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CIVIC AFFAIRS

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*The 101 Governments  
of Metro Toronto*

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## *This Bulletin in Brief —*

Contrary to general belief that Metropolitan Toronto is a rationalized system of local government, the people of Metro carry on their collective shoulders 101 units of local government — seven municipalities, 54 boards, 11 commissions, 11 committees, five authorities, four councils, two societies, two companies, one bureau, one association, one corporation, one court, and one foundation. This Bulletin of the Bureau of Municipal Research is concerned with special-body government in Metro — i.e. the 94 units of local government (as defined by us) other than the seven multi-purpose municipalities. It analyses the numbers and types of these special bodies, assesses public awareness of the subject, discusses issues fundamental to local democracy, and concludes with 14 recommendations.†

Our first intent was to examine the whole spectrum of special-body government at the local level throughout Ontario, but we found the task to be unmanageable due to sheer numbers.‡ At a time when there is so much discussion of change in local government structure and organization, it was decided that a useful contribution could be made by an analysis limited to Metro Toronto. Projecting the pace of urbanization in several parts of Ontario, it is logical to assume that problems which have confronted Metro will soon be faced by (or, indeed, already exist in) other urban centres. Also to be considered is the fact that two-tier systems are likely to become the pattern for many of these other centres.

We have classified these special bodies into six categories — **Enterprise, Service, Regulatory, Management, Promotional, and Advisory**. Under our definition and by our count, which is meant to present an approximation since precision cannot be assured in so complicated and changing a matter, the Metro area has a total of 94 special bodies: **Enterprise — 13; Service — 27; Regulatory — 17; Management — 24; Promotional — 2; and Advisory — 11**. While they have some common features, there are significant variations in size, scope, importance, powers, structure, dependence, and fields of activity.

Special-body units are created because in theory they are expected to produce efficiency in the provision of services. Our recommendations, which follow, are designed to minimize the negative effects of the resulting fragmentation by making the multi-purpose municipalities more comprehensive and more meaningful units, and by achieving a better balance between service and popular access.

1. *Municipalities wishing to do so should be permitted to retain their advisory boards for such as safety, historical, or cultural-artistic purposes. These bodies can offer useful advice but possess only limited authority. They could be continued, with some benefit in the overall provision of governmental services.*

†Bureau Honorary Chairman E. A. Jarrett, F.C.A., refrained from normal participation in the review of this Bulletin since he is a Commissioner of the Hamilton-Burlington-Wentworth Local Government Review.

‡The Bureau has placed the number of these special-body governments in Ontario at 3,220, plus or minus. See *Regional Government — The Key to Genuine Local Autonomy* (Toronto: Bureau of Municipal Research, May 1968) pp. 9-10.

2. *The two Metro promotional authorities (Industrial Commission and Convention and Tourist Bureau), which make positive contributions and can be evaluated annually as Metro Council considers their financial requests, should be retained.*
3. *Since rather external developments are in progress it is deemed advisable to adopt a wait-and-see attitude as to whether the CNE should remain a Metro separate authority or be transferred to the Province.*
4. *Separate management boards for individual park and/or recreation facilities should be either combined into integrated special bodies managing all such facilities within a municipality, or, preferably, their functions should be transferred to the municipality under a department-committee arrangement. Precedent exists in Metro for either course.*
5. *Consideration should be given to creation of a Metro Hydro Commission to achieve uniformity in rates and in service standards throughout Metro.*
6. *Metro should be consolidated as a district health unit, with a substantial portion of the health unit's membership drawn from local councils. The objectives of equality in standards and in the range of services, which prompted transfer of the welfare function to Metro in 1967, are as pertinent in the field of public health. The additional advantage of an almost certain trebling of provincial health grants should not be lost sight of in attempts to end the present parochial attitude.*
7. *The present two-tier structure for public libraries, partially regionalized by Bill 81, might benefit from a review after another year or two of experience.*
8. *The Toronto Harbour Commissioners and the Toronto Transit Commission, two very significant enterprise authorities, are so complex and technical in nature that they should remain as separate bodies. Each should expect and accept, however, greater control by elected officials in return for additional municipal financial support.*
9. *Because their functions are quasi-judicial, the Courts of Revision, the six Committees of Adjustment, and the City's newly-created Housing Standards Appeal Committee should remain as separate bodies. Consolidation into one Committee of Adjustment, either for Metro or for the entire Planning Area, might be brought about following the formal adoption of an Official Metro Plan.*
10. *Separate administration of the police and licensing functions is justified due to the paramilitary nature of the former and the quasi-judicial aspects of the latter. Yet in the case of the Metro Licensing Commission, we believe that greater separation of its legislative and judicial functions is required to ensure due process.*
11. *To be meaningful, the power to appoint should be supplemented by the right to recall. We thus recommend that municipal councils be given such recall authority, subject to appropriate hearing provisions, over all special bodies which they now appoint.*

