

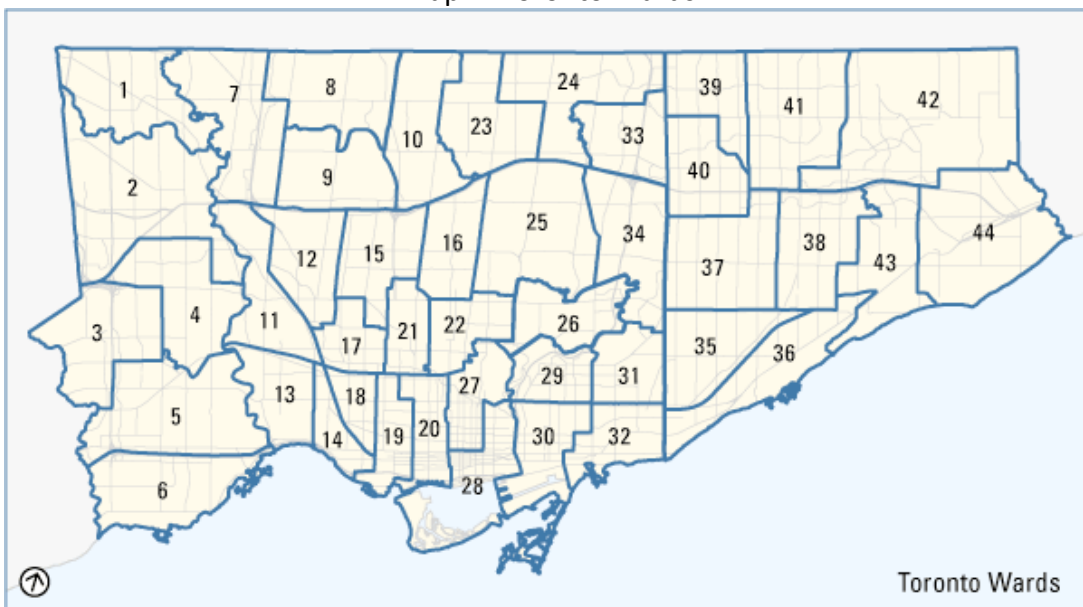
**THE GOVERNANCE OF TORONTO:  
CHALLENGES OF SIZE AND COMPLEXITY**

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Map 1: Toronto Community



Map 2: Toronto Wards



Ward 1 Etobicoke North  
 Ward 2 Etobicoke North  
 Ward 3 Etobicoke Centre  
 Ward 4 Etobicoke Centre  
 Ward 5 Etobicoke-Lakeshore  
 Ward 6 Etobicoke-Lakeshore  
 Ward 7 York West  
 Ward 8 York West  
 Ward 9 York Centre  
 Ward 10 York Centre  
 Ward 11 York South-Weston  
 Ward 12 York South-Weston  
 Ward 13 Parkdale-High Park  
 Ward 14 Parkdale-High Park  
 Ward 15 Eglinton-Lawrence

Ward 16 Eglinton-Lawrence  
 Ward 17 Davenport  
 Ward 18 Davenport  
 Ward 19 Trinity-Spadina  
 Ward 20 Trinity-Spadina  
 Ward 21 St. Paul's  
 Ward 22 St. Paul's  
 Ward 23 Willowdale  
 Ward 24 Willowdale  
 Ward 25 Don Valley West  
 Ward 26 Don Valley West  
 Ward 27 Toronto Centre-Rosedale  
 Ward 28 Toronto Centre-Rosedale  
 Ward 29 Toronto-Danforth  
 Ward 30 Toronto-Danforth

Ward 31 Beaches-East York  
 Ward 32 Beaches-East York  
 Ward 33 Don Valley East  
 Ward 34 Don Valley East  
 Ward 35 Scarborough Southwest  
 Ward 36 Scarborough Southwest  
 Ward 37 Scarborough Centre  
 Ward 38 Scarborough Centre  
 Ward 39 Scarborough-Agincourt  
 Ward 40 Scarborough-Agincourt  
 Ward 41 Scarborough-Rouge River  
 Ward 42 Scarborough-Rouge River  
 Ward 43 Scarborough East  
 Ward 44 Scarborough East

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## INTRODUCTION AND BACKGROUND

The year 2010 is an election year for the City of Toronto. Over this election season, a great deal of campaigning, newspaper coverage, and community discussion will focus on the operations of the City. This is as it should be, since for significant parts of our lives, the City plays a very important role. We elect councillors and a mayor every four years to ensure that our voices are listened to and our needs are taken into consideration in the City's work.

For those who are new to Toronto, our municipal government covers important local functions and services such as land use planning, zoning, building regulation, public health, water and sewerage, roads and public transportation, policing and security, parks and recreation, community services, public housing, fire and ambulance services, public libraries and other services too numerous to mention. In order to manage these services and facilities across a city of close to 2.7 million people, Toronto has developed a complex system of governance. ***By governance, we mean the larger process of how governments and their officials operate and how they relate to groups of people, local communities, and residents who require their help and support.***

This paper is designed to outline the main features of the governance process in Toronto. The authors are members of the Cities Centre at the University of Toronto, or faculty members at the University of Western Ontario; one is a consultant based in Toronto. We have written it because there is no other single, coherent source of information on this subject in print (or online), and because we sense that many people will find useful information here that will help them make choices for the election on October 25, 2010. The paper is intended to be as "neutral" and "objective" as possible, presented in a readable, accessible format, so that readers can make up their own minds about the issues. While we don't pretend to have exhaustively covered all major elements of the governance system in Toronto, we have touched on some of the more important aspects – and raised questions about issues that can be debated during the campaign, and ought to be seriously considered by all of us.

Who is the audience for this paper? We are writing for the people who attend all-candidates meetings, those who scour the pages of local newspapers and magazines for opinions and background information about local issues and problems, and those who have tried unsuccessfully to put together all the disparate pieces of information about the city found on the Internet. These audiences may overlap, but we hope that they will all benefit from this document in ways that will enhance their citizenship experience and their sense of political empowerment.

## WHY IS GOVERNANCE IMPORTANT?

Why is governance an important subject? The first reason is that we are all residents of Toronto, and as citizens in a democratic country, we ought to be both curious and concerned about how our governments function. After all, we elect our government leaders (including mayors and councillors), and they in turn influence the selection of thousands of public servants and officers who carry out services and enforce common regulations on our behalf. For these services and regulatory operations, we pay property taxes, charges for many essential services (such as water, garbage removal, and electricity), and a number of other specialized taxes. The City of Toronto manages large parts of our urban system with an annual budget of \$11.6 billion (based on 2010 operating and capital expenditures), and employs almost 50,000 people. It is the sixth largest government in all of Canada (including the provinces), and one of the largest employers in Ontario. Since it is so large and impacts us so directly, we need to understand how it operates.

A second reason why we need to explore governance in Toronto is that there is a lot of unsubstantiated talk about the quality of our city government and its elected representatives. In casual conversations, and in op-ed columns in local newspapers, the opinion is often expressed that local elected officials are incompetent, or that city workers do not put enough effort and commitment into their work. We also hear complaints about the lack of connection between the city (or its administrators) and the citizens of the city. Or we hear that the administration is too large, councillors represent too many people, there are too many committees and procedures, and so on. A prominent American researcher studying Toronto just after amalgamation in the late 1990s found that, on the basis of local interviews and local documentation at the time that “[t]he former participatory local political culture of the old City of Toronto has been lost and there is much concern that citizens ... feel little connection to the new city.”<sup>1</sup> As well, there will always be complaints about individual politicians such as the mayor or individual councillors.

Individual opinions of this kind are valid insofar as they express the results of personal experience – and almost everyone in Toronto with some stake in the city has had contact in one form or another with the city’s bureaucracy. But overall, a systematic decline in our respect for our city officials and workers may lead to many citizens turning away from local voting, and from taking an active part in reforming or improving the very conditions that are the subject of their complaints and mounting cynicism.

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<sup>1</sup> Ronald Vogel, “Rescaling the City: A Comparative Perspective of Metropolitan Reform and Regionalism in Toronto and Tokyo” in Jean-Pierre Collin and Mélanie Robertson, eds. *Governing Metropolises: Profiles of Issues and Experiments on Four Continents*. Quebec, 2007: Les Presses de l’Université de Laval, p.271.

