
Ward Boundary Variance Jurisdictional Review

ISSUE

The Saskatchewan Cities Act contains provisions setting out acceptable population variances in municipal wards for those cities that choose to utilize them. As ward boundary reviews are a large undertaking and changes to boundaries can introduce confusion into the electoral process there is a desire by City Council to determine if Saskatchewan's provisions are consistent with other Canadian jurisdictions.

BACKGROUND

At its October 24, 2022 meeting, the Governance and Priorities Committee (GPC) meeting considered a report by the City Clerk that outlined a requirement for the City of Saskatoon to undertake a ward boundary review prior to the 2024 election due to variances in ward populations exceeding allowable amounts. While an existing bylaw is in place that sets out next steps in the ward boundary review process for this cycle, a motion arising was passed by GPC that directed the City Clerk to report back on population thresholds for variances used in other Canadian jurisdictions.

CURRENT STATUS

Administration has completed a jurisdictional scan of other provincial and municipal ward boundary variance requirements. A summary and analysis of the results is included below, with more details in Appendix 1.

British Columbia

Through provincial legislation municipalities can determine appropriate ward boundaries and population variances. Cities analyzed use an "at large" system, therefore there was no data to determine best practices in that jurisdiction.

Alberta

Through provincial legislation municipalities can determine appropriate ward boundaries and population variances. Edmonton uses a variance limit of +/- 25%, and Calgary uses a goal of +/- 15%, however it does also allow for an additional variance of up to +/- 25% where justified.

Saskatchewan

Provincial legislation allows for a maximum of 10% variance from the average. A ward boundary review is required at least once every three election cycles regardless of variance.

Manitoba

Except for Winnipeg, through provincial legislation municipalities can determine appropriate ward boundaries and population variances, with a requirement for a council to "...try to achieve an approximately equal number of residents in each ward". The City of Winnipeg is established under a separate charter, with a ward population variance allowance of +/- 25%.

Ontario

Except for Toronto, through provincial legislation municipalities can determine appropriate ward boundaries and population variances. The province maintains the ability to establish a schedule, process, or criteria, but to date has not done so. The City of Toronto is established under separate legislation and is divided into wards identical to those of the electoral districts for the province that are within the boundaries of the City.

In a recent review Ottawa has implemented a standard of a goal of a 10 – 15% variance, however, maintains the ability to go larger if justified. Guelph and London in recent reviews both allowed for a variance of up to 25%.

Halifax Regional Municipality

The Halifax Regional Municipality is established via charter, and requires a review every eight years, through which variance goals are 10%, however can vary by up to 25% with appropriate justification.

Recent Saskatchewan History

Three cities in Saskatchewan, including Saskatoon, have chosen to divide into electoral wards. Of those three, the recent history of ward boundary reviews is as follows:

Saskatoon – 2011, 2015, 2019

Regina – 2014, 2019

Prince Albert – 2003, 2011, 2019

DISCUSSION/ANALYSIS

While it is important to maintain a level of consistency in ward populations to ensure equal representation, Saskatchewan has more restrictive variance allowances than most other jurisdictions. As a result, the City of Saskatoon has seen changes to ward boundaries in each of the last three elections due to consistent population growth. Based on current and future growth patterns it is likely that Saskatoon will have to consistently change its ward boundaries prior to each election unless the variance allowances are expanded.

Frequent changes in ward boundaries can have a negative effect on the electoral process, as it can generate voter confusion by lack of continuity. They can also generate unnecessary fiscal costs as the review process itself and resulting system changes require budget allocations. For these reasons it may be beneficial to both the City and the electorate to have additional flexibility in ward population variances, while still maintaining a requirement for regular review to ensure equitable population distributions by electoral ward.

As the current thresholds for ward boundary population variances are prescribed in The Cities Act, any changes would require a legislative amendment. Should Council wish to seek a change to the variance thresholds a request for an amendment could be made to the Minister of Government Relations. It is likely that such an amendment would not be contemplated until after then next municipal general election, currently scheduled for November 13, 2024.

FINANCIAL IMPLICATIONS

There are no financial implications in making a request for a legislative amendment, however if a larger variance was to be incorporated into a future iteration of The Cities Act there is a likely a positive financial impact if there are resulting fewer boundary reviews.

NEXT STEPS

Should Council wish to request a legislative amendment direction can be provided to do so. If no action is desired there are no required next steps.

APPENDICES

1. Jurisdictional Scan Detail

Report Approval

Reviewed by: Mike Jordan

Written and approved by: Adam Titemore

November 2022 Ward Boundary Variance Threshold Jurisdictional Review

Saskatchewan – Cities Act (59)

All variance requirements falls under the Cities Act. No local autonomy exists for variance allowances.

Establishing Boundaries

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- (1) Unless the city is already divided into wards, within four months after the date of its appointment, the municipal wards commission shall establish boundaries for the number of wards into which the city is to be divided.
 - (2) Subject to subsections (3) and (4), each ward of the city must have, as nearly as is reasonably practicable, the same population.
 - (3) The municipal wards commission shall establish a quotient for each ward in the city by dividing the total population of the city by the number of wards into which the city is to be divided.
 - (4) When establishing boundaries for wards pursuant to this section, the municipal wards commission shall ensure that the population of each ward at the time the boundaries are established does not vary by more than 10% from the quotient
 - (5) Notwithstanding clause 2(1)(y), a municipal wards commission may authorize the use of population data other than the latest census taken pursuant to the *Statistics Act* (Canada) for the purposes of determining and provide its reasons in the report filed pursuant to section 61.
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Alberta – Municipal Government Act (148 (2))

The Province establishes ability to divide into wards, but leaves decision on population variability up to the municipality.

