, while protecting the rural community of interest. Council adopted the consultants’ recommendations and adopted a new ward structure in June 2005.

This new ward structure was appealed. The OMB dismissed the appeals and approved Ottawa’s new ward structure.⁴ Unlike the previous review, the OMB found that the 2004-2005 Review was conducted without Council interference, respected the principles of effective representation, considered the rural community of interest, accommodated future growth and included substantial public involvement. With the 2004-2005 Review, the City of Ottawa had developed an approach to municipal ward boundary reviews that would become the “gold standard” for future ward boundary reviews in Ontario.

The 2004-2005 Review was designed to last for three and possibly four elections. In fact, the City used this ward structure for the 2006, 2010, 2014 and 2018 elections. However, the 2004-2005 Review noted that in certain areas of the city, especially the suburban areas outside the Greenbelt, rapid growth would lead to the need for a review of ward boundaries after the 2014 election. The Review noted the specific areas that

³ For more information on this appeal see the OMB’s decision issued May 8, 2003, under Order Number 0605 and OMB file number M020075.

⁴ For more information on this appeal see the OMB’s decision issued October 31, 2005, under Order Number 2862 and OMB file number M050102.

would grow out of voter parity. These were the Rideau River South Suburban Area, the Ottawa East Suburban Area and Cumberland Ward.

In 2009, the City made some minor ward boundary adjustments to Wards 21, 6 and 23 to incorporate changes to the urban growth boundary. Other than these minor changes, the ward boundaries for the recent 2018 election were those that arose out of the 2004-2005 Review.

City staff has been discussing the need for a review of ward boundaries in the areas flagged by the 2004-2005 Review since 2015. In 2019, Council opted for a comprehensive ward review to be in place for the 2022 election. This Review started in January 2020 and is being carried out by an independent consulting team comprised of Beate Bowron Etcetera, Hemson Consulting and The Davidson Group.

3.0 EFFECTIVE REPRESENTATION – CARTER, OMB AND ONTARIO COURTS

The principle of effective representation is a key test for any ward boundary review. This has been confirmed many times by the OMB, but also by the courts. The goal of all ward boundary reviews is to establish a ward system that achieves this principle. “Effective representation” is an inclusive phrase assessing how well residents are represented. At a general level it means that one person’s vote should be of similar weight to another person’s vote. When applied to wards, it suggests that wards should have similar populations.

The Supreme Court of Canada has employed the term “effective representation” to set the standard for creating municipal ward boundaries and provincial/federal ridings. The OMB (now LPAT) has, in numerous decisions on ward boundary appeals, used the concept of effective representation as its standard for approving new ward boundary structures. In the recent Toronto Ward Boundary Review, not only did the OMB use this standard but so did the divisional court and the appellate court.

In practice, achieving effective representation for ward boundary reviews involves balancing several components. These are:

Voter Parity: Voter parity speaks to the relationship between a ward’s population and the average ward population of all municipal wards. To achieve parity, ward populations need to be similar but not identical. Voter parity is a criterion that has special prominence in weighing whether effective representation has been achieved. It is assessed in terms of percentage ranges around the average ward population. If the range gets too large, effective representation is lost.

Natural/Physical Boundaries: Natural boundaries such as rivers, ravines and in Ottawa, the Greenbelt, often become ward boundaries. The Rideau River is an

excellent example. Similarly, major infrastructure such as expressways, railways, hydro corridors and arterial roads create barriers and are used as ward boundaries, such as Highway 417. Natural/physical boundaries are highly recognizable and often separate communities of interest.

Geographic Communities of Interest: The term “communities of interest” refers to neighbourhoods such as Barrhaven, the Glebe or Westboro Village and commercial areas such as the ByWard Market or the Carp BIA. The term also refers to different types of communities such as rural, suburban and urban. Communities of interest have different needs and perspectives that need to be respected and not disenfranchised or overly diluted while establishing ward boundaries.

To form a basis for determining ward boundaries, communities of interest must be geographically contiguous. It is important to avoid dividing geographic communities of interest and/or neighbourhoods when creating wards. However, this objective cannot always be achieved. Sometimes a community is so large that, to respect voter parity, it must be split among more than one ward, such as Kanata. Also, it is quite common for wards to contain several communities of interest.

Minority Interests: Minority interests should be considered if they are geographically based.

Ward History: The history of some wards extends to well before amalgamation and those wards have developed a strong identity. Ward design should, where possible, attempt to consider the history of the ward. However, ward history by itself cannot override other major criteria such as voter parity, strong natural/physical boundaries and communities of interest.

Capacity to Represent: Capacity to represent is often equated with Councillors’ workload. It encompasses ward size, types and breadth of concerns, ongoing growth and development, complexity of issues, etc. For example, wards with high employment, major infrastructure facilities, tourism attractions or special areas, such as the Parliament district and the ByWard Market, generate a host of issues a Councillor has to deal with, in addition to the concerns of local residents within the ward and City-wide policies.