Moreover, few documents or stories attempt to show the positive accomplishments of our local government. This paper cannot accomplish that goal, but we need at the very least to understand how complex our local governance process has become, how it works, and in how many important – and sometimes very positive – ways it has affected our lives.

## **CIVIC ENGAGEMENT**

### ***Citizenship***

“A citizen,” the Greek philosopher Aristotle maintained, “is one who shares in governing and being governed. ... In the best state he is someone who is able and willing to be governed and to govern with a view to the life of virtue.” This famous characterization highlights three central questions about citizenship that have been debated since Aristotle’s time:

1. Who is eligible for citizenship?
2. What opportunities, responsibilities, and activities constitute citizenship?
3. What is the value or goal of citizenship?

As Aristotle’s language (the use of “he”) indicates, citizenship for him was limited to men; he also excluded slaves. These limitations no longer exist in cities like Toronto, but – as in other Canadian jurisdictions – immigrants lacking Canadian citizenship status are still denied voting rights in the City, as are children.

Aristotle also notes that citizenship involves both governing and being governed. On the governing side, citizenship includes the opportunity to vote in civic elections, and on the being governed side it includes such responsibilities as obeying laws. Important though these things are, they are only the minimum aspects of citizenship. More robust citizenship involves keeping informed about civic affairs, campaigning for candidates, calling elected officials to account when they betray the public trust, being active in a neighbourhood association, participating in social movements, and taking direct responsibility for such things as maintenance of a park or other public spaces. The term “governance” often describes ways citizens can participate in public affairs beyond just voting.

As to the value of citizenship, municipalities make some vital provisions available to citizens – water and energy, modes of transportation, education, recreation or cultural facilities, and the like. To say that citizens should participate in governance “with a view to the life of virtue” means that they should not only try to advance their self-interests by gaining access to these provisions, but also promote what is good for their city as a whole. A goal of citizenship is to enable and to encourage people to act together in a cooperative and mutually enriching way.

## ***Voting and Elections***

Under the current *Municipal Elections Act*, the City of Toronto and all other municipalities in Ontario go to the polls every four years. Toronto's local election, which determines the mayor, councillors, and school board trustees for the city, is the largest centralized election in Canada and the fifth largest in North America. Toronto's mayor, elected directly by all eligible voters, receives the most direct votes of any politician in Canada.<sup>2</sup>

In the most recent municipal election of 2006, more than 1.5 million eligible electors cast votes at 1,637 voting locations across the city. More than 10,000 temporary Election Day workers assisted the permanent staff of the Elections and Registry Services office. There were 456 candidates for the various offices – more names than on the provincial election slate.<sup>3</sup>

Since the *Municipal Elections Act* covers all of Ontario, the current framework of voter eligibility applies to all Ontario municipalities. **To vote** one must be:

- a Canadian citizen;
- 18 years of age or older;
- a resident of the City of Toronto, or a non-resident owner or tenant of land in the City of Toronto or his or her spouse;
- not prohibited from voting under any law.

In Quebec municipalities, by comparison, one must be a resident in order to vote (not just a property owner within the city's jurisdiction). Ontario's legislation contains special provisions for homeless populations who do not have an established residence but retain the right to vote.

Challengers to the rules governing voter eligibility raise concerns over the disenfranchisement of large immigrant populations who reside in Toronto (and may even have "permanent resident" status) but are not Canadian citizens. Under the current system, these residents are not permitted to vote in municipal (or in provincial

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<sup>2</sup> In the last municipal election, in 2006, the successful candidate for mayor received more than 300,000 votes, thus making him the elected official with by far the largest direct voting base of any political representative in Canada.

<sup>3</sup> In the current election year, after several months of an open campaign (as of April 30, 2010), 27 candidates are running for mayor, and 164 people are running for the position of councillor. These numbers may change as the campaign continues; the final date to file nomination papers for these positions is September 10, 2010.

or federal) elections. Even though they may pay local taxes and own property, they cannot vote unless or until they become full-fledged Canadian citizens.

***In order to run as a candidate*** for the position of mayor or councillor, the candidate must be:

- a Canadian citizen;
- over the age of 18;
- a resident of the City of Toronto for at least six months;
- a person who owns or leases property, or the spouse of the owner or lessee in the City of Toronto;
- not legally prohibited from voting;
- not disqualified by any legislation from holding municipal office.

The municipal election process in Toronto, as in most other North American municipalities, suffers from low voter turnout (39% in Toronto’s 2006 elections, see Table 1 for comparison). Researchers have studied the question of why municipal turnout tends to be lower than state/provincial or national electoral turnout, and none have come to definitive conclusions, but it may be because the stakes are felt to be lower in local elections than at other levels of government, where more resources are at issue and the impact on citizens is greater.

In an effort to combat low turnout, the City of Toronto organizes several Citizen Engagement and outreach programs to inform the public of their right to vote and the channels through which they can get involved. Initiatives such as the Civics 101 course and the Toronto Elections Youth Campaign are examples of these efforts.

<b>Table 1: Voter Turnout: Five Largest Canadian and American Cities</b>			
<b>City</b>	<b>Most Recent Election Year</b>	<b>Voter Turnout</b>	<b>Total Votes Cast</b>
Toronto	2006	39%	597,754
Montreal	2009	39%	433,937
Vancouver	2008	31%	124,285
Ottawa	2006	54%	300,039
Calgary	2007	33%	210,597
New York	2009	25%	1,100,000**
Chicago	2007	33%	465,706
Los Angeles	2009	15%	239,374
Houston	2009*	16%	152,000**
Phoenix	2007	19%	97,973

\* Figures are calculated based on the “run-off” election of Dec. 12, 2009  
 \*\* Rounded figure



## ***Representation***

The Toronto City Council consists of 44 councillors and the mayor. Each councillor represents one of 44 wards (see Map 2). In this respect, Toronto differs from some other Canadian cities, such as Vancouver, where councillors are elected “at large.” In Toronto, only the mayor is elected at large and represents all wards.

Toronto’s wards contain populations of between 44,000 (Ward 29, Toronto-Danforth) and 79,000 (Ward 23, Willowdale). The average population of a ward is 56,892, based on the 2006 Census. The average eligible voting population is 32,667 per ward. Each ward is about half the size of a typical provincial or national political constituency. The mandate and role of the councillors, taken from the City of Toronto website is clear and concise:

*Councillors play both a legislative role and a constituency [representative] role. In their legislative role they are responsible for deliberating and establishing policies and bylaws in order to implement Council’s decisions. In their constituency role Councillors are responsible for consulting with the constituents they represent through the electoral system, and for ensuring that all sides of an issue are considered in the decision making process.*

*Councillors work on city-wide, ward based and local neighbourhood issues. To carry out this diverse role effectively, Councillors play several roles within the City’s governance system. A typical Councillor’s workload includes:*

- *chair or member of a standing committee*
- *chair or member of a community council*
- *chair or member of additional committees and boards such as sub-committees, special committees, ad hoc committees, advisory committees, task forces, boards of management, and program operating boards*

*In addition to these formal appointments, most Councillors serve in a volunteer capacity on other community organizations.*

Councillors in Toronto are expected – but not required – to treat their position as a full-time job. Councillors earn a yearly salary (in 2009) of \$99,153.60 (which is fully taxable), plus a number of benefits, which include an extended health plan, life insurance, a dental plan, a pension plan under the Ontario Municipal Employees Retirement System (OMERS), and a mileage allowance of 52 cents per kilometre. In addition, they receive an office expense budget of \$53,100, and a staff budget of \$205,557 per year

(equivalent to three full-time staff). The support available for the mayor is proportionately larger. His or her salary is set at \$166,985 with an overall budget for 2009 of \$2,599,400; this includes funding for 23 full-time staff, plus the same benefits available to the councillors.<sup>4</sup>

When councillors perform their “legislative” responsibilities (that is, to adjudicate regulations, and to decide on council by-laws), they must attend Council meetings, meetings of the executive committee appointed by the mayor, standing committee meetings, and community council meetings. In addition, they may sit on or attend the meetings of other boards or city agencies.<sup>5</sup>

All Council members sit on at least one of the seven standing policy committees, each of which holds at least a day of meetings and hears depositions every month. While the four community councils have some delegated decision-making power, for the most part they report to the full City Council for final disposition – as do the standing committees.

