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Bill 31

**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001,
the Municipal Elections Act, 1996 and the Education Act
and to revoke two regulations**

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading September 12, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends various Acts and revokes two regulations. The major elements of the Bill are described below.

SCHEDULE 1 CITY OF TORONTO ACT, 2006

The Schedule deems the amendments made to the *City of Toronto Act, 2006* by Schedule 1 to the *Better Local Government Act, 2018* to have not come into force. It then substantially recreates the contents of that Schedule with some modifications. The Schedule also revokes Ontario Regulation 408/18 (Wards).

A new provision is added declaring that the amendments made by this Schedule operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

SCHEDULE 2 MUNICIPAL ACT, 2001

The Schedule deems the amendments made to the *Municipal Act, 2001* by Schedule 2 to the *Better Local Government Act, 2018* to have not come into force. It then substantially recreates the contents of that Schedule.

A new provision is added declaring that the amendments made by this Schedule operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

SCHEDULE 3 MUNICIPAL ELECTIONS ACT, 1996

The Schedule deems the amendments made to the *Municipal Elections Act, 1996* by Schedule 3 to the *Better Local Government Act, 2018* to have not come into force. It then substantially recreates the contents of that Schedule with some modifications. The Schedule also revokes Ontario Regulation 407/18 (2018 and 2022 Regular Elections — Special Rules).

A new provision is added to provide that the City of Toronto is not required to hold an advance vote. The clerk of the City is allowed to hold an advance vote at his or her discretion.

A new provision is added to provide that orders shall not be made under subsection 83 (1) by reason only of the clerk doing anything arising out of the implementation of the amendments made by the *Better Local Government Act, 2018*.

A new provision is added declaring that the amendments made by this Schedule operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

SCHEDULE 4 EDUCATION ACT

Ontario Regulation 412/00 (Elections to and Representation on District School Boards), made under the *Education Act*, sets out certain steps that must occur in August 2018 in respect of the 2018 election of members to district school boards with jurisdiction in the City of Toronto. These steps relate to amendments made to the *City of Toronto Act, 2006* by Schedule 1 to the *Better Local Government Act, 2018*. This Schedule requires that those steps occur again one day after the *Efficient Local Government Act, 2018* receives Royal Assent.

A new provision is added declaring that the amendments made by this Schedule operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001,
the Municipal Elections Act, 1996 and the Education Act and to revoke two regulations**

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	City of Toronto Act, 2006
Schedule 2	Municipal Act, 2001
Schedule 3	Municipal Elections Act, 1996
Schedule 4	Education Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

Short title

3 The short title of this Act is the *Efficient Local Government Act, 2018*.

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 The amendments made to the *City of Toronto Act, 2006* by Schedule 1 to the *Better Local Government Act, 2018* are deemed not to have come into force.

2 Paragraph 3 of section 2 of the Act is repealed and the following substituted:

3. Determine the appropriate structure for governing the City other than with respect to the composition of city council and the division of the City into wards.

3 Paragraphs 2 and 3 of subsection 4 (3) of the Act are repealed.

4 Paragraph 1 of subsection 8 (2) of the Act is repealed and the following substituted:

1. Governance structure of the City and its local boards (restricted definition) other than with respect to the composition of city council and the division of the City into wards.

5 Section 127 of the Act is amended by adding the following subsection:

Application

- (2) This section does not apply after city council is organized following the 2018 regular election.

6 Sections 128 and 129 of the Act are repealed and the following substituted:

Division of wards after 2018 regular election

128 (1) On the day city council is organized following the 2018 regular election, the City is divided into wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City.

Same

- (2) For the purposes of subsection (1), the electoral districts for Ontario are those determined under the *Representation Act, 2015* as it read on August 14, 2018.

Conduct of 2018 regular election

- (3) The 2018 regular election shall be conducted as if the division of the City into wards, as determined under subsections (1) and (2), was already in effect.

Regulations

- (4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section.

Retroactivity

- (5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflicts

- (6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails.

Same

- (7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails.

By-law not passed

129 A by-law passed under section 128, as that section read immediately before August 14, 2018, is deemed not to have been passed.

7 Section 130 of the Act is amended by adding the following subsection:

Application

- (2) This section does not apply after city council is organized following the 2018 regular election.

8 Section 135 of the Act is repealed and the following substituted:

City council following 2018 regular election

135 (1) Commencing with the city council that is organized following the 2018 regular election, city council shall be composed of,

- (a) the head of council; and

(b) other members, the number of which equals the number of wards as determined under section 128.

Rules re composition of city council

(2) The following rules apply to the composition of city council:

1. The members of city council shall be elected in accordance with the *Municipal Elections Act, 1996*.
2. The head of council shall be elected by general vote.
3. One member of council shall be elected for each of the wards determined under section 128.

Conduct of 2018 regular election

(3) The 2018 regular election shall be conducted as if the composition of city council, as determined under subsections (1) and (2), was already in effect.

Regulations

(4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section.

Retroactivity

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflicts

(6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails.

Same

(7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails.

Rules re previously passed by-law changing city council

135.1 (1) A by-law passed under section 135, as that section read immediately before August 14, 2018, is deemed not to have been passed.

Exception re s. 83 (1) of the *Municipal Elections Act, 1996*

(2) An order shall not be made under subsection 83 (1) of the *Municipal Elections Act, 1996* by reason only of the clerk of the City doing anything, before a by-law passed under section 135 of this Act, as it read immediately before August 14, 2018, in relation to the conduct of the 2018 regular election,

- (a) as if the by-law were not already in effect; or
- (b) as if the by-law were already in effect.

9 Paragraphs 3 and 4 of subsection 151 (2) of the Act are repealed.

10 The Act is amended by adding the following section before the heading “Administration”:

APPLICATION OF CHARTER AND HUMAN RIGHTS CODE

Application of Charter and *Human Rights Code* to certain amendments

Charter

456.1 (1) Pursuant to subsection 33 (1) of the *Canadian Charter of Rights and Freedoms*, the amendments to this Act made by Schedule 1 to the *Efficient Local Government Act, 2018* are declared to operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

Same, regulations

(2) For greater certainty, subsection (1) applies to regulations made under section 128 or 135.

Human Rights Code

(3) The amendments to this Act made by Schedule 1 to the *Efficient Local Government Act, 2018* apply despite the *Human Rights Code*.

Revocation

11 Ontario Regulation 408/18 (Wards), made under the Act, is revoked.

Commencement

12 This Schedule comes into force on the day the *Efficient Local Government Act, 2018* receives Royal Assent.

**SCHEDULE 2
MUNICIPAL ACT, 2001**

1 The amendments made to the *Municipal Act, 2001* by Schedule 2 to the *Better Local Government Act, 2018* are deemed not to have come into force.

2 (1) Paragraph 2 of subsection 218 (1) of the Act is amended by striking out “Subject to paragraph 2.1” at the beginning.

(2) Paragraph 2.1 of subsection 218 (1) of the Act is repealed.

3 Section 218.1 of the Act is repealed and the following substituted:

Head of regional council

Appointment

218.1 (1) On the day the new council is organized following the regular election in 2018, the head of council of the following regional municipalities shall be appointed by the members of council:

1. The District Municipality of Muskoka.
2. The Regional Municipality of Niagara.
3. The Regional Municipality of Peel.
4. The Regional Municipality of York.

General vote

(2) On the day the new council is organized following the regular election in 2018, the head of council of the following regional municipalities shall be elected by general vote in accordance with the *Municipal Elections Act, 1996*:

1. The Regional Municipality of Durham.
2. The Regional Municipality of Halton.
3. The Regional Municipality of Waterloo.

Conduct of 2018 regular election

(3) The regular election in 2018 shall be conducted as if the method of selecting the head of council described in subsection (1) or (2), as applicable, was already in effect.

Regulations

(4) The Minister may make regulations that, in the opinion of the Minister, are advisable or necessary for implementing the purposes of this section and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) varying the operation of any provision of this Act for those purposes;
- (b) governing transitional matters that arise out of the implementation of this section.

Retroactivity

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(6) In the event of a conflict between a regulation made under subsection (4) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (4) prevails.

Power to change method for selecting head of council

218.2 Nothing in section 218.1 limits the power of a municipality referred to in subsection 218.1 (1) or (2) to change the method of selecting its head of council under section 218 for any regular election after 2018.