12. *The Province should define "revenue-earning local enterprises", ensure that there is separate fund accounting in all instances, and collect and publish comprehensive and comparable financial data thereon.*
13. *To create greater public awareness of the existence and operations of special bodies, those receiving funds from a municipal tax levy should be listed, together with an indication of the amount and tax impact of such aid, in an enclosure accompanying each tax bill.*
14. *Municipal councils should expropriate on behalf of all non-elected special bodies, after the former have been satisfied that the property is indeed needed for public purposes or public objectives. The right of direct expropriation now possessed by any non-elected special body should be terminated.*

If all of the above recommendations were to be implemented, including those pointing to future consolidation possibilities, the total of special bodies serving Metro would be reduced from 94 to 55, a reduction of 42%.

The Bureau believes that their consideration is warranted by the present situation in which little "islands of autonomy", insulated from the electorate and its elected local representatives, detract from meaningful local democracy.

## The 101 Governments of Metro Toronto

Fragmentation is one of those words which tend to lose impact and meaning due to overuse and occasional misuse. Yet it is both apt and significant as applied in this Bulletin. The existing multiplicity of local government units leads to fragmentation both in terms of popular political control and in the provision of public services, with the problems and negative results discussed below.

In an attempt to maximize service at the local level of government, Ontario and other North American jurisdictions have forced or permitted their municipalities to spawn a host of separate agencies. Yet, as has been pointed out with emphasis by an authoritative source "... separate structural position under a special-purpose body is a far from essential feature of a revenue-earning enterprise".<sup>1</sup> The Bureau would add that separate status is frequently non-essential with respect to other types of special-service bodies.

Under the criteria we have developed, there are some 101 units of local government in Metro Toronto. **These criteria are: (1) jurisdiction within a defined territory; (2) provision through a formal organization of one or more services considered to be public or governmental; (3) relative independence in policy-making; and (4) ability to raise public funds by either compulsion (taxation or involuntary assessment), fees and charges on individuals or governments for services, or by grant from or claim (whether exercised or potential) upon another unit of government.** As will be seen, this rather embracing definition leads to the inclusion of certain peripheral units, particularly in the advisory category.

<sup>1</sup>This observation was made in *Report of the Ontario Committee on Taxation* (Toronto: 1967) Volume II, p. 338.

Seven of these units of government are the general or multi-purpose municipalities of Metro itself, the City of Toronto, and the five boroughs. These are to be distinguished from the 94<sup>2</sup> special bodies, as we shall call them as a class. The most important conceptual distinction is that municipalities have popularly and directly elected councils (excepting that Metro Council is composed of indirectly elected officials) rather than appointed boards as is the general pattern for special bodies. The most significant operational difference is that municipalities perform a mixed bundle of functions and services while special bodies usually confine their activities to the provision of one or a few related services.