- (2) A council may by bylaw
 - a. divide the municipality into wards and establish their boundaries,
 - b. in the case of wards established for a municipal district or a specialized municipality, change the number of wards and their boundaries,
 - c. give each ward established or changed a name or number, or both,
 - d. state the number of councillors to be elected for each ward established or changed, and,
 - e. including a municipal district or specialized municipality, eliminate the wards.

Edmonton – [Ward Boundary Design Policy](#)

2.01 Population vs. Number of Electors

The Population per Ward, not the number of Electors per Ward, will be the primary factor in designing Ward boundaries.

The optimum Population per Ward will be determined by dividing the City Population by the number of Wards. Ward boundaries will be designed so the Population of each Ward is within a range of +/- 25% from the optimum.

The optimum number of Electors per Ward will be determined by dividing the number of Electors in the City by the number of Wards. Ward boundaries will be designed so the number of Electors in each Ward is within a range of +/- 25% from the optimum. Respecting these "+/-" ranges will ensure that Wards are substantially equal with each other in both Population and number of Electors.

2.02 Future Growth

Ward boundaries are to be designed with the goal of lasting at least three municipal general elections before a major revision is necessary. The potential for growth or decline in each Ward over the next three elections will be taken into account by having the highest Ward Populations and number of Electors in stable or declining Wards and the lowest Ward Populations and number of Electors in growth area Wards.

Calgary – [Ward Boundary Determination and Review Policy](#)

6.1.3 Deviation

The allowable deviation from the mean population or total Elector count is +/- 15%. The maximum allowed deviation is +/- 25%.

[British Columbia – Local Government Act and Community Charter \(excepting Vancouver\)](#)

The Province establishes the ability to divide into voting divisions. It is up to the individual municipality to determine appropriate divisions and population variances.

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- (1) A council may, by bylaw,
 - a. establish municipal voting divisions, or

- b. authorize the designated municipal officer or chief election officer to establish municipal voting divisions.

Surveyed municipalities utilize an “at large” system, therefore no applicable data was found.

Vancouver – At large

Burnaby – At large

Surrey – At large

Abbotsford – At large

Manitoba – [Municipal Act](#)

Provincial legislation allows for election by at large, or by wards. Where wards are utilized there is a general requirement to maintain an approximately equal number of residents in each ward.

87(1)

Every member of a council is to be elected by a vote of the voters of the whole municipality unless the council by by-law provides that the councillors are to be elected on the basis of wards.

By-law for election by wards

87(2)

If, on the day this Act comes into force, the councillors of a municipality are elected on the basis of wards, the council must pass a by-law under this section to continue elections on the basis of wards.

By-law effective for next general election

87(3)

A by-law under this section must

- (a) take effect only at a general election; and
- (b) be passed at least 180 days before the general election at which it is to take effect.

Public notice required

87(4)

The council must give public notice of the proposed by-law before third reading.

Content of by-law

87(5)

A by-law under this section must

- (a) divide the municipality into wards and establish their boundaries; and

(b) give each ward a name or number, or both.

Criteria for division into wards

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In dividing a municipality into wards and establishing ward boundaries, or in making a change in the number of wards or ward boundaries, a council

(a) must try to achieve an approximately equal number of residents in each ward; and

(b) may take into consideration

(i) community or diversity of interests,

(ii) topographical features,

(iii) settlement patterns, and

(iv) population trends.

Winnipeg – [City of Winnipeg Charter](#)

The City of Winnipeg is established via separate charter, with specific ward boundary variance rules.

Variation in population base

13(3) The commission may allow a variation of up to 25% more or less in the population of a ward where in its opinion the considerations mentioned in subsection (2) make the variation desirable.

Ontario

[Municipal Act, 2001](#)

Provincial legislation provides the ability for a municipality to divide into wards, and for the Minister to provide a stipulated schedule, standardized process, or established criteria. Excepting Toronto, this power has not been utilized.

Establishment of wards

222 (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to divide or redivide the municipality into wards or to dissolve the existing wards. 2006, c. 32, Sched. A, s. 96 (1).

Formal bylaws containing criteria for ward boundary variance allowances were not found, however recent reports contained project methodology.

Ottawa

In the most recent [review](#) completed in Ottawa the panel utilized a variance standard of 10 – 15%, larger if justified.

Guelph

In the most recent [review](#) completed by Guelph they utilized a variance allowance of up to 25%.

London

In the most recent review completed by London they utilized a variance allowance of up to 25%.

Toronto

[City of Toronto Act – 128](#)

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 the day the *Better Local Government Act, 2018* received Royal Assent.

Conduct of 2018 regular election

(2) 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.

Nova Scotia

364 Part XVI of the Municipal Government Act applied to the Municipality.

[Municipal Government Act, S.N.S. 1998, c. 18, s. 369](#)

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(1) In the year 1999, and in the year 2006 and every eight years thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed and before the end of the year in which the study was conducted the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors

Halifax

The Halifax Regional Municipality has a ward population variance goal of 10%, with up to 25% with variance allowed with justification.