Geographic Size and Shape of a Ward: All wards cannot be the same geographic size. Some areas of the city are more densely populated than others and some wards have more open space. Ottawa is especially unique with respect to this component of effective representation because of its large rural area. The geographic size of a ward also affects the capacity to represent.

Population Growth: Ottawa's population growth has to be taken into consideration if the current ward boundary review is going to work for three municipal elections: 2022, 2026 and 2030 and, possibly, 2034. The target election for an evaluation of effective representation should be set for 2026. This allows for Ottawa's expected growth to be factored into ward boundary calculations.

Balancing the Components of Effective Representation: Designing a new ward structure requires balancing all the components of effective representation. While all of the components have to be taken into consideration, they are not all equal. Voter parity is pivotal and is a key determinant of effective representation. Respecting communities of interest is another high priority consideration, along with well-defined, coherent ward boundaries.

Determining the appropriate variance range in voter parity, referred to as relative voter parity, is complex. Often a figure of +/- 25 per cent is suggested and used as a standard. However, this could result in a range of 50 per cent between the largest and smallest ward in terms of ward population. The evolving standard from recent ward boundary reviews is +/-10 per cent to 15 per cent in more densely populated urban and suburban areas. Larger variances may be appropriate under certain circumstances, such as respecting communities of interest or achieving clearly defined ward boundaries. Ottawa's geographically large rural area and its communities need to be respected and will have larger relative voter parity variances than urban and suburban areas.

As noted, any new ward structure should last for three and possibly four election cycles. Ward boundary reviews are time consuming, costly and potentially disruptive in some areas. Hence, ward boundary reviews need to reflect future growth both in terms of amount and location. This means fine-grained population projections are required. With such projections the voter parity component of effective representation can be determined.

To assess growth, a specific year in the future needs to be chosen to design wards. This is referred to as the "target year". Because the OWBR is designed to develop a ward structure that will last for three elections, the middle election is selected as the design year. The next three elections are 2022, 2026 and 2030, hence the target year is 2026. Generally, if a new ward structure lasts to 2030, it will likely work in 2034. After that time a new ward boundary review will probably be required. The 2004-2005 Review that was implemented for the 2006 election did, in fact, serve Ottawa for four elections.

4.0 OMB DECISIONS

The OMB (now LPAT) adjudicates most ward boundary reviews, since most ward boundary reviews are appealed, especially those involving larger municipalities. That said, there are examples of very small municipalities being appealed when they deal with ward boundaries.⁵ Ottawa has had its own experience with OMB appeals and decisions on ward boundary reviews. Recently, both the City of Toronto and the City of Hamilton have gone through extensive ward boundary reviews, both of which were appealed. In fact, Toronto's ward boundary review was subsequently appealed to both the Ontario Divisional and Appellate Courts. At the time of writing, the Toronto Review has been referred to the Supreme Court of Canada, where it is awaiting leave to appeal.

The various OMB decisions have been remarkably consistent. In summary, four tests are applied to determine the veracity of a ward boundary review. These are:

1. Has the consultant team undertaking the ward boundary review been objective and independent from council and staff direction;
2. Has the principle of effective representation, as enunciated by the courts and OMB, been achieved;
3. Was the public involvement process robust and provided participants with both input on the design of the wards and the ability to comment on various ward options; and
4. Are the population projections that determined the voter parity component of effective representation credible.

Ontario Municipal Board decisions in Ottawa, Toronto and Hamilton have reinforced these four components or pillars in adjudicating ward boundary reviews and have all referenced these four pillars.

Objectivity and independence of the consulting team will always be scrutinized, and often in some detail. Where objectivity and independency from council and staff cannot be established, the OMB has either struck down the review (Ottawa's first review) or imposed its own ward boundaries, as in the Hamilton Ward Boundary Review. Both the 2004-2005 Ottawa Review and the Toronto Ward Boundary Review, after considerable testimony, passed the independence tests.

Since the 2004-2005 Ottawa Review most reviews have tried to balance the various components of effective representation. One of the key issues in Ottawa and Hamilton

⁵ See the OMB decision for the Municipality of Hastings Highlands, December 17, 2017; OMB Case Number MM170041.

was the treatment of the rural community of interest. Both have geographically large rural areas. In Ottawa, the OMB accepted the effort to treat the rural area as a special case. In Hamilton, the OMB adjusted the proposed ward boundaries to better respect the rural areas.

The two-round public involvement process, developed in Ottawa's 2004-2005 Review, has become standard. One contentious part is the involvement in both rounds of Members of Council. The 2004-2005 Ottawa Review and the Toronto Review both involved Members of Council. This was done both to access their considerable knowledge and to help build consensus.

