



Here's what you need to know about ward boundaries and the OMB

The Municipal Act allows a municipality to pass a by-law to divide or redivide the municipality into wards or dissolve existing wards. Electors of the municipality may also make a request to the municipality to alter its ward structure. The act requires that the request be made by a petition and that the petition has the signatures of one per cent of the electors in the municipality or 500 electors, whichever is less; however a minimum of 50 signatures of electors is required.

Under certain sections of the act, an appeal may be submitted to the Board against a by-law passed by a municipality. In addition, if a municipality does not act on a petition filed by electors, any of the petitioners may apply to the Board for a determination of the application.

How do I file an appeal when a by-law has been passed by a municipality?

Under subsection 222(4) of the Municipal Act, any person or agency may appeal to the OMB when they have an objection to the by-law passed by a municipality. An appeal must be filed within 45 days of the by-law being passed. The appeal process follows the steps below.

Step 1: Send your appeal letter to the **municipality** within 45 days after the by-law is passed, along with the required filing fee of \$300 (certified cheque or money order made out to "The Minister of Finance.") Ensure that your letter of appeal sets out your objections to the by-law and the reasons in support of your objection.

Step 2: The municipality will forward your appeal to the Board. The municipality will collect the needed *documentation that includes:

- a. Your letter of appeal
- b. Copies of extracts from the Municipal Act
- c. Copy of the related by-law
- d. Map showing the ward boundaries involved
- e. Any background reports
- f. Minutes of the Council meeting(s) pertaining to the appeal
- g. Council resolution(s)
- h. Any other letters submitted to the municipality
- i. Any current census information (number of electors in the municipality, number of residents, number of properties, etc.)
- j. Any other materials presented to council
- k. Name, phone number, and address of the person who will be representing the appellants at the hearing

* You may be asked to provide some of the required documentation to the municipality.

How do I file an application when an elector's petition has been submitted to the municipality?

Under subsection 223(4) of the Municipal Act, an application may be submitted to the OMB if electors petition council to pass a by-law dividing or redividing the wards, or dissolving existing wards and the council does not pass a by-law. If council does not pass a by-law as requested in the petition within 90 days of receiving the petition, any of the electors who signed the petition may apply to the OMB. The application process follows the steps below.

Step 1: Send your letter of application to the OMB along with the required filing fee of \$300 (certified cheque or money order made out to “The Minister of Finance.”) You cannot apply to the OMB until at least 90 days have passed since the petition was received by the municipality.

NOTE: For any changes in ward boundaries to be effective for the 2010 municipal elections, an OMB Order must be issued *before* January 1, 2010. Therefore, it is very important that any application be made to the Board as soon as possible to allow time for the Board to hold a hearing and issue an order.

Your letter of application must include:

1. A copy of the petition filed with the municipality along with an indication of the date that the petition was filed.
2. Full name and contact information for the applicants (phone, fax, e-mail, address). If more than one individual has made the application, the name of the spokesperson for the group.
3. A clear indication of the request being made in the application if the petition itself does not clearly note the full nature of the application. If the application is to divide the municipality into wards or redivide the existing wards, a map showing the existing wards (if any) and the desired ward boundaries.
4. Copies of any additional material filed with the municipality in support of the petition.

Step 2: The Board may ask for additional information from the municipality, which may include a request that the municipality confirm that the petition meets the requirements of the act.

What happens after the appeal or application is received by the OMB?

The OMB will review the appeal or application, and if it's complete and meets the requirements of the act (such as filing deadlines), then the OMB will schedule a hearing. After the hearing, the Board will issue a decision and order.

Where can I get more information?

For more details about appealing ward boundaries, refer to the **OMB's Rules of Practice and Procedure**. They are available at www.elto.gov.on.ca or by calling (416) 212-6349 or toll free 1-866-448-2248.

Please Note

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