In addition to the full City council, and the four community councils of Etobicoke and York, North York, Toronto and East York, and Scarborough, there is a vast array of advisory committees, corporations, and other special bodies linked to the city. A “directory of committees and task forces” listed on the city webpage contains no fewer than 58 committees or local councils that meet regularly. Subtracting those that are a direct part of the council (such as standing committees and community councils), there are still 32 advisory committees, mostly consisting of at least one councillor and other members, including citizens representing major community stakeholders.<sup>6</sup> A few examples of these advisory committees are the Cycling Committee, le Comité français de la ville de Toronto, the Ashbridges Bay Treatment Plant Neighbourhood Liaison Committee, and the Toronto Preservation Board.

### **A local focus vs. a city-wide focus**

As noted, in the current system, the mayor is elected at large and the councillors are elected entirely by their individual wards. There has been some criticism of councillors who first and foremost feel that to ensure re-election, they must represent the interests of ratepayer groups in their ward and focus on ward-specific issues at the expense, it is claimed, of important citywide issues. This issue reflects a larger debate that has been going on in other cities in Canada, over the merit of ward systems

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<sup>4</sup> Detailed expenses for councillors and the mayor are provided on the Toronto website at: [http://www.toronto.ca/city\\_council/salaries.htm](http://www.toronto.ca/city_council/salaries.htm)

<sup>5</sup> The Council committee system and the four community councils are described in detail at: [http://app.toronto.ca/wards/pdf/ward\\_profile\\_summary\\_2006.pdf](http://app.toronto.ca/wards/pdf/ward_profile_summary_2006.pdf)

<sup>6</sup> Information about these committees and how to access them can be found on the city’s website at: <http://www.toronto.ca/committees/directory.htm>

compared to so-called “at-large” elections, where councillors are elected by all city residents. This debate is particularly sharp in Vancouver, where all councillors run citywide, and where the mayor is the leading candidate of his or her local political party.

If you attend meetings of standing committees of Council, you will see the local dynamic at play. If you attend meetings of the full Council, you may see a different dynamic at play.

**A suggestion.** There have been a number of proposals to widen the system of representation in Toronto. All of them would require in-depth analysis of the pros, cons, and implications of the change. For illustrative purposes, here is one of these proposals.

If the 44-member Council were to include 11 councillors elected so that their electoral base covered at least three wards, two of which were adjusted to each other so as not to cover solely a single Community Council area, this would help to break down parochial pressure and force these councillors to adopt a broader perspective. The majority of councillors (33) would still be elected from existing wards and the local issues would continue to be of prime importance to them. The councillors elected to cover more than one ward could be selected by the mayor for standing committee membership, they could be elected from larger (combined) constituencies by their fellow councillors, or they could be selected by all the councillors for important committee positions.

Either way, budgetary allocations to allow each councillor to have an office at City Hall and another in the ward would continue. As well, a fully staffed office of the mayor would continue to be paid for from the operating budget of the city. Consideration might have to be given for extra remuneration and expenses for councillors elected at large, since they have responsibility for more issues and for more constituents. It is important to break down extreme parochialism, or “NIMBYism” at the local level, and to promote more discussion of larger citywide issues, such as issues related to the environment, transit, or public order.

### **Local parties vs. no parties**

In Toronto, as in many other parts of Canada, national and provincial parties do not formally operate at the local level. This is somewhat unusual, since in most parts of the democratic world – including the United States, France, and the United Kingdom, for

example – all the national parties run candidates in local elections. In these countries, the result is that local voting is affected more by perceptions of national parties than by local issues and candidates. Few in Canada would want to follow this example, but even for those who feel the idea has merit, implementation would be difficult, because Canada has distinct federal and provincial party systems, so it is not obvious which level of party organization would apply locally.

Distinct local parties (often referred to as non-party parties) do exist in major cities in British Columbia and Quebec and are recognized in provincial legislation governing municipal elections. The fact that the oldest and most successful party in Vancouver is the Non-Partisan Association (NPA) suggests that not everyone is happy with the existence of local political parties. (On the other hand, there is also a discussion about whether NPA is really non-partisan!) In Montreal, the parties have been unstable for some years now, with names and memberships that change frequently. The current mayor of Montreal has appointed members of all three local parties to his executive committee (cabinet), an indication perhaps of the diminishing importance of local parties in that city.

Antipathy in North America to the involvement of political parties in municipal politics stems from the Reform (or Progressive) period of the early 20th century. Reformers believed that various forms of patronage and corruption could best be eliminated by eliminating parties locally and electing the “best people” on a non-partisan basis. Because such views are strongly held among many citizens even today, few municipal candidates openly advertise party affiliations, even if most successful ones benefit from various kinds of links to one party or another.

Current advocates of local parties emphasize the benefits that would result from having clear teams of candidates running on clear platforms that could be implemented if one team won a majority. But constructing such platforms would not be easy, especially if each candidate simultaneously pledged to continue represent the particular interests of his or her own ward. And there is always the prosaic argument that “fixing potholes has no politics.”

### ***Role of Civil Society***

During the last 20 years or so, there has been an increasing interest in the role of civil society organizations (CSOs) in governance processes. In part, this interest is the product of the growing numbers, sophistication, and influence of civil society organizations at all scales of policy making, from the neighbourhood to the international level. This is as true in Canada as in many other countries in both the developed and developing world. Key reasons for the growing influence and importance of civil society organizations are the ever-increasing complexity of contemporary society, and the growing willingness and capacity of citizens to get engaged in civic processes. Toronto is part of this larger trend.

In Toronto, civil society groups include an extremely diverse set of organizations, such as charitable and voluntary groups, neighbourhood associations, non-profit housing builders, social service providers, arts and culture institutions, environmental advocacy groups, sports clubs, business associations, and lobby groups. In addition to diversity in the policy and social issues addressed by different CSOs, there is also a tremendous range of organizational structures, from small informal groups of friends that meet in a living room to plan a shared activity, to foundations with large budgets, professional staff, and significant capital assets.

In urban areas, CSOs perform a range of key functions that make cities more livable, from the provision of services such as Meals-on-Wheels, to non-profit arts events to sports and recreation organizations such as minor hockey leagues. Of particular interest here are CSOs that engage directly in urban governance processes. These are also exceedingly diverse, from ratepayer and neighbourhood associations that bring together residents of a particular area (as we shall see in the next section) to environmental advocacy groups, to social housing advocates, bicycle or pedestrian activists, lobby groups such as the Canadian Automobile Association, and business associations such as the Toronto Board of Trade. Some groups, such as the Friends of the Don East or the Greektown on the Danforth Business Improvement Association, devote their energies to protecting or enhancing a specific place, while others, such as the Toronto Environmental Alliance or the Daily Bread Food Bank, focus on a specific issue throughout the region.

Civil society groups have both strengths and weaknesses. A major advantage of CSOs is that it is extremely easy to establish new organizations and groups. Informal groups of volunteers can be very effective in their work on specific policy issues without needing to legally incorporate, or gain charitable status, or raise significant financial resources. This means that new civil society groups can emerge extremely rapidly in response to new ideas or needs, so they are often more nimble and innovative in their approaches to emerging issues than governments, which are necessarily more rule-bound and slow-moving. In practice new ideas and approaches to policy are continuously brought into governance arenas by CSOs.

Another major contribution of CSOs to governance processes is the way in which they provide education on policy issues. This contribution occurs in three main ways. First, CSOs educate their own memberships, both about their specific policy area, and in modes of civic engagement and organizing. Second, CSOs educate those in government and business by bringing new issues, ideas, and interpretations to the table, and also by bringing new actors into policy processes. Third, CSOs commonly work to inform the broader public through their advocacy, investments, publicity, protests, and research.

CSOs also, of course, have characteristic weaknesses or limitations. First, they typically lack significant financial resources, so are less able to directly invest in solutions

to identified problems themselves. Raising funds from donors, granting bodies, and members not only consumes considerable time and energy, but can also skew CSO priorities towards those of their funding source; a common critique of CSOs is that they can be co-opted by governments or private bodies that provide resources. A second important feature of CSOs that can be both a weakness and a strength is that they are seldom representative of any constituency beyond their own membership.

