

Open Letter Issued by the Bureau of Municipal Research, 24 Isabella Street, Toronto 5



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An independent fact-finding organization  
reporting to the public on civic affairs.

# CIVIC AFFAIRS

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Fellow Citizens:

## ABANDON THIS PLAN!

In the Mayor's inaugural address before City Council, it was proposed that a director of services should be appointed to coordinate the work of civic departments and to act as a liason officer with outside boards and commissions. Two years ago, a similar plan was put forward and, at the time, the Bureau issued a bulletin opposing such a step. Apparently the caution needs repeating!

Over and above their work on City Council, the main job of the Board of Control is to serve as the City's chief executive authority. As such, its members are paid salaries totalling \$25,000 and are assigned definite responsibilities under the Ontario Municipal Act. These responsibilities specifically include the work now suggested to be handed over to a director of services. Moreover, the Municipal Act states flatly that these "duties assigned to the Board shall be discharged exclusively by the board". The Mayor and the Board of Control are, of course, assisted by a secretarial staff, and if the present work-load can be shown to be excessive, the Bureau is not opposed to the hiring of additional personnel. The fact that we have an annually-elected five member executive doubtless makes its task more difficult. But so long as this system is continued, the Board of Control must do its own job.

Copies of the Bureau's earlier release will be sent on request to those on the mailing list, PLEASE NOTE that the Bureau has moved to 24 ISABELLA STREET to obtain more adequate office accomodation. The new telephone is Randolph 5444.

## THE METROPOLITAN PROBLEM

At the American Political Science Association's annual conference, held just a few days ago in New York City, one of the speakers focussed attention on what has become the most serious problem of urban government when he referred to the "Balkanized conglomerations which are our metropolitan areas". In recent years, this description has applied with growing force to Greater Toronto. We have built up an array of little Kingdoms whose interests are crowding in on each other more and more closely. While jealously guarding their separate identities, Toronto municipalities have,



it is true, developed some valuable cooperative arrangements. But today the real civic objectives have become so tightly interwoven that good-will between municipalities is no longer enough. Only by combining forces, can we secure the broad tax base needed to support municipal service extensions in fast-growing residential areas. Only by coordination of major service undertakings -- water supply and sewage disposal, education, main traffic arteries, police and fire protection -- can we cope efficiently with the physical requirements of one continuous and expanding urban development. It may well be that only full-scale amalgamation can eliminate all obstacles to effective metropolitan planning.

In recent months, events have been moving rapidly towards some solution of Toronto's metropolitan problem. Provincial Government leaders have declared themselves in favour of some form of metropolitan amalgamation. A small but growing number of local representatives have taken a stand in support of such a move; a larger number have shifted from outright opposition to a "wait and see" attitude. The City Planning Report, advocating full amalgamation as the only adequate basis for the control of land use, has been followed by the Toronto and York Planning Board recommendation that eight central municipalities should be formed into a single City. The First Report of the Civic Advisory Council's Committee on Metropolitan Problems, while refraining from recommendations, has provided a basis for informed discussion of the issues at stake.

The application of the Town of Mimico, now before the Ontario Municipal Board, falls into a somewhat different category. Mimico has asked the Board to create an administrative area consisting of the urban portions of the thirteen municipalities traditionally included in Greater Toronto. Within this area it is proposed that the major municipal services, including education, be operated by a joint Management Board leaving remaining matters to existing municipalities. In light of the support that has developed for metropolitan government, Mimico's application may well prove the means of forcing Provincial authorities to bring our metropolitan problem to a solution. It is important, therefore, for citizens to know something of the background leading to such an application.

### Local Autonomy

First of all, there is one fact on which we should be quite clear: The Province has the legal right to step in and settle the metropolitan problem or, for that matter, any municipal question it sees fit to tackle. Local powers are controlled completely by Provincial statutes and regulations. What makes Provincial action a less definite responsibility and, in some circumstances, an unwarranted intrusion is the customary acceptance of the principle of "local autonomy".

There was a period in United States' history when State legislatures spent much time dealing with quite trivial local affairs even to settling such details as positions and salary scales of civic employees in individual cities. The reason for embarking on this close supervision of local governments was the incompetence or corruption of local officials. But State legislators proved quite incapable of running municipalities by remote control, while frequently the use made of State supervision was to serve the personal advantage of State legislators in their home territories. Naturally, local citizens did not suffer these malpractices in silence and the result of their protests was the widespread introduction of Home Rule.



Under Home Rule municipalities in many American States are given a free hand in operating certain local functions that can only be disturbed by amending the State constitution. One result, today, is that many States are powerless to take the lead in unifying their metropolitan areas except by the difficult process of a constitutional amendment.

By contrast, Canadian Provinces have given local autonomy no such legal guarantees. It depends entirely on the force of public opinion and the good sense and restraint of Provincial and local authorities alike. The Canadian brand of local autonomy permits a more flexible relationship between Province and municipality and the development of sound methods of dealing with new situations as they arise. It leaves open the possibility of arbitrary Provincial measures--a possibility that is greatly reduced by the fact that Provincial members must secure election in local constituencies. It ensures, however, that the Province-wide viewpoint will be respected as indeed it should be.

How, then, has the Province of Ontario used its overriding authority in dealing with municipal problems? Statute law affecting municipalities, built upon the excellent foundation of Robert Baldwin's Municipal Act, has always been general in application, either covering all or a group or class of municipalities. Certain measures may, at times, have been ill-advised but they have never been flatly discriminatory.

In its desire to give full scope to local autonomy, the Province has perhaps erred more on the side of omission than otherwise. Here is one example. When a locality gains a certain concentration of population its inhabitants may, by petition, secure the status of a police village. As population increases they may seek incorporation as a village, a town and, finally, a city. Additionally localities with the required population may be erected as a village, without first being a police village. But the Municipal Act in no way requires urban areas to assume the status of an urban community and this deficiency is recognized, but not corrected in two surprising ways. First, a township with concentrated population of 25,000 or more inhabitants may become a city without ever having been a town or village. Secondly, the Act includes special provisions applicable to heavily populated suburban townships which have never adopted an urban form of government.

Annexations, Amalgamations,  
Inter-Urban Service Areas

The section of the Municipal Act under which Mimico has applied for pooled services throughout Greater Toronto was added by the Ontario Legislature less than four years ago. It set up an alternative scheme to the annexation or amalgamation procedure already outlined in the Act. The methods to be followed are much the same in both cases:

1. Application for the change must be directed to the Ontario Municipal Board\*, a permanent body with quasi-judicial status.
2. An application may be initiated by--
  - (a) a municipality (The Municipal Board may require it to be endorsed by the electors who vote on money by-laws);

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\*The Board is appointed by the Lieutenant-Governor-in-Council and holds office 'during pleasure'. Its size is set at whatever number the Lieutenant-Governor-in-Council may from time to time determine. Present membership is five.



2.cont'd

- (b) a petition signed by a specified number of electors qualified to vote on money by-laws (The Council must then submit the proposal to the electorate and, if endorsed, make the application);
  - (c) the Minister of Municipal Affairs, authorized by the Lieutenant-Governor-in-Council.
3. The Municipal Board is required to hold a public hearing on the application.
  4. The Board may then issue an order creating the new area. The area established may be either larger or smaller than that recommended in the application.
  5. Before an amalgamation or annexation comes into force, 10 percent of the persons qualified to vote on money by-laws resident in any one municipality or part-municipality affected may register an objection. Unless the objection is later withdrawn, a special Act of the Legislature is required to carry the Board's order into effect. (This method of registering opposition is not allowed in the case of inter-urban areas.)
  6. (a) The Municipal Board may create, amalgamate or dissolve local boards in the area and provide for adjustments of assets and liabilities of the municipalities and boards affected either on an agreed basis or, failing agreement, as the Board considers equitable.  
(b) The Board may also undertake to equalize the liabilities of different areas within the enlarged municipality by establishing temporary differential tax rates.  
(c) The Board may appoint referees to assist it in arriving at fair financial settlements.

This legislation, designed to cope with the metropolitan problem, reminds us of one point that is often overlooked in current discussions. The right of the Province to give leadership both in initiating and carrying through boundary adjustments is a well-established fact. A heavy responsibility rests on the shoulders of both the Government and the Ontario Municipal Board. It calls certainly for understanding and tact. But neither the Board nor the Government should be expected to take a "by your leave" attitude in dealing with municipal authorities.

In introducing the inter-urban service technique, it was necessary also to add detailed provisions covering the election of a Board of Management and defining its powers. The legislation, which is virtually untested, contains clauses that are plainly open to question. One such clause states that a Board of Management is not required to submit its money by-laws to the vote of the electors; and yet a Board of Management obviously will engage in extensive debenture financing.

The transfer of powers to a central authority listed in the Mimico application includes education, fire and police protection, administration of justice, health and welfare, planning, sewage disposal, public utilities, including transportation and main highways. The pooled management of these municipal services would, in the Bureau's view, be a constructive change. Is the inter-urban service Board, however, the best means of coordinating such a wide group of functions? The report of the Civic Advisory Council's Metropolitan Problems Committee raises doubts on this score and concludes by saying: "the result would not be complete amalgamation and the existing municipalities would be dealing with minor matters amounting to the remnants of local municipal responsibilities."



Steps leading to approval of the inter-urban area legislation also point up one serious Provincial shortcoming. When the Bill containing this legislation was put before the Ontario House, it was referred first for screening to the Municipal Affairs Committee, a standing committee on which both Government and Opposition parties are represented. When it came back to the Chamber, the measure went through without any debate whatsoever, in spite of its controversial features and certain obvious weaknesses. It seems quite evident that members of the Ontario parliament are not sufficiently conscious of their continuing responsibility for the success of local government in the Province. Municipalities, therefore, cannot be entirely blamed if, at times, they display rather too strong a feeling of independence.

The Mimico application has been before the Municipal Board since February 14, 1947. The next hearing has been slated for January 24th but word from the proceedings of a conference called by the Provincial premier with representatives from the thirteen Toronto municipalities indicates a possible change in plans. The mayors and reeves are to operate as a committee with a non-partisan chairman and make recommendations for the solution of their mutual problems. The meeting unfortunately provided some renewed evidence of a recalcitrant attitude by certain local leaders. Nevertheless, the signs are hopeful that we have advanced one more stage towards metropolitan coordination.

IN SUMMING UP, several points should, we believe, be kept fully in mind. Local Councils do have to protect the civic assets that have been built up in their own municipalities with taxpayers' money. They do not need, however, a complete accounting of the compensation to be awarded each area in the event some form of unification is adopted. It is bound to be difficult to arrive at a settlement which pleases everyone, and yet machinery is available at Queen's Park to ensure that the various claims will not be flagrantly overlooked. Of greater importance is the fact that with the present artificial barriers to efficient management every municipality is playing a losing game. Provincial leadership should be acknowledged and assisted in selecting and speeding the adoption of an improved government structure. For, after all, if we cannot overcome municipal problems at home, what lessons has our democracy to offer to war-torn Europe? Let us not have to acknowledge a Balkan failure in metropolitan Toronto.

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