

The Corporation of the
County of Prince Edward



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NEWS RELEASE

OMB Hearing on Ward Boundaries

Picton ON – In March 2009 Council received a petition submitted by two electors requesting that Council pass a by-law to change its ward system from the current 10 wards to 6 wards, and to reduce the number of councillors from 15 to 12. Council, after having examined the composition of council, possible changes to ward boundaries and the extensive/expensive public consultation process that would have to be followed prior to any such changes, wanted to gauge public opinion as to whether or not the electors in the County wanted Council to pursue this course of action. Council decided to place the following question on the ballot for the 2010 municipal election: "Are you in favour of retaining the current ward boundaries for electing Councillors to the County of Prince Edward Council?"

Before a question can be placed on the ballot, the County will hold a public meeting and provide to the public information that would include: a history of Prince Edward County's ward system; a history and explanation of the current size of Council and its relationship to ward boundaries; the cost implications to a change in ward boundaries; the implications of a binding vote on the ballot question; the implications and value of a non-binding vote on the ballot question; and, the characteristics of ward systems.

The two electors subsequently appealed Council's decision not to pass the requested by-law to the Ontario Municipal Board (OMB). Council's position remains that the proper course of action is to first consult the electorate through the ballot before going through an extensive consultation process regarding ward boundary alteration.

A pre-hearing of the OMB was held on August 17. At the pre-hearing, the appellants and the County provided a position statement and an estimate of number of witnesses to be called. In addition, 7 individuals requested and were granted participant status. The Board determined that the hearing would require an estimated 10 days. The first available date for all parties and the OMB was November 16th. The Board also established September 16 and 17 for possible mediation dates.

On August 27, the Board advised that it would be contacting both parties by telephone for a mediation assessment to discuss whether there was potential for mediation. However, before either party was contacted by the mediator, the appellants submitted a Notice of Motion to the Board dated September 2, 2009 and requested that their motion be heard on September 16. The appellants' motion was, in effect, an attempt to remove the County's right to challenge the need for boundary adjustment. The appellants asked for a ruling that would have limited the hearing to only the issue of where the ward boundaries should be drawn.

The mediator, upon receiving the Notice of Motion, advised that "it would be premature to attempt mediation" in view of the relief being sought by the appellants in the motion.

The OMB heard submissions on the motion from the parties on September 16th. The County argued that the motion would result in a denial to the County of procedural fairness and natural justice by denying the County its right to a full and fair hearing to present its case. The County argued that the motion would also deny the participants who oppose the appellants' position the ability to give evidence at the hearing as provided for in the prehearing decision of the OMB. The County also argued that the relief sought by the appellants and the motion was beyond the jurisdiction of the OMB. The County attempted to recover its costs of the motion against the appellants.

The OMB agreed with the arguments presented on behalf of the County and dismissed the motion but did not award costs against the appellants. The full hearing, as previously ordered by the Board, is still scheduled to commence on November 16.

"In the last election approximately 10,000 people voted. We would like to hear the opinions of all voters before pursuing the extensive process of change to historical ward boundaries," said Mayor Leo P. Finnegan. "While we recognize that a right to appeal exists in the Municipal Act and we respect the role and function of the Ontario Municipal Board, we very much regret the action of two ratepayers to take this significant decision out of the hands of the people who vote in this County and place the burden on the County of having to defend the actions of its elected Council."

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For more information contact Mayor Leo P. Finnegan at 613-476-2148.