Although CSOs do not represent a larger public and are often composed of self-appointed experts and full-time advocates, this in no way diminishes the value of their contributions.

### **Ratepayers' or Residents' Associations**

Ratepayers' or residents' associations are the most characteristic and widespread of CSOs in the Toronto governance process. These civic groups are organized around a shared sense of place. Their membership consists of residents of a specific neighbourhood, the boundaries of which are defined by the association. Currently, the City of Toronto recognizes more than 320 such organizations.

Whether incorporated or unincorporated, membership and participation is voluntary; however, associations usually solicit dues from residents who choose to be members. In return these members are allowed to vote at meetings. These groups may canvass neighbourhoods for donations in certain circumstances (such as when raising money for lawyers' and consultants' fees for appearances before the Ontario Municipal Board). Although municipalities may officially recognize such organizations, and individual councillors may have close relationships with certain associations, they are not an official part of local government.

Some ratepayers' associations existed prior to the Second World War, but they became much more prevalent in the late 1960s and early 1970s in Toronto and other large cities. Neighbourhood residents began mobilizing and creating such organizations largely to oppose development proposals that would encroach on or require the demolition of existing communities. In Toronto, a coalition of ratepayers' associations played a substantial role in defeating the planned Spadina Expressway in the early 1970s.

Today, new residents' associations continue to emerge to combat development which residents believe will encroach on their neighbourhoods; however, longer established associations have positioned themselves as important links between residents, local politicians, and municipal government. They communicate residents' concerns or interests to local officials, disseminate information from local government to residents, and organize events within the neighbourhoods.

The effectiveness of these associations depends largely on the perception of their legitimacy among the residents of the neighbourhood and local officials. Neighbourhood associations can influence local officials only if they can convince them that they represent the interests of a broad constituency. Similarly, they must convince neighbourhood residents that they represent their interests and that they have access to local officials and the ward councillor. When they are well organized, residents' associations can be influential players in local politics. They can be either an important ally for local government, or a formidable adversary, as they can mobilize residents for or against local politicians and government policy. They are especially powerful when they ally with each other and other citizen groups or non-governmental organizations.

These associations represent all types of neighbourhoods and involve all types of residents. However, the most active and effective associations are found in affluent neighbourhoods (such as the Bayview Village Association, the Markland Homes Association, or the ABC Residents' Association). Homeowners (as opposed to renters) and professionals (such as lawyers and doctors) traditionally dominate the membership of most associations, as do older residents (for instance, the neighbourhood represented by the Markland Homes Association has one of the highest median ages of any neighbourhood in Canada). Some neighbourhood associations have recognized this problem. Their change of name from "Ratepayer" to "Resident" Associations reflects an effort to include the voices of renters.

## **ORGANIZATION AND EFFICACY**

### ***What is an effective local government?***

Effective local government has two main dimensions. The first is political and relates primarily to members of council. The council as a whole is effective if it makes decisions on matters within its jurisdiction that reflect the long-term best interests of city residents. There can be legitimate disagreements about what those best interests are, even if staff or outside policy experts are in apparent agreement about a proposed course of action. Councillors are doing their job when they express these disagreements, so division within the council is a normal (and even desirable) feature of democratic politics. Councillors concerned only with short-term political advantage are clearly not contributing to effective local government.

The second dimension in effective local government is managerial and relates primarily to the members of staff. The elected council appoints people to major staff positions based on their qualifications, expertise, and experience. Once council has appointed such people, it contributes best to effective local government by letting its staff appointees do their jobs with the minimum of outside interference. Their

managerial functions involve efficiently and effectively implementing council decisions in accordance with the standards and best practices of the professional or quasi-professional group to which they belong.

Many problems in local government occur when individual councillors try to tell staff what to do or staff try to tailor their advice or administrative actions to the apparent desires of individual councillors. An effective local government is one in which the council makes clear, timely decisions after having received the best possible professional advice from staff. Staff members then faithfully implement such decisions, even if they are different from what the same staff members originally recommended.

## ***City Hall***

### **Mayor and Councillors**

Toronto City Council (made up of the mayor and 44 councillors) meets once a month, normally over a two-day period in the Council Chamber of City Hall (100 Queen Street West, at the corner of Queen and Bay Streets). Meetings are open to the public and the dates and times are posted on the City's website.<sup>7</sup>

Committees of Council (including community councils) are also open to the public. Except for the community councils of Scarborough, York, and Etobicoke York, the major Council meetings are held in the committee rooms in City Hall. Depending on the issues to be discussed, members of the public (or representatives of organizations) can request a time to make a presentation to these standing committees, by contacting the office of the City Clerk. Presentations are normally timed, and limited to 5 minutes. Chart 1 provides an outline map of Toronto City Council and its standing committee system.<sup>8</sup>

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<sup>7</sup> <http://www.toronto.ca/legdocs/pdf/2010-schedule-of-meetings-approved.pdf>

<sup>8</sup> A list of the main committees, with information on their membership and how they can be contacted by citizens, is posted on the City's website at <http://www.toronto.ca/committees/index.htm>.



**Chart 1. The Toronto City Council and its Standing Committees**



From the founding of Canada, cities have been in a distinctly subsidiary position to their provinces with relatively little discretion over important matters of how they govern themselves or raise funds. After a campaign culminating in the 2006 *City of Toronto Act*, the powers of the mayor of Toronto have been enhanced. Perhaps surprising to many, however, these powers were enhanced not by the Act, but by a decision of the Council to amend the *Toronto Municipal Code* (Chapter 27, Council Procedures).

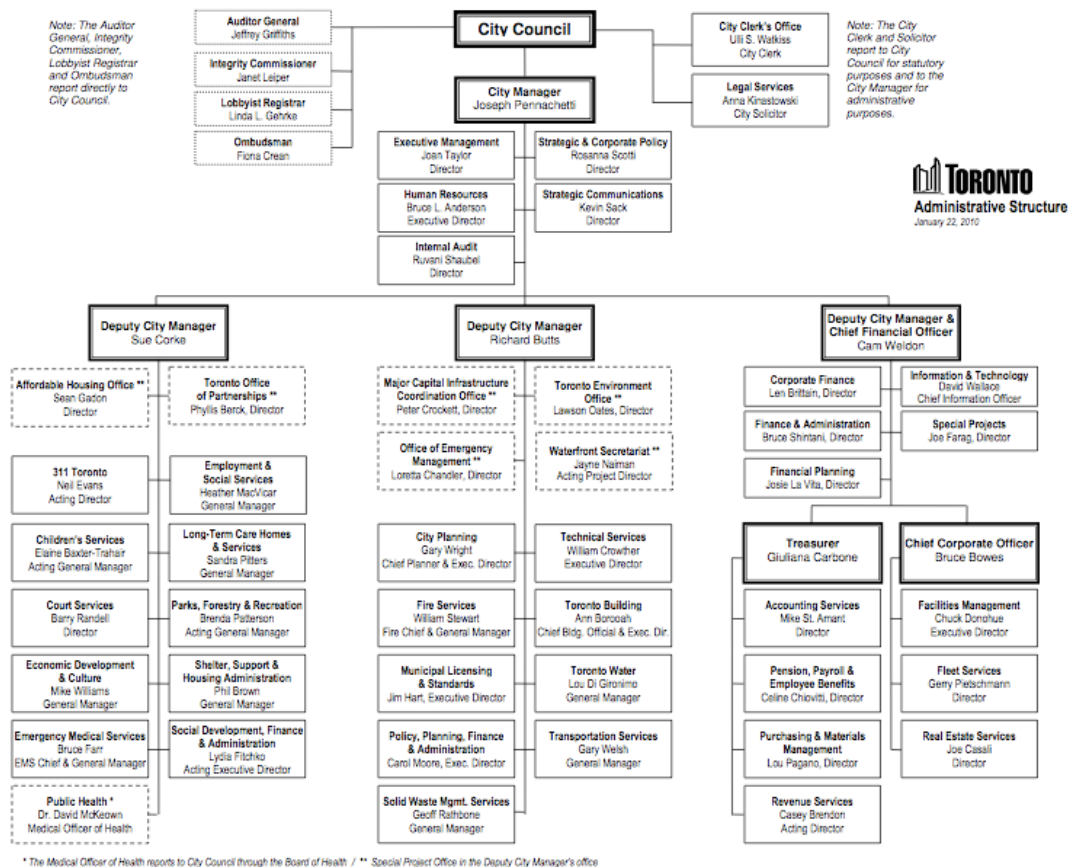
Currently, the Toronto mayor has the sole power to name members of standing committees as well as the chairs of these committees. The chairs, in turn, can influence the agendas of the committee meetings, and attract more public attention than do the other members. This attention will be helpful to the chairs if and when they run for re-election in their wards every four years.