### MUNICIPAL — SPECIAL BODY RELATIONSHIPS

It is rather paradoxical that special-body governments, which by their nature are not supposed to be autonomous, operate in some ways with more relative autonomy than do multi-purpose municipalities, which were designed to possess a measure of autonomy. This occurs because municipal autonomy suffers erosion each time a special-body unit is created within a municipality's jurisdiction; because the popular and provincial controls over the operations of special bodies are often less direct and more complex to wield; and because, whether or not mistakenly, it is generally held that the specialized nature of their functions demands a freedom of decision and action not thought to be either necessary or

<sup>2</sup>Although we have attempted to include in this study all special-body governments in Metro which meet our criteria, we cannot assure that this has been accomplished. No authoritative list has ever been compiled, let alone classified. Even if one were available, it would be necessary to amend it to meet our tests.

healthy with respect to multi-purpose municipalities. Control over special bodies is sought not from the public but from the representatives of the public — those local elected officials who usually must meet a special body's expenses, and the provincial administrative personnel who regulate some of the activities of some of these special bodies.

It is interesting to note that in the new Regional Municipality of Ottawa-Carleton (Bill 112, 1st Session, 1968), regional special bodies have been cut to a minimum. The Regional Council is constituted as a planning board, so that the vital planning function is to be discharged directly by the Council (although local planning boards remain). One might speculate as to whether this significant change from the Metro Toronto pattern, where the special-body Metro Planning Board exists, can be interpreted as provincial dissatisfaction with the placing of this very political function beyond the sphere of direct elective control.

This realization by the Province that areal and population extension decreases the need for special bodies is a healthy development. So is the statement<sup>3</sup> that the Ottawa area's 16 separate municipalities "will continue to exist *for the present time*", an indication that future amalgamations may further unclutter the municipal scene.

Considerable variety exists in the degree of direct and indirect controls exercised by municipalities over the special bodies operating within their geographical areas. Nor is there a consistent pattern within Metro with respect to the discharge of a particular service. In one borough the municipality itself may operate the service through a civic department while in another that service is assigned to a special body (as will be seen with respect to hydro). Also, in the case of parks and recreation, there may be one special body for all facilities or separate special bodies for individual facilities within the municipality.

<sup>3</sup>Address of Minister of Municipal Affairs, Province of Ontario (delivered at Ottawa, February 2, 1968) p. 7, emphasis added.

Another distinction can be seen in how the special body was created, either mandatorily at the direction of the Province, or by optional by-law of the municipality on its own motion or by petition after a favourable vote of the electors. The precise method of creation is usually spelled out in the statute governing the special body.

Although special bodies usually have appointed boards, school boards and most utilities commissions are significant exceptions since their policy makers are elected. Appointments may be made by the municipal council, by other municipal boards, or by the Lieutenant Governor in Council. The first mentioned is the most common in Metro.

### How Much Independence?

The legal relationship of a special body to the municipality is usually defined by statute,<sup>4</sup> but it is not always clear whether it is entirely independent of municipal control or the statutory agent of the municipality which created it and in whose behalf it functions. Within the limits of the jurisdiction conferred on some boards and commissions, they are supreme and in no sense subordinate to the municipal council. Police, school and health boards are examples of independent bodies. Public utility commissions are generally considered to be agents of the municipality (yet see footnote<sup>5</sup>).

Where council only appoints the members of the special body and votes money required for it to function, that body cannot be considered the statutory agent of the municipality. Independence is more clear-cut if the municipality has no discretion as to the creation of the special body, the choice of members, the exercise of its duties, or its level of expenditure. Boards of education are possibly the most municipally independent, possessing all of these characteristics.

<sup>4</sup>This sub-section of the Bulletin is based in large part upon Ian M. Rogers, *The Law of Municipal Corporations* (Toronto: The Carswell Company Ltd., 1959).

Another factor which determines the independence or dependence of a special body is whether the council (indicating dependency) or the provincial legislature (indicating independence) has the power to divest the body of its authority. If its entire revenues and property belong to the municipality, the relationship is probably one of agency, although this factor is not conclusive. If a special body owns its own property, it is likely independent.

