

Legislative  
Assembly  
of Ontario



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# Bill 121

**An Act to afford municipalities certain protections with respect to  
legislative changes affecting their Governance and Structure**

**Ms A. Horwath**

**Private Member's Bill**

1st Reading      June 3, 2019

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The Bill sets out a declaration by the Province endorsing the principle that its relationship with municipalities should be based on mutual respect, consultation and co-operation.

The Bill provides that the Province shall not introduce legislation containing a provision that would result in changes to municipal representation or in municipal restructuring unless there has been public notice and public consultations in the affected municipalities, and the affected municipalities have passed by-laws approving the change. The Bill also ensures that regulations containing changes to municipal representation shall not be made under any Act unless the same conditions of public notice and consultations and municipal approval are met.

**An Act to afford municipalities certain protections with respect to  
legislative changes affecting their Governance and Structure**

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

**Mutual respect between Province and municipalities**

**1** The Province of Ontario endorses, with respect to all municipalities, the following principles based on subsections 1 (2) and (3) of the *City of Toronto Act, 2006*:

1. It is in the best interests of the Province and municipalities to work together in a relationship based on mutual respect, consultation and co-operation.
2. For the purposes of maintaining such a relationship, it is in the best interests of the Province and municipalities to engage in ongoing consultations with each other about matters of mutual interest, in particular with respect to the composition of municipal councils and the number of wards in municipalities.

**Restriction on changes to municipalities**

**2** (1) A member of the Executive Council shall not include in a bill a provision that would, if enacted, result in a change described in subsection (2) that affects one or more municipalities, or authorize a person or entity other than the councils of the affected municipalities to make such a change, unless,

- (a) the Province has given public notice of the proposed change in the affected municipalities;
- (b) the Province has carried out consultations on the proposed change with the public in the affected municipalities; and
- (c) the councils of the affected municipalities have, by by-law, approved the proposed change.

**Changes**

(2) Subsection (1) applies with respect to the following changes:

1. Changes to the composition of a municipal council.
2. Changes to the boundaries of one or more wards in a municipality.
3. The annexation of all or part of a municipality to another municipality.
4. The amalgamation of a municipality with another municipality.
5. The separation of a local municipality from an upper-tier municipality for municipal purposes.
6. The joining of a local municipality to an upper-tier municipality for municipal purposes.
7. The dissolution of all or part of a municipality.

**Same, changes by regulation**

(3) A regulation that changes the composition of a municipal council or the boundaries of one or more wards in a municipality, or authorize a person or entity other than a municipal council to make such a change, shall not be made under section 25 of the *City of Toronto Act, 2006*, under section 451.1 of the *Municipal Act, 2001* or under another section of those Acts or of any other Acts unless, before the regulation is made,

- (a) the Province has given public notice of the proposed changes in the municipality;
- (b) the Province has carried out consultations on the proposed changes with the public in the municipality; and
- (c) the municipal council has, by by-law, approved the proposed changes.

**Notice and consultations**

(4) The notice and consultations referred to in clauses (1) (a) and (b) and (3) (a) and (b) shall be carried out in accordance with the regulations.

**Consent of municipalities**

(5) For greater certainty, a municipal council may require that a by-law referred to in clauses (1) (c) and (3) (c) receives the assent of its electors in accordance with section 8 of the *Municipal Elections Act, 1996*.

**Regulations**

**3** The Lieutenant Governor in Council may make regulations,

- (a) governing public notices required under clauses 2 (1) (a) and 2 (3) (a), including the form and manner in which the notices are to be given;
- (b) governing the consultations with the public required under clauses 2 (1) (b) and 2 (3) (b), including the manner in which the consultations are to be carried out and the persons or entities that are to be consulted;
- (c) governing the approval by municipal councils referred to in clause 2 (1) (c) and 2 (3) (c).

**Commencement**

**4** This Act comes into force on the day it receives Royal Assent.

**Short title**

**5** The short title of this Act is the *Municipal Representation and Restructuring Protection Act, 2019*.