Individual mayors can also influence the way the system works. As mayor from 2003 to 2010, David Miller built a coalition of left-of-centre councillors to support him in the Council. There is also a bloc of councillors in the political centre, and another bloc on the right. These groups are ill defined, but the mayor's group, plus some councillors from the other two blocs, made it possible for him to win on most major issues with between 23 and 33 votes.

## Toronto City Hall

The city administration in Toronto is expected to take responsibility for a great number of functions. As a result, its organization is both complex and large. Chart 2 indicates some of the complexity of the city administration.<sup>9</sup>

### Chart 2. The Organization of Toronto City Hall (Civil Service Component)



Both complexity and size are partially the reflection of the very large number of employees under City of Toronto budgetary authority. In 2008, for example, the Council employed a total of 50,781 people, of which only 4,570 were part-time appointments. The employees include large numbers of employees working for the TTC (11,903), the Police Services (7,730), Solid Waste Management Services (1,327), and the Toronto Public Libraries (1,826).

Decision making in the City operates according to normal hierarchical principles. The most senior civil servants have authority over those at lower levels, and so forth. With support from the Council, the Mayor influences the selection of the City Manager.

<sup>9</sup> This chart can also be accessed at: [http://www.toronto.ca/divisions/pdf/org\\_chart.pdf](http://www.toronto.ca/divisions/pdf/org_chart.pdf)

In turn, other senior officials and their staff are selected by the people to whom they will report. The structure of the City includes a City Manager, a Deputy City Manager, and division heads for the various major functions of the City bureaucracy.

### **Agencies, Boards and Special-Purpose Bodies**

The City of Toronto has more than 25 committees, commissions, and quasi-judicial tribunals (see Charts 1 and 2). These groups include the Parking Authority, the Toronto Licensing Tribunal, and the Property Standards Tribunal. Two are particularly important. The first is the Toronto Transit Commission, which is made up of seven councillors. The other is the Police Services Board, made up of seven members: three appointed by the Provincial government; one designate of the Mayor; two Toronto councillors; and a citizen selected by the City council. At its first meeting of each year the Board elects a full-time chair and a vice-chair.<sup>10</sup>

In the context of the *City of Toronto Act* the city could ask the provincial government for an amendment that would allow the city to name all of the Police Services Board members (if only because city taxpayers fund the police). However, before doing so, it would be appropriate for the new mayor and council to take a thorough look at both the appointment process for all the tribunals and agencies and at their output. These bodies are the main legal face of the city, and shape the everyday lives of citizens more than the formal courts do. Transparency, democracy, and accountability are important not only in the appointment process, but also in the ongoing work of these bodies.

## ***Regulation, Planning Matters, Policing, and Crime***

### **Legal tools and administrative structures**

The past decade has seen the city undertake a campaign to obtain more legal powers, initially by asking for a City Charter on the American model and more recently (and successfully) by advocating for what became the 2006 *City of Toronto Act*. The much-trumpeted Act increases the city's autonomy only slightly.<sup>1</sup> But before asking the provincial government for amendments, or experimenting with creative interpretations of the Act, it makes sense to reflect on how well the city is using its existing, traditional legal tools.

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<sup>10</sup> See [http://www.tpsb.ca/V/Current\\_Members](http://www.tpsb.ca/V/Current_Members).

## **Planning: The Committee of Adjustment system and the Ontario Municipal Board**

The City's Committees of Adjustment (made up of panels of citizens from within the community council areas) review requests to override zoning by-laws, for instance to make an addition to a house or to construct a condominium with more storeys than allowed under the existing by-laws. The committee may approve or reject these applications. However, a provincially appointed body called the Ontario Municipal Board (OMB) has the power to overturn decisions of a Committee of Adjustment.

Under the *City of Toronto Act*, the city could legally delegate authority above the Committees of Adjustment, to hear appeals of variances and divert these highly local matters away from the OMB, but the city has not yet done so. A question remains about whether the often-cumbersome Committee of Adjustment structure itself needs reform. While it does provide for some citizen input to local matters, it has some disadvantages as it is currently structured.

For example, citizens are appointed to these committees in a manner that lacks transparency, and appointees may have little knowledge of what the job requires. At hearings, most variance requests are granted with little if any discussion, except when neighbours who oppose a proposal insist on making their views known. The opinion of the local councillor also seems to carry disproportionate weight in Committee of Adjustment decisions. Property owners, particularly when unrepresented by counsel, are sometimes handled in a cavalier manner by committee members and staff. At the same time, some citizens misuse the hearings to air petty grievances that are only distantly related to the planning issue at hand.

Perhaps the most serious flaw of the system is that the committees look at only one property at a time, and can thus end up, over time, changing the built form and the uses of a large area without taking into consideration the area as a whole, much less the entire city. The decisions of the Committees of Adjustment, therefore, can lead to unintended changes in the Official Plan; but the committees are a less than perfect tool for engaging citizens in the governance process.

The 2005 report of a task force on Governing Toronto pointed out that since each councillor often exercises a great deal of power over planning decisions in his or her ward, and no political body is charged with looking after the interests of the city as a whole, the OMB in hearing appeals often ends up being the only body that can (in principle) overcome local interests.<sup>2</sup> However, this Board shares many of the shortcomings of the Committees of Adjustment, including making decisions that affect the entire city on a one-at-a-time basis, thus undermining citywide planning. Moreover, OMB members make decisions on different issues yet seldom communicate with one another, and many have few or no credentials as city planners or designers.

While the decisions of a Committee of Adjustment often reflect the persistence of neighbours who show up at its meetings, appeals to the OMB are very costly and, as a result their decisions often reflect the interests of those with the deepest pockets, such as large development firms. A more lengthy discussion of the OMB can be found in Appendix A.

## **By-law enforcement**

There are some concerns about biases in the work of city by-law inspectors. A study of the work of generalist by-law enforcement inspectors carried out between 2004 and 2007 revealed that in many instances, the workload of municipal inspectors is shaped by demands from councillors made to please certain constituents, more than by the urgency of the alleged disorder or infraction. In turn, leaders of residents' associations (most of whom are homeowners) exercise a disproportionate influence over the allocation of regulatory resources through their demands to councillors. Because almost all by-law enforcement is complaint-driven, those who are already empowered (homeowners and business owners) get more than their share of regulatory resources.

## **Crime and policing**

Concerns about crime and safety are an integral part of urban living. While the fear of crime is usually not driven by the same factors that drive actual crime – for example, older people are generally more afraid to go out at night than young people, even though their risk of victimization is far lower – nevertheless, crime has long been an important issue in local politics. This fact is unlikely to change, even if crime rates continue to drop, as they have for more than a decade.

While many Torontonians think that they live in a city in which homicides, especially gun homicides, pose a serious risk, Toronto's murder rate is no higher than the average for Canada. The following chart shows the rate (per hundred thousand population) of homicides, for the ten-year period from 1998 to 2007 inclusive.

Table 2: Homicide rates for Canada’s largest cities (per 100,000 residents)

Vancouver	Edmonton	Calgary	Winnipeg	Hamilton	Toronto	Montreal
2.5	2.9	1.9	3.2	1.6	1.8	1.8

Source: Statistics Canada Catalogue no. 85-002-X, Vol. 29 no 4

These figures can be compared to those for the six largest American cities:

Table 3: Homicide rates for the largest U.S. cities (per 100,000 residents)

New York City	Los Angeles	Chicago	Houston	Phoenix	Philadelphia
6.8	10.0	18.0	13.1	10.5	23.0

Source: FBI statistics.