Within the ambit of its jurisdiction, a special body is supreme, and the courts will restrain invasion by one board of legislative authority assigned to another. Where the powers are expressed by statute, they cannot be taken away or limited by council, even if the board in question is only an agent.

On occasion, both a council and a special body can pass by-laws for the same subject so long as there is no conflict. And where there is concurrent jurisdiction, a special body can pass a by-law if the council has not (see discussion of this on pp. 14-15). If the special body alone has the power to deal with a matter, a council by-law is *ultra vires*, and the converse applies.

For torts and contracts, one sues the municipal corporation, or the corporation and the special body if the latter is an agent; for actions against independent special bodies, one sues the body.<sup>5</sup> Some special bodies are declared to be corporations. The statute must either affirm corporate status or necessarily imply it. The usual test is the capacity to hold property in the body's own name. When a board or commission is dissolved, powers, assets and liabilities revert to the municipality, even if it is not specifically mentioned in the legislation.

<sup>5</sup>This compact statement is not so clear cut in reality. In *The Queen v. Toronto Electric Commissioners*, a case concerning air pollution, which was decided in Magistrates Court in November, 1967, the Court held that the Toronto Electric Commissioners were an independent board, and not agents of the City of Toronto, and were therefore responsible for their actions.

### SPECIAL BODIES CLASSIFIED

It is not easy to classify the 94 special bodies in Metro. Failing to uncover an acceptable classification made by others, however, we attempted to do so. The effort was further complicated by three self-imposed requirements: (1) the number of classes should be relatively small; (2) every board and commission should be assigned to a class without resorting to a "miscellaneous" category; and (3) the classification should be adaptable to the rest of Ontario.

The following six-category classification emerged. It is based on the functional orientation of the board or commission, and in a few cases shows signs of a loose fit.

**Enterprise Authorities:** These authorities, responsible for the provision of goods or services, operate in the format of a business enterprise and are essentially self-sufficient, or usually intended to be so. Their expenses are met (or are designed to be met in large part) by user charges and/or by fees for services. Generally, they operate independently from the municipal corporation in terms of finance, administration, and policy, although they often manage property which belongs to the corporation.

**Service Authorities:** Like enterprise authorities, service authorities are responsible for the provision of a good or service, usually embracing the entire municipality. The basic differences lie in their dependence upon tax revenue — obtained either by requisition (health) or request (library) — and, in some cases, upon the administrative facilities of the municipality. Most of these bodies are virtually independent in policy-making, although their policies are affected in substantial measure by municipal financial support where the levels of such support are relatively optional with the municipality.

**Regulatory Authorities:** In this category fall those boards and commissions which perform a regulatory or restrictive function, or are closely or directly related to such a function. Planning, policing and licensing are services in one sense of the

word; however, the nature of the service is either regulatory or restrictive. The Committees of Adjustment re zoning and the Court of Revision are separated governmental authorities performing a quasi-judicial function which is largely regulatory. All are dependent upon the municipal council for their funds.

**Management Authorities:** These boards and commissions are responsible for the making and administration of policy for projects which usually have a jurisdiction smaller than the full territorial extent of the municipality. They manage a park, an arena, or a hospital. They rely on the council for funds, which can be requisitioned up to a one or two mill level. Some hire all or part of their own staff, while in many cases the work is done through one of the municipality's departments.

**Promotional Authorities:** There are two such bodies in Metro, one concerned with industrial promotion and location and the other with tourism and conventions. They

receive grants from Metro in return for providing a service which is of benefit to the area. Members of these boards are appointed by various organizations in Metro.

**Advisory Authorities:** These usually receive a small allowance to cover the minimal operating costs generated by such bodies. Their powers are very limited, and they must rely on council, the communications media, and other informal channels to lend force to their recommendations. They may carry out some of their own programmes such as research and safety campaigns. Members of these bodies are appointed either by councils, by the boards themselves, or by a combination of the two.