While some have argued that this may allow Members of Council to exert undue influence, the OMB, in both the Ottawa 2004-2005 Review and the Toronto Review, found that, due to the methodology used, Councillors did not unduly influence the ward boundary reviews. In fact, this approach led to a straightforward approval of the ward system recommended by the consultant team. On the other hand, Members of Council were not involved in the engagement process in Hamilton, which led to individual Councillors proposing different ward systems. On appeal, the OMB imposed a ward system different from the one approved by Hamilton Council.

Growth figures, because they are projections, always come in for criticism and conjecture. Successful ward boundary reviews use a combination of external demographers working in conjunctions with municipal planning departments to develop and test consensus population projections. This approach has worked in the three ward boundary reviews discussed and the numbers were accepted by the OMB. Regardless, it seems that population projections will always be hotly contested.

The OMB, and (in the Toronto Review case) the courts, have laid out some fairly well-defined tests by which ward boundary reviews will be judged. It is highly likely that the results of the current OWBR will be appealed. In planning and implementing the OWBR the potential of appeal must always be contemplated. At times this may seem ponderous. However, at a future LPAT hearing attention to the appropriate level of detail could mean the difference between the approval or denial of a new ward system approved by Council.

5.0 WHY THE STATUS QUO IS NOT AN OPTION

The 2004-2005 Review predicted a changing pattern of growth. The areas of rapid growth were predicted to be in the suburban wards and this is what has been happening.

The Table below provides population estimates for 2018, 2022 and 2026. These estimates are based on the 2016 Census and were prepared by City of Ottawa staff.

Interim Growth Projections – Ottawa Wards (1)

Ward	Year-End Population			Variance from Ward Average		
	2018	2022	2026	2018	2022	2026
1 Orléans	48,315	47,600	46,800	12.1%	4.5%	-1.9%
2 Innes	42,166	45,100	47,400	-2.2%	-1.0%	-0.6%
3 Barrhaven	61,528	68,500	74,500	42.7%	50.4%	56.2%
4 Kanata North	37,929	41,200	44,400	-12.0%	-9.5%	-6.9%
5 West Carleton-March	25,644	26,200	26,700	-40.5%	-42.5%	-44.0%
6 Stittsville	37,365	43,900	50,600	-13.3%	-3.6%	6.1%
7 Bay	45,662	46,500	46,900	5.9%	2.1%	-1.7%
8 College	51,829	52,900	53,400	20.2%	16.1%	11.9%
9 Knoxdale-Merivale	39,485	39,800	39,700	-8.4%	-12.6%	-16.8%
10 Gloucester-Southgate	47,517	48,000	48,200	10.2%	5.4%	1.0%
11 Beacon Hill-Cyrville	33,504	34,300	35,100	-22.3%	-24.7%	-26.4%
12 Rideau-Vanier	49,632	51,200	53,000	15.1%	12.4%	11.1%
13 Rideau-Rockcliffe	39,801	41,900	43,700	-7.7%	-8.0%	-8.4%
14 Somerset	41,996	44,500	46,000	-2.6%	-2.3%	-3.6%
15 Kitchissippi	44,594	48,500	51,700	3.5%	6.5%	8.4%
16 River	48,566	48,800	48,900	12.7%	7.1%	2.5%
17 Capital	38,322	40,900	43,000	-11.1%	-10.2%	-9.9%
18 Alta Vista	44,939	46,000	46,800	4.3%	1.0%	-1.9%
19 Cumberland	50,424	57,100	62,900	17.0%	25.4%	31.8%
20 Osgoode	28,279	31,200	34,000	-34.4%	-31.5%	-28.7%
21 Rideau-Goulbourn	30,650	33,900	37,300	-28.9%	-25.6%	-21.8%
22 Gloucester-South Nepean	53,175	59,300	65,900	23.4%	30.2%	38.1%
23 Kanata South	50,111	50,300	50,400	16.3%	10.4%	5.6%
City of Ottawa	991,429	1,047,600	1,097,300			
Ward Average	43,106	45,548	47,709			

(1) Interim projections as of September 2019. Revisions anticipated to align with new Official Plan.