*Will more police officers reduce crime?*

One often hears the claim that even if homicides are not a major problem, police budgets must be protected and even increased, because otherwise crime will increase. This claim is not supported by most available data. An important study of one of the most significant “natural experiments” in police budgets – the Clinton administration’s \$8.8 billion (US) funding program to allow municipalities to hire more police officers – conclusively demonstrated that this popular wisdom is incorrect. During the years in which the program was in effect (1995-2000), crime rates did drop, nation-wide: but they dropped to the same extent in communities that did *not* choose to participate in the federal police-funding program as in those that did.<sup>11</sup>

Toronto has about 5,500 police officers, and numerous civilian employees as well. Criminologists have long argued that if city councillors wish to reduce crime and increase safety, they would be well advised to allocate more money to social and recreational services, since studies have consistently shown that these are more effective in preventing crime, especially in the long run, than high numbers of officers. For example, a program that was shown to have a marked effect on preventing youth crime involved early childhood home visits by nurses and social workers.<sup>12</sup>

In addition, some municipalities in the United States are engaging in pilot projects to let lower-paid civilians do some of the routine work (e.g., data entry) now done by highly trained uniformed officers. Since police officers now spend most of their time on routine patrols or doing paperwork, rather than engaging in crime control, if the new council does consider some form of contracting out for some municipal services, it could be argued that there is no reason to exclude police budgets from scrutiny.

<sup>11</sup> John Worrall and Tomislav Kovandzic, “Cop grants and crime revisited,” *Criminology* 45 (1), 159-190.

<sup>12</sup> John Graham, “What works in preventing criminality,” in *Reducing Offending*, United Kingdom, Home Office 1998.

A key issue that has dogged most if not all of the police forces of this country is the question of civilian oversight, particularly of the police budget. The Police Services Board has formal responsibility for approving the police budget and hiring the police chief, but ordinary citizens are not granted access to the details of the police budget on the same basis as the budgets of other city-funded agencies and commissions.

### ***Toronto Transit Commission (TTC)***

The Toronto Transit Commission is responsible for public passenger transportation within Toronto (not including taxis, or railways incorporated under provincial and federal statutes). On a typical weekday, the TTC moves an average of 1.5 million people around the city, giving the TTC one of the highest per-capita ridership rates in North America.

More than 11,000 people are employed by the TTC to serve nearly half a billion annual customers, using a fleet of more than 700 subway or rapid transit cars, nearly 250 streetcars, and more than 1,700 buses.<sup>13</sup> Table 4 compares Toronto’s daily ridership statistics with those of the largest cities in Canada and the United States.

**Table 4: Weekday Transit Ridership Rates in Largest Canadian and American Cities**

<b>City</b>	<b>Weekday Ridership</b>
Toronto	1,500,000
Montreal	800,000
Vancouver	1,000,000
Ottawa	500,000
Calgary	350,000
New York City	7,700,000
Los Angeles	1,400,000
Chicago	650,000
Houston	300,000
Phoenix	250,000

The TTC is owned and operated by the City of Toronto. Nine City Councillors make up the Commission Board, and this group oversees the Commission. These nine positions are appointed by city council; the Commission then elects a chair and vice-chair. Appointments to the TTC Commission last for two-year terms. The Commission has monthly meetings, which are almost always open to the public.

<sup>13</sup> Based on operating statistics for 2008 from <http://www.ttc.ca>

For 2010, the TTC has a \$1.38 billion operating budget, which amounts to approximately 16% of the City of Toronto's total operating budget. Passenger fares account for over 95% of the TTC's revenues, and the organization's revenue/cost ratio currently falls at about 68%. This means that the city, province, and/or federal government must subsidize 32% of the TTC's remaining annual budget.

Under the proposed Transit City plan, the TTC has been considering significant expansion of its fixed rail system. For any capital expansion project of this type, the proposed system must first be incorporated into the city's Official Plan, usually through an amendment to that plan. Next, the project must undergo an environmental assessment (according to provincial law). This assessment is an opportunity for public input into the projects being proposed, although some groups feel that this input may come too late in the project development process. Although expansions to transit that affect land use formally include community involvement, other areas of TTC reform (such as fare increases or the location of transit stops) do not require – and thus do not usually involve – public consultation.

Successful governance of Toronto's transit system also requires recognition of how Toronto functions as part of a larger region. The fastest-growing source of demand for transit services in the Toronto region is for trips within the "905" area (the suburban municipalities outside the City of Toronto), not for trips between the 905 municipalities and Toronto's downtown. Future expansion and streamlining projects (such as integrated fare systems) must address this trend.

In 2006, Metrolinx (formerly the Greater Toronto Transit Authority), a provincial agency charged with developing a region-wide transit network, was amalgamated with GO Transit, the commuter transit system that serves the entire region. Metrolinx's 2008 "Big Move" transportation plan for the Greater Toronto Area and Hamilton area represent a broadening perspective with regards to Toronto's transit strategy.<sup>14</sup>

In early 2009, responding to a series of public relations problems and customer service complaints, the TTC put in place a temporary Customer Service Panel including a chair, and experts in marketing, customer service, and transit from organizations such as *Spacing* magazine, the York Federation of Students, la Société de Transport de Montréal, WestJet airlines, and TELUS communications. In addition to this panel, executive members of Toronto's city council have also recommended that the TTC form

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<sup>14</sup> The board of Metrolinx includes a President and CEO, a chair, vice-chair, and 12 additional board members. Before 2009, the Metrolinx board consisted of 11 appointed members, all but three being mayors, chairs of regional municipalities, and municipal councillors. As a result of the *Metrolinx Act* of 2009, the new 15-member board consisted (in April 2010) of 2 who were members of the former Metrolinx board, 4 who represent GO Transit and 9 newly appointed members. With the exception of the Metrolinx chair – until May 2010 a former mayor of Burlington (and now, temporarily the CEO of Metrolinx) – and the former chief planner of Toronto, almost all the other members represent the private sector.



a permanent citizen advisory committee. Such a committee would communicate public concerns and suggestions about improving Toronto's transit service to the TTC.

### ***The Toronto Board of Health***

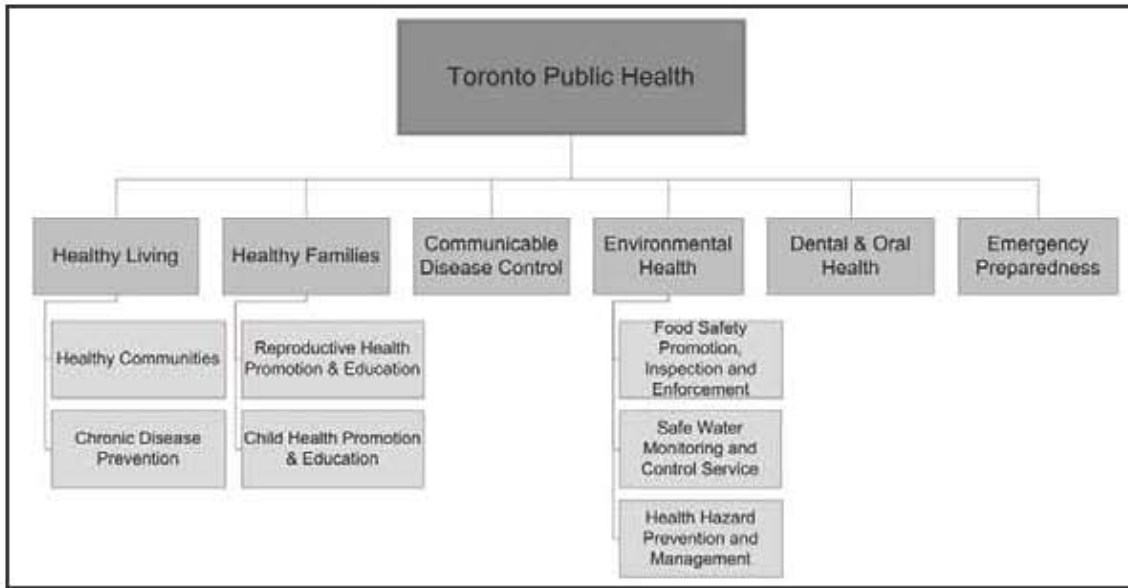
In 1833, the Legislature of Upper Canada granted municipalities the ability to establish boards of health within their jurisdiction to combat infectious diseases. In 1883, Toronto appointed its first Medical Officer of Health. The Board of Health for the city of Toronto is on the front lines of fighting disease, as during the 2003 SARS crisis or in ongoing efforts to prevent the spread of new strains of influenza. The Board is also responsible for running Toronto Public Health, a major city department with a mandate to promote good health as well as protect the local population against health hazards and disease.

As the City of Toronto website for the Board of Health explains, this Board serves the citizens of Toronto by developing public health policy, and advising City Council on a wide spectrum of health-related concerns. The Board of Health consists of 13 members: six are Toronto City Councillors, six are citizen representatives, and the one is an elected school board representative. The Officer of Health for the City of Toronto (currently Dr. David McKeown) is the Executive Officer of the Board. The Board of Health meets monthly, and citizens are welcome to attend these meetings. A typical agenda for these monthly meetings might include updates, reports, and recommendations on issues such as flu preparedness, air pollution, children's health, food safety, or smoking by-laws.

The Board of Health must oversee the minimum requirements of provincially mandated health programs and services set by the Ontario Ministry of Health and Long-Term Care in its Mandatory Health Programs and Services Guidelines. The Board also governs Toronto Public Health, overseeing the delivery of their programs and services, and using Local Health Committees to respond to local health concerns.

Toronto Public Health (TPH) is a City department responsible for the delivery of health services and for creating and advocating for public health policies in the largest health jurisdiction in Canada. In 2009, TPH had a gross operating budget of about \$217 million, funded jointly by Toronto City Council and the Ontario Ministry of Health and Long-Term Care. Nearly 2,000 employees staff the organization. TPH divides its health programs and services into six categories: Healthy Living, Healthy Families, Communicable Disease Control, Healthy Environment, Dental/Oral Health, and Emergency Preparedness (see Chart 3).

**Chart 3: Toronto Public Health Program Map**



## CITY AND REGION

### *Toronto in a Metropolitan Context*

The City's most significant extra-territorial function is its provision of drinking water to the southern, urbanized portions of York region (Vaughan, Markham, Richmond Hill, and part of Aurora). It is also the dominant municipality within the Toronto and Region Conservation Authority (TCRA), which includes all of the City of Toronto and parts of the regional municipalities of Durham, Peel, and York and the towns of Adjala-Tosorontio and Mono (in Dufferin County). Fourteen City of Toronto councillors sit on the 27-member TCRA board.

Compared to most central-city municipalities in North America, however, Toronto has little contact with its suburban neighbours. Since 2004, it has not been a member of the provincial-level Association of Municipalities of Ontario (AMO), although it remains active within the national-level Federation of Canadian Municipalities (FCM). In 2008, provincial legislation removed all municipal representation from the boards of directors of Metrolinx (the regional transportation authority).

Since 2003, the Government of Ontario has taken over direct control of metropolitan and regional issues in the area it calls the Greater Golden Horseshoe (the area surrounding the west end of Lake Ontario). Future provincial decisions about regional transportation infrastructure will likely have profound effects on the City's future. Two recent provincial laws, the *Greenbelt Act* and the *Places to Grow Act*, are

especially important in providing the planning context in which these decisions will be made.

The American experience has been that, in the absence of government-based metropolitan or regional decision-making institutions, non-governmental institutions tend to fill the gap. In this regard, the Toronto City Summit Alliance<sup>15</sup> is potentially of growing importance.

### ***Toronto and the Province of Ontario***

As a constitutional legacy of the 1867 *Constitution Act* (Sec. 92.8), the Province retains ultimate authority to impose limits and conditions on the power and responsibilities of Ontario municipalities. Provincial functions to which such powers have historically applied include municipal restructuring, regional transportation, housing and social welfare programs, education, natural resources management, and most visibly, land-use and infrastructure planning.

The relationship between the City and the Province on local matters has been most recently codified in the *City of Toronto Act* (2006), which draws from and extends municipal responsibilities set out in the *Municipal Act* of 2001 (amended in 2006). The *Municipal Act* outlines various spheres of jurisdiction in which the City has been granted substantial authority. These include waste management; public utilities; parks, recreation, and cultural heritage; and infrastructure such as roads, highways, sewers, and flood control. The *City of Toronto Act* gives the city explicit authority, among other things, to change council composition and ward boundaries, enter into agreements with the federal government, and raise revenues through various measures, such as new taxing powers (although this excludes income taxes, sales taxes, or gas taxes) and tax increment financing.

Direct engagement with the provincial government at the administrative level is generally coordinated through the Ministry for Municipal Affairs and Housing, although several policy areas of municipal interest involve collaboration with other provincial ministries, agencies, boards and commissions. For example:

- The operation of local school boards, such as the Toronto District School Board, is funded by the Ministry of Education. Although the City supervises the elections of School Board trustees, which take place at the same time as Council elections, the finances of the two school boards – both secular and Catholic – are under the direct control of the Province.
- Property tax assessments are administered by the provincially established Municipal Property Assessment Corporation.

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<sup>15</sup> <http://www.torontoalliance.ca>

- Shared costs for City-administered social assistance programs are mainly funded by the Ministry of Community and Social Services.
- Partial financing for the TTC (the province provides capital grants only) is channelled through the Ministry of Transportation, while the provincial agency Metrolinx has already made an appreciable impact on the City’s transportation planning efforts through its “Big Move” plan.
- Ambitious provincial plans to manage population growth and land use within the Greater Golden Horseshoe fall under the purview of the Ministry of Energy and Infrastructure.
- The Ontario Municipal Board (see Appendix A), an arm’s-length quasi-judicial body, rules on land use and development disputes subject to the provincial *Planning Act* and related legislation.

### ***Multi-level Governance***

The City of Toronto, although it has strengthened its powers and financial resources somewhat relative to the Province by the passage of the *City of Toronto Act* in 2006, still exists within a large – and rather fluid – multi-level governance environment. The term “multi-level governance” is used to indicate the fact that traditional hierarchies (between formal levels of government) are much less important than in the past. From a strictly legal point of view, the City needs to govern its own population within the limits of its boundaries. But the City itself, as well as its population, are affected by, and are affecting people and agencies at all levels of the political scale.

At the provincial level, Toronto is affected by the Ontario Municipal Board (see Appendix A) with respect to conflicts over land-use changes and developments; by Metrolinx, a powerful agency of the provincial government assigned to develop a region-wide transit system connected with the TTC; and with provincial plans to regulate land use and development within the Greater Golden Horseshoe area. Recently, the provincial government defined a number of tourism regions for the whole province, and Toronto is one of these regions.

Nationally, Toronto is a member of the Federation of Canadian Municipalities and participates in a number of cross-border and international initiatives through agencies such as the C40 group on climate change, in which Toronto’s mayor currently plays a major role. Although the city is not a member of the Association of Municipalities of Ontario, it is active in the Big City Mayor’s Caucus (BCMC), a group that brings together the mayors of 22 of the largest cities in Canada.

Formally, the national government affects Toronto in many indirect ways – for example, through regulating immigration into the country, taxation policy, recruiting experts to participate in overseas assistance projects, regulating security and financial

institutions, and running (indirectly through the Airport Authority) Pearson Airport. The federal government is also a direct player in the governance of the waterfront area of Toronto through the Toronto Port Authority, a federal agency.

In terms of protocol, the Mayor relates to the Prime Minister or to a relevant Minister at the national level; and to the Premier, or relevant Minister at the provincial level. The parallel lines of contact on the civil service side would be the City Manager to the Deputy Minister at either the national provincial level, and then different officials can connect with each other at descending levels of authority. Since Toronto exists within a region, a province, and a larger country, it is important to realize that professional contacts (for example between engineers, medical professionals, professors, lawyers, and the like) take place all the time between and across jurisdictional boundaries. These informal professional contacts are reinforced by business groups (such as the Board of Trade, which operates over the whole Toronto region), Canada-wide trade unions, and associations of trades and even particular industries. Because of its financial, legal, and organizational weight in the Canadian economy, Toronto as a city is playing an increasingly large role in these complex relationships interest groups.

Toronto's waterfront is a good illustration of the operation of multi-level governance protocols. The central waterfront area is roughly 15 square kilometres, roughly double the size of the downtown core. About 28,000 people live in this area – which consists of parkland, dock and harbour areas, industrial sites, railway land, highways, some recreational areas such as Ontario Place and Harbourfront), residential apartment buildings, and the Toronto Islands, including the Island Airport. The city has historically been constrained, in dealing with its waterfront lands, by (a) ownership issues over land in the area, and (b) its relations with other levels of government and their agencies (the former Toronto Harbour Commission and the Toronto Port Authority). Numerous plans have been drawn up for the waterfront, both by the city and other agencies, but the outcomes have fallen short of public expectations.

The Pan Am Games, planned for 2015, will also demonstrate the potential and the limits of multi-level governance. With Toronto hosting the games, and with commitments from the province and the federal government, issues are already surfacing over the coordination of infrastructure and investments. For example, the rail link between Union Station and Pearson Airport and other regional transportation lines need to be initiated soon, but may not be completed by 2015 because of funding restrictions. And in the West Donlands area, the building of the athletes' village will require close collaboration among the city, the province (the owner of the land), and the trilevel waterfront development agency (Waterfront Toronto).

## Appendix A: The Ontario Municipal Board (OMB)

The Province of Ontario initially created the Ontario Municipal Board (OMB) in 1906 as an arm's-length body responsible for overseeing and regulating municipal railways (hence its original name, the Ontario Railway and Municipal Board). By the 1930s, municipal railways had declined in importance, and the Board's focus shifted to oversight of municipal finances. Since then, the Board's scope and power over municipalities have grown significantly.<sup>16</sup> However, today it primarily functions as a quasi-judicial tribunal (and occasionally as an arbiter) responsible for hearing appeals of municipal governments' planning decisions.

In Ontario, citizens and businesses can appeal the decisions of municipal councils or their delegates (such as the Committee of Adjustment in Toronto) with regard to minor and major variances to by-laws, official plans and official plan amendments, interim control by-laws, site plans, and plans of subdivision. Developers can also appeal to the Board when a municipality fails to render a decision on a planning proposal in the prescribed time.

The OMB can choose to uphold a decision of council, overturn the decision in favour of the appellant, or enforce its own decision regardless of the position of any parties involved. Other jurisdictions in Canada and the United States have similar bodies with similar functions (such as the similarly named Saskatchewan Municipal Board), but none have the same scope of powers as the Ontario Municipal Board. Furthermore, while in many other jurisdictions, parties to disputes have recourse to the courts, parties can appeal to the courts only if the Board's decision was *ultra vires* (beyond its power or jurisdiction in its function as an appeals body).

While a number of provincial statutes affect the powers and responsibilities of the OMB (including the *Ontario Municipal Board Act, 1990*), the *Planning Act, 1990*, delineates most of its responsibilities with regard to its role as planning appeals body. However, provincial legislation does not clearly state how hearings should unfold, or on what grounds the Board should base its decisions.<sup>17</sup> The Board, as a result, has established its own guidelines dictating hearing procedures and its own basis for rendering decisions. Board hearings unfold in an adversarial manner similar to a court (though with more liberal rules with regard to participation), while Board members base their decisions largely on the Board's own planning rationale.

The Board has at any time between 25 to 30 members who either hear cases at the Board's offices in downtown Toronto, or travel to municipalities throughout the

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<sup>16</sup> Chipman, 2002 and Adler, 1971 (see recommended readings at end of paper).

<sup>17</sup> Changes made to the *Planning Act, 1990* that came into effect in 2007 now require the Board to follow provincial policy statements on planning issues and related statutes. As well, the Board must "have regard for" the decisions of municipal councils.

province to hear appeals. In principle, Board members should have a prior background in municipal law, planning, or local government. Typically, Board members base their decision on the testimony of planning experts. Thus, the side that can present the best planning rationale in the opinion of the Board will be the victor; although the Board may decide to ignore both sides when rendering a decision. While the length of time appeals take to reach a conclusion can vary significantly, appeals over major variances to by-laws or official plan amendments can take years to resolve (though rarely more than two). Individuals can follow the progress of such cases on the Board's website,<sup>18</sup> and can also read the Board's final decisions on that site.<sup>19</sup>

From 2000 through 2006, on average, the Boards heard 42 appeals per year concerning major zoning by-law amendments, Official Plan amendments, and Interim Control By-laws from the City of Toronto alone (not to mention the numerous appeals over site plans or committee of adjustment decisions concerning disputes over minor variances). Most of these appeals did not generate significant interest from residents or the media. However, some appeals, such as the dispute over the Four Seasons Hotel development in Yorkville or the conflict over condominium developments in the Queen West Triangle, garnered significant attention, as did the Board's decision in each case.

In the late 1960s and early 1970s, some citizens and ward councillors opposed to major development tended to view the Board as an ally against developers and local government. However, the Board's decisions in cases such as that of the Four Seasons Hotel have increasingly come under fire from citizen groups, local government, and the media. Citizens and local politicians alike believe the Board undermines the power of elected officials, and perceive the OMB as favouring developers in its decisions. Citizens' groups also complain about the expense involved in contesting cases before the Board.

The lack of provincial guidelines defining how the Board should function and how it should render its decisions plays a large role in creating such acrimony, as it gives the unelected Board members substantial power over municipal government and city planning. However, critics often overlook other features of Ontario planning legislation that affect the Board's role in the province.

In Ontario, municipalities have complete liberty to amend their official plans and zoning by-laws as often as they want without oversight from the province. While the range of planning powers afforded to municipalities in other jurisdictions vary, few allow municipalities to make official plan amendments at will. In addition, section 37 of the *Planning Act, 1990*, allows municipalities to require additional contributions from developers should a development proposal require major amendments to a municipality's zoning by-law. In essence, section 37 encourages municipalities to make

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<sup>18</sup> <http://www.omb.gov.on.ca/english/eStatus/eStatus.html>

<sup>19</sup> <http://www.omb.gov.on.ca/english/eDecisions/eDecisions.html>

major amendments to their own zoning by-law, which can, in turn, result in official plan amendments.

Frequent amendments to official plans and zoning by-laws, while allowing for flexibility in planning, can increase the number of appeals to the OMB and thus expand the role of the Board in municipal planning. In addition, frequent official plan amendments can make it harder for municipal planners to defend the status quo during Board hearings. At the same time, the Board allows local politicians the luxury of deflecting responsibility for unpopular decisions to the OMB (even though the prevalence of appeals in Toronto relates in part to council's repeated amending of its own planning regulations).

## RECOMMENDED DOCUMENTS AND WEBSITES

### Voting and Elections

City of Toronto elections website: [www.toronto.ca/elections](http://www.toronto.ca/elections)

Better Ballots Initiative website: [www.betterballots.to](http://www.betterballots.to)

### Representation

C. Richard Tindal and S. Nobes Tindal, *Local Government in Canada*, 7<sup>th</sup> ed. (Toronto: Nelson, 2009)

- Reform period in early 20<sup>th</sup> century: pp.47-56
- Current local parties in Canada: pp.347-59.

### What is an effective local government?

David Siegel. 1994. Politics, politicians, and public servants in non-partisan local governments. *Canadian Public Administration*, 37: 7-30.

### Crime and Policing

- Former mayor John Sewell maintains a website with archived newsletters with much information on policing costs, the Police Services Board, civilian oversight, and related issues: [www.tpac.ca](http://www.tpac.ca)

- The Centre of Criminology at the University of Toronto regularly produces summaries, in lay language, of criminological research (much of it on crime and policing). This newsletter, [Criminological Highlights](#), is produced for the Department of Justice but is now available to the public from the website of the Centre of Criminology Library and Information Service: <http://www.criminology.utoronto.ca/lib/>



## **Toronto in a Metropolitan Context**

Andrew Sancton, *The Limits of Boundaries: Why City-regions Cannot be Self-governing* (Montreal and Kingston: McGill-Queen's University Press, 2008), ch.1 & 6.

Frances Frisken, *The Public Metropolis: The Political Dynamics of Urban Expansion in the Toronto Region, 1924-2003* (Toronto: Canadian Scholars' Press, 2007).

OECD. *Territorial Reviews. Toronto, Canada 2009*, esp. Chapter 3, "Improving competitiveness through better governance" (Paris: OECD, 2009)

## **Ontario Municipal Board (OMB)**

Adler, Gerald M. 1971. *Land planning by administration regulation: The policies of the Ontario Municipal Board*. Toronto: Univ. of Toronto Press.

Chipman, John G. 2002. *A law unto itself: How the Ontario Municipal Board has developed and applied land use planning*. Toronto: Univ. of Toronto Press.

Toronto  
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