

# Township of Severn 2024-25 Ward Boundary Review Backgrounder

## Discussion Paper D: Guiding Principles to Design Wards

Working on the sound assumption that a ward system to elect councillors should be maintained in Severn, the Ward Boundary Review addresses the considerations that are considered in designing a set of wards that provide effective representation to the Township's residents.

Provincial legislation is silent on the matters that could be considered by a municipality when establishing or modifying its ward system. There are no standard practices, terms of reference, criteria, or guiding principles, either in provincial legislation or regulation, that can be used to review the municipality's ward system. There are some precedents that can be gathered from a review of best practices and successful electoral reviews in other Ontario municipalities, and cases previously heard by the Ontario Municipal Board (now known as the Ontario Land Tribunal or OLT) that may be applicable, but a review of electoral arrangements in Severn should be based primarily on the Township's own circumstances and objectives.

When a ward boundary review was undertaken in Severn in 2016, the seven criteria to be considered were said to be "guidelines for developing ward boundaries", as follows:

- a. Wards should be designed to be "as equal as possible".
- b. Wards should preserve communities of interest.
- c. Wards should recognize natural physical features (rivers, lakes, swamps) or natural barriers/dividers (highways, railways) as ward boundaries.
- d. The ward system will recognize areas where population change is forecast.
- e. Wards should recognize variations in population density across the Township
- f. Wards should recognize accessibility and/or communication issues; and,
- g. Wards should deliver effective representation to the residents of Severn.

At the outset of the 2024 Ward Boundary Review, the Township Clerk's report to Council set out "principles established in law" that would guide the conduct of the review:<sup>1</sup>

- Representation by population: Ensuring electors are comparatively represented on Council, giving an equal voice, which is understood to be within +/-25% maximum deviation from the average ward population in urban areas.

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<sup>1</sup> Township of Severn, *Administrative Report A24-026* (August 28, 2024).



- Consideration of current and future population trends: Including changes in population growth and development, aging communities, etc.
- Consideration of physical and natural boundaries: Including changes the way in which manmade and natural features such as highways, railways, river valleys, and farmland shape the community.
- Consideration of communities of interest: Including settlement patterns and existing historical communities in the context of the broader municipality.
- Effective representation: The overall objective of a ward boundary review, which seeks to establish fair and equitable representation based on the principles outlined above.

Drawing from its experiences in conducting ward boundary reviews across Ontario and in the Township of Severn itself, the Consultant Team will use these five guiding principles to evaluate the present ward system in Severn and to formulate alternative options, albeit in a slightly different way than set out above and as presented at the Introductory Council Workshop on October 9, 2024.<sup>2</sup> Specifically, the principle of “effective representation” will be considered an over-arching principle that is met by blending the other principles as far as they are achievable on their own. In other words, the principle of effective representation is considered more a result than a condition to be met and assessed independently, as is the case with the other principles.

**Representation by Population (Population Parity):** Normally a primary – but not exclusive – goal of any electoral review is the achievement of population parity; that is, to the extent possible, residents should be equally represented, and wards should have reasonably equal population totals. A degree of population variation, however, is acceptable in recognition of varied population densities and characteristics and the distribution of established communities of interest across the municipality. For the Severn Ward Boundary Review, variances of between plus or minus 25 percent of what is called the “optimal” ward population are generally accepted as the maximum variance to achieve voter parity.<sup>3</sup> The principle is intended to ensure that residents have comparable access to their elected representative and that the workload of these representatives is relatively balanced (see Discussion Paper B).<sup>4</sup>

**Population Trends:** Ward boundary reviews consider population trends in a dynamic way; that is, the review takes account of changes that can be measured since the

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<sup>2</sup> See the workshop presentation at:

<https://severn.civicweb.net/document/64437/2024%20Severn%20WBR%20Workshop.pdf?handle=023684D30ED543E4B59EB53247930DF8>

<sup>3</sup> The concept of “optimal” population is explained in Discussion Paper E.

<sup>4</sup> NOTE: This principle is based on the total population of the municipality not the number of elector nor just the number of permanent residents, a premise upheld originally in several Ontario Municipal Board decisions.



present wards were established, but also accounts for anticipated population growth in Severn, specifically over a three-election cycle (that is, twelve years). As a result, wards should be designed to keep the population of the wards in reasonable parity over that time. Where possible, reliable and accurate data will be used to generate current and future population projections, including, but not limited to, Census data, approved building permits, approved development proposals, and estimated population growth.

**Physical and Natural Boundaries:** Ward boundaries will be drawn impartially and with consideration for natural and manufactured features within the Township that may already serve as effective internal boundaries. Such features should be leveraged since they may naturally divide municipal residents from one another and may facilitate the effective representation of the ward’s residents. Since Severn includes a large rural area, some attention will be paid to the geographic size and shape of the wards. As well, where possible, the preferred boundaries should follow straight lines, have few turns, and be easily identifiable. As a list of criteria used in another municipality phrased it: ‘Unnecessary irregularities or should be avoided’.

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

**Effective Representation:** The specific principles listed above are all subject to the overriding principle of effective representation as enunciated by the Supreme Court of Canada.<sup>5</sup> The concept of effective representation was derived from the equality provision of the *Charter of Rights and Freedoms* related to the right to vote and, by extension, the right to be represented equitably in the deliberations of government. The Court noted, however, that relative parity of voting power was a prime, but not an exclusive, condition of representation since other factors – such as those summarized above – contribute to the achievement of effective representation. It may be necessary to place a higher priority on principles other than population parity (such as respecting an identifiable community of interest) to create plausible and coherent electoral districts that better contribute to effective representation rather than electoral areas that are drawn simply to achieve population parity.

**Overview:** No ward design is likely to meet all the principles in their entirety; however, the best designs maximize adherence to the principles, especially in relation to representation by population and effective representation. It is our understanding of

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<sup>5</sup> Reference re *Provincial Electoral Boundaries (Sask.)* [1991], known as the Carter decision.



existing case law that deviations from the specific principles can be justified by other criteria drawn from the Carter decision in a manner that is more supportive of effective representation.

## **Topical Discussion Papers A to E**

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Discussion Papers will be available to residents, each addressing one of the topics to be considered in this review:

- Discussion Paper A – The Severn Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- Discussion Paper C – The Component Parts of the Severn Council
- *Discussion Paper D – Guiding Principles to Design Wards*
- Discussion Paper E – Why a Ward Boundary Review?