Table 1 lists expected growth by ward for 2022 and 2026 – which are the next two election years – as well as the variances by ward, based on the average ward populations for both years. The variances are key indicators of voter parity. The table shows the key issues that the OWBR will need to address:

- Ottawa’s population continues to grow by approximately five per cent per election, or slightly over one per cent per year. This is reflected in the steady increase in ward population averages from 43,106 in 2018 to 47,709 in 2026, based on the current 23 wards.
- The distribution of this growth is not even across all wards and this has led to declining voter parity. In 2018 voter parity ranged from 40.5 per cent below average (Ward 5, West Carleton-March) to 42.7 per cent above average (Ward 3, Barrhaven). A person’s vote in Ward 5 carried over twice the weight as a person’s vote in Ward 3. There was a spread of 35,884 people between these two wards. This pattern increases in both 2022 and 2026. By 2026, the population of the largest ward, again Ward 3, would have 47,800 more people than the smallest ward, again Ward 5. These two wards represent the two outliers. There are significant divergences between other wards that exceed +/- 15 per cent (eight wards) and even +/- 25 per cent (six wards). From a voter parity perspective, Ottawa’s ward system is unsustainable now and gets worse in the future. Currently, effective representation is not achieved. This needs to be rectified for the 2022 election.
- Deciding that Ottawa needs to fix its ward boundaries is easy. Drawing new ward boundaries is much more complicated. Several internal growth trends are at play.
 1. While Ottawa is growing, most of that growth is occurring in the suburban areas outside the Greenbelt. Specifically, Ward 3 (Barrhaven), Ward 4 (Kanata North), Ward 6 (Stittsville), Ward 19 (Cumberland) and Ward 22 (Gloucester-South Nepean).
 2. This growth in the suburban wards is shifting the relative population of the city from inside the Greenbelt to the suburban areas outside the Greenbelt.
 3. The urban area, inside the Greenbelt, is losing relative population. This is reflected in their projected population figures, which show the wards in this area as being stable or growing slowly. This growth pattern changes their relative population weight within the overall population of Ottawa.

4. In 2018, the 12 “urban wards”, those within and containing the Greenbelt, had 53 per cent of Ottawa’s population. By 2026 this falls to 50.7 per cent. On the other hand, the seven suburban wards, including the portion of Cumberland ward within the growth boundary, contained 36.4 per cent of the city’s population in 2018. This will grow to 38.9 per cent by 2026. In this period the rural wards stay constant at approximately 11 per cent of the city’s population. The populations in the urban areas of the city are declining, are increasing in the suburban areas and staying stable in the rural areas, relative to the city’s overall population.

While a decrease in the urban population of 2.3 per cent and an increase of the suburban population of 2.5 per cent may not seem overly significant, it is considerable, especially when the amount of growth captured by each area is considered. Between 2018 and 2026 Ottawa is projected to grow by approximately 106,000 residents. Of this growth, some 59 per cent will be in suburban areas and 29 per cent in the urban area inside the Greenbelt. In other words, almost 60 per cent of all growth is going to the suburban areas. The suburban area of Ottawa is capturing growth at twice the rate as the urban area.

5. Ottawa has a large and important rural area and rural community of interest. While three of the rural wards have large variances from the average ward population, only Ward 5 is losing relative population with a variance change from -40.5 per cent in 2018 to -44.0 per cent in 2026. Rural Wards 20 and 21 have substantial negative variances in 2018, -34 per cent and -28.9 per cent respectively. However, their variances are declining in 2022 and 2026. This is thought to be attributable to growth in villages such as Manotick and Greely.
6. Rural Ward 19 (Cumberland) is a unique case. It is projected to grow quite rapidly. However, the bulk of this growth is in the suburban area within the urban boundary, but still in the rural ward. The question becomes, as was posed during the 2004-2005 Review: Is the suburban population coming to dominate what is still geographically a rural ward?

6.0 MAJOR ISSUES

The 2020 Ottawa Ward Boundary Review has several complex issues to deal with. As has been the case in all previous ward reviews, Ottawa contains a geographically very large rural area with a very different community of interest when compared to the urban and suburban parts of Ottawa. This community needs to be represented and feel its

voice is heard in the overall governance of the city. While large geographically, it contains only 11 per cent of the city's population. This is a result of the creation of Ottawa as a single-tier city. This situation is complex and, quite frankly, difficult, especially when balancing the community of interest and voter parity components of effective representation.

The other major issue is the relative shifting of population from the wards inside the Greenbelt to the suburban areas outside the Greenbelt. As noted above, some 59 per cent of the projected growth to 2026 will occur in the suburban wards, including the suburban area of Ward 19 (Cumberland). This dynamic needs to be sorted out to ensure a better population balance between the urban and suburban wards.

At present, Council is preparing a new Official Plan. Depending on the outcome of the deliberations and any new growth policies that might arise, the pattern of growth may begin to change over time. However, any such changes would need to be reflected on the ground prior to 2034 to be included in this ward boundary review.

The current ward system in Ottawa does not achieve effective representation and needs to be updated for the next election. There are some significant challenges ahead for the ward boundary review. Some of these arise from past reviews and how the OMB (now LPAT) and the courts determine if the test of effective representation has been met. This must be addressed while balancing the needs of the three main geographical communities – urban, suburban and rural – all within the context of how Ottawa will grow over the next four election cycles.

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