Application of Charter and *Human Rights Code* to certain amendments

Charter

218.3 (1) Pursuant to subsection 33 (1) of the *Canadian Charter of Rights and Freedoms*, the amendments to this Act made by Schedule 2 to the *Efficient Local Government Act, 2018* are declared to operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

Same, regulations

(2) For greater certainty, subsection (1) applies to regulations made under section 218.1.

Human Rights Code

(3) The amendments to this Act made by Schedule 2 to the *Efficient Local Government Act, 2018* apply despite the *Human Rights Code*.

Commencement

4 This Schedule comes into force on the day the *Efficient Local Government Act, 2018* receives Royal Assent.

**SCHEDULE 3
MUNICIPAL ELECTIONS ACT, 1996**

1 The amendments made to the *Municipal Elections Act, 1996* by Schedule 3 to the *Better Local Government Act, 2018* are deemed not to have come into force.

2 The Act is amended by adding the following sections before the heading “Election Officials”:

2018 regular election, City of Toronto

10.1 (1) Except as otherwise provided, this section applies with respect to the 2018 regular election within the City of Toronto.

Exception, head of council

(2) Subsections (3) to (9) do not apply to a nomination for the office of head of council.

New nomination day

(3) Despite section 31, nomination day is the day that is two days after the day the *Efficient Local Government Act, 2018* receives Royal Assent and the following rules apply:

1. Nomination day as set out in section 31 is deemed not to have occurred.
2. The period for filing a nomination is deemed to have run continuously from May 1, 2018 until the day that is two days after the day the *Efficient Local Government Act, 2018* receives Royal Assent.

Notifying the clerk re office on the council

(4) If a person filed a nomination under section 33 for an office on the council before July 28, 2018 and wishes to continue to be a candidate in the 2018 regular election, the person shall notify the clerk in writing before 2 p.m. on the nomination day established by subsection (3) of the office on the council, other than the office of head of council, for which the person wishes to be nominated.

Notifying the clerk re office on a school board

(5) If a person filed a nomination under section 33 for an office on a school board before July 28, 2018 and wishes to continue to be a candidate in the 2018 regular election, the person shall notify the clerk in writing before 2 p.m. on the nomination day established by subsection (3) of the office on the same school board for which the person wishes to be nominated.

Same, not a new nomination

(6) The giving of notice to the clerk under subsection (4) or (5) does not constitute a new nomination.

Same, not multiple campaigns

(7) For the purposes of subsection 88.24 (3), a person who has notified the clerk under subsection (4) or (5) of this section shall not be considered to be a candidate for more than one office on the same council or school board, as the case may be.

Transition

(8) A notice described in subsection (4) or (5) that was filed with the clerk on or after August 20, 2018 but before the day the *Efficient Local Government Act, 2018* receives Royal Assent is deemed to have been filed under this section.

Deemed withdrawal of nomination

(9) A person who filed a nomination before July 28, 2018 is deemed to have withdrawn his or her nomination if he or she has not notified the clerk under subsection (4) or (5).

Advance vote

(10) Despite subsections 43 (1) and (2), the City of Toronto is not required to hold an advance vote, but the clerk may decide to do so at his or her discretion.

Same

(11) For greater certainty, subsections 43 (2) to (7) apply if the clerk decides to hold an advance vote.

Exception re s. 83 (1)

(12) An order shall not be made under subsection 83 (1) by reason only of the clerk doing anything, before the *Better Local Government Act, 2018* received Royal Assent, in relation to the conduct of the 2018 regular election,

- (a) as if the amendments set out in section 1 of Schedule 3 to the *Better Local Government Act, 2018* were not already in effect; or
- (b) as if the amendments set out in section 1 of Schedule 3 to the *Better Local Government Act, 2018* were already in effect.

Same

(13) An order shall not be made under subsection 83 (1) by reason only of the clerk doing anything, after the *Better Local Government Act, 2018* received Royal Assent, in relation to the conduct of the 2018 regular election arising out of the implementation of the amendments made by the *Better Local Government Act, 2018*.

Regulations

(14) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) prescribing anything that is referred to, in this section, as prescribed;
- (b) varying the operation of any of the provisions of this Act for the purposes of the 2018 regular election;
- (c) with respect to this Act, governing transitional matters that arise out of the implementation of this section, including any such transitional matters that may arise for the 2022 regular election or any by-election that takes place before the 2022 regular election.

Same, order under s. 83 (1)

(15) A regulation made under subsection (14) may limit the circumstances in which an order under subsection 83 (1) may be made in relation to the conduct of the 2018 regular election.

Retroactivity

(16) A regulation made under subsection (14) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(17) In the event of a conflict between a regulation made under subsection (14) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (14) prevails.

2018 regular election, certain regional municipalities**Deemed withdrawal of nominations**

10.2 (1) A person who has filed a nomination for the office of head of council of a municipality referred to in subsection 218.1 (1) of the *Municipal Act, 2001* in the 2018 regular election is deemed to have withdrawn his or her nomination under section 36 of this Act immediately before the applicable deadline set out in that section.

Regulations

(2) The Minister may make regulations that, in the opinion of the Minister, are advisable or necessary for the purposes of carrying out the 2018 regular election for the municipalities referred to in subsection 218.1 (1) of the *Municipal Act, 2001* and, without restricting the generality of the foregoing, the Minister may make regulations,

- (a) varying the operation of any of the provisions of this Act for those purposes;
- (b) governing transitional matters that arise out of the implementation of section 218.1 of the *Municipal Act, 2001*.

Same

(3) A regulation made under subsection (2) may limit the circumstances in which an order under subsection 83 (1) may be made in relation to the conduct of the 2018 regular election for the municipalities referred to in subsection 218.1 (1) of the *Municipal Act, 2001*.

Retroactivity

(4) A regulation made under subsection (2) is, if it so provides, effective with reference to a period before it was filed.

Conflict

(5) In the event of a conflict between a regulation made under subsection (2) and a provision of this Act or of any other Act or regulation, the regulation made under subsection (2) prevails.

Application of Charter and Human Rights Code to certain amendments**Charter**

10.3 (1) Pursuant to subsection 33 (1) of the *Canadian Charter of Rights and Freedoms*, the amendments to this Act made by Schedule 3 to the *Efficient Local Government Act, 2018* are declared to operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

Same, regulations

(2) For greater certainty, subsection (1) applies to regulations made under section 10.1 or 10.2.

Human Rights Code

(3) The amendments to this Act made by Schedule 3 to the *Efficient Local Government Act, 2018* apply despite the *Human Rights Code*.

Revocation

3 Ontario Regulation 407/18 (2018 and 2022 Regular Elections — Special Rules), made under the Act, is revoked.

Commencement

4 This Schedule comes into force on the day the *Efficient Local Government Act, 2018* receives Royal Assent.

**SCHEDULE 4
EDUCATION ACT**

1 Part II.2 of the *Education Act* is amended by adding the following sections:

2018 election

58.01 (1) The election of members of district school boards in 2018 is subject to the requirements set out in Schedule 2.

Repeal

(2) This section is repealed on December 31, 2018.

Application of Charter

58.02 (1) Pursuant to subsection 33 (1) of the *Canadian Charter of Rights and Freedoms*, the amendments to this Act made by Schedule 4 to the *Efficient Local Government Act, 2018* are declared to operate notwithstanding sections 2 and 7 to 15 of the *Canadian Charter of Rights and Freedoms*.

Human Rights Code

(2) The amendments to this Act made by Schedule 4 to the *Efficient Local Government Act, 2018* apply despite the *Human Rights Code*.

2 The Act is amended by adding the following Schedule:

**SCHEDULE 2
SPECIAL PROVISIONS FOR 2018 SCHOOL BOARD ELECTIONS**

Interpretation

1 (1) In this Schedule,

“election” means the 2018 regular election under the *Municipal Elections Act, 1996*; (“élections”)

“school board election clerk” means, with respect to the election of members of a board, a person who is responsible for conducting the election; (“secrétaire des élections scolaires”)

“ward” means a ward of the City of Toronto. (“quartier”)

Wards

(2) A reference in this Schedule to wards means the wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City of Toronto.

Same

(3) For the purposes of subsection (2), the electoral districts for Ontario are those determined under section 2 of the *Representation Act, 2015* as it read on August 14, 2018.

Same

(4) The election shall be conducted as if the division of the City into wards, as referenced in subsections (2) and (3), was already in effect.

Population data

2 (1) Not later than 11 a.m. on the day after the day the *Efficient Local Government Act, 2018* receives Royal Assent, the Municipal Property Assessment Corporation shall, in respect of each board that has jurisdiction in the City of Toronto, determine the population of the board’s electoral group who are resident in each ward of the City of Toronto on January 1 of that year.

Report

(2) Not later than 11 a.m. on the day after the day the *Efficient Local Government Act, 2018* receives Royal Assent, the Municipal Property Assessment Corporation shall,

- (a) report to the Minister each of its determinations under subsection (1);
- (b) report to the school board election clerk for the City of Toronto each of its determinations under subsection (1) in respect of each board set out in subsection (1); and
- (c) report to the secretary of each board each of its determinations under subsection (1) in respect of that board.

Determination of number of members

3 For the purpose of the election,

- (a) the number of members for the Toronto District School Board and the Toronto Catholic District School Board; and

- (b) the number of members representing geographic areas within the City of Toronto for the Conseil scolaire Viamonde and the Conseil scolaire catholique MonAvenir,

is the number determined by resolution of the board by March 31, 2018 pursuant to sections 3 and 4 of Ontario Regulation 412/00 (Elections to and Representation on District School Boards) made under the Act.

Distribution of positions

4 Not later than 3 p.m. on the day after the day the *Efficient Local Government Act, 2018* receives Royal Assent, each board that has jurisdiction in the City of Toronto shall distribute the positions of the members to be elected to the board, referred to in section 3 of this Schedule, in accordance with section 5 of this Schedule and shall notify the Minister in writing that this has been done.

Distribution

5 (1) A distribution of the positions of the members to be elected to the board shall be made according to the following rules:

1. Calculate the electoral quotient for each municipality and ward using the following formula:

$$\text{Electoral quotient} = a \times b / c$$

where,

- a = the population of the board's electoral group resident in the municipality or ward, as reported under section 2 of this Schedule,
 - b = the total number of members determined for the board under section 3 of this Schedule, and
 - c = the total population of the board's electoral group, as reported under section 2 of this Schedule.
2. Combine every municipality and every ward within the area of jurisdiction of the board into a number of geographic areas that does not exceed the number determined for "b" in paragraph 1.
 3. The number of members that represent the electors of the board's electoral group in each geographic area shall be, as nearly as practicable, the sum of the electoral quotients of the constituent municipalities and wards that form the geographic area.

Same

(2) A distribution under subsection (1) shall be made in such a way that, to the extent practicable, geographic areas are formed for which the sum of the electoral quotients of the constituent municipalities and wards is a whole number greater than zero.

Report on determination and distribution

6 (1) A board that completes the distribution under section 5 shall prepare a report that includes,

- (a) the results of the distribution; and
- (b) a copy of the data and calculations by which the distribution was made.

Copy of report

(2) The board shall send a copy of the report to,

- (a) the Minister;
- (b) the school board election clerk for the City of Toronto; and
- (c) the secretary of every other board that has jurisdiction in the City of Toronto.

Same

(3) The copy of the report referred to in subsection (2) shall be sent not later than 3 p.m. on the day after the day the *Efficient Local Government Act, 2018* receives Royal Assent.

Distribution by Minister

7 (1) If any board has not completed the distribution and provided the report required under section 6 of this Schedule by 3 p.m. on the day after the day the *Efficient Local Government Act, 2018* receives Royal Assent, the Minister shall distribute the positions of the members to be elected to the board in accordance with section 5 of this Schedule.

Same

(2) If the Minister is required to distribute the positions of members under subsection (1), the Minister shall do so by 5 p.m. on the day after the day the *Efficient Local Government Act, 2018* receives Royal Assent.

Report by Minister

8 (1) If the Minister completes the distribution under subsection 7 (1) of this Schedule, the Minister shall prepare a report that includes,

- (a) the results of the distribution; and
- (b) a copy of the data and calculations by which the distribution was made.

Same

- (2) The Minister shall send a copy of the report to,
- (a) the board for which the distribution was completed;
 - (b) the school board election clerk for the City of Toronto; and
 - (c) the secretary of every other board that has jurisdiction in the City of Toronto.

Same

(3) The copy of the report referred to in subsection (2) shall be sent not later than 5 p.m. on the day after the day the *Efficient Local Government Act, 2018* receives Royal Assent.

Repeal

9 This Schedule is repealed on December 31, 2018.

Commencement

3 This Schedule comes into force on the day the *Efficient Local Government Act, 2018* receives Royal Assent.