### SPECIAL BODIES TABULATED

Before discussing particular special bodies in Metro, we list in tabular form all boards and commissions which we have been able to uncover. Table I shows the

TABLE I  
NUMBER AND LOCATION OF SPECIAL-BODY GOVERNMENTS BY  
CLASSIFICATION AND BY FUNCTION IN† METRO TORONTO  
AND ITS AREA MUNICIPALITIES

Category	Number of Metro Agencies	Number of Area Municipality Agencies in						Total Agencies in Metro
		Toronto	E. York	Etob.	N. York	Sear.	York	
Service (S)	8	3	3	4	3	3	3	27
Management (M)	3	8	6	2	2	1	2	24
Regulatory (R)	4	3	2	2	2	2	2	17
Enterprise (E)	2	5	1	1	1	1	2	13
Advisory (A)	—	1	6	2	—	—	2	11
Promotional (P)	2	—	—	—	—	—	—	2
<b>Totals</b>	<b>19</b>	<b>20</b>	<b>18</b>	<b>11</b>	<b>8</b>	<b>7</b>	<b>11</b>	<b>94</b>
<b>Function</b>								
Parks & Recreation	3	5	7	1	2	1	2	21
Education & Libraries	4	2	2	3	2	2	2	17
Planning & Zoning	1	2	2	2	2	2	2	13
Transportation	2	2	2	1	—	—	—	9
Health	—	2	1	1	1	1	1	7
Historical & Cultural	1	1	2	1	—	—	1	6
Hydro	—	1	1	1	1	1	—	5
Housing	1	3	—	—	—	—	1	5
Welfare	2	1	—	—	—	—	—	3
Economic								
Development	2	1	—	—	—	—	—	3
Protection	2	—	—	—	—	—	—	2
Miscellaneous	1	—	1	1	—	—	—	3
<b>Totals</b>	<b>19</b>	<b>20</b>	<b>18</b>	<b>11</b>	<b>8</b>	<b>7</b>	<b>11</b>	<b>94</b>

†"In" Metro taken to include special bodies which are larger than Metro in geographical extent, such as Metropolitan Toronto and Region Conservation Authority and Toronto and York Roads Commission.



116a(2) of the Metro Act permitted Metro to contribute to the operating costs of the TTC. This provision was used to reduce a fare increase from May 20, 1963, to the end of that year, when fares were increased again. Other than this one occasion, the TTC has been able to meet its operating costs.

Since Metro has increased its financial participation, its influence on fare policy and subway routes has also grown.<sup>6</sup> Although the independence of the TTC has suffered, Metro Council has not interfered in the day-to-day operations of the Commission. For a service so essential to the development of the metropolitan area, we do not not feel that this influence of Metro Council constitutes an impingement upon the independence of the TTC, but is rather a step toward greater co-ordination and comprehensive planning of essential services.

Metro Council appoints the five members of the Commission, and is responsible for determining their salaries (see below). It has the authority for providing money for TTC capital undertakings, and it alone can issue debentures.<sup>7</sup>

The TTC is a corporate body, owning its own property. It can sue and be sued, buy, sell, and request Metro Council to expropriate property for its needs. It has its own administration, and hires and pays

<sup>6</sup>While construction of the East-West Subway was underway, and by agreement with the TTC, a liaison representative of the Metro Council (Chairman of its Transportation Committee) began attending TTC meetings, as a non-voting member, for matters relating to the subway. In March 1967, an attempt was made to extend this capacity to all areas of rapid transit relating to Metro development. This recommendation of the Transportation Committee has constantly been turned back to the Committee by the Metro Council, and no firm action has yet been taken on this matter. The liaison representative attends and reports on all matters relating to subways discussed at public meetings. He has no say on money matters, or internal operations such as personnel matters.

<sup>7</sup>Since the Metro Council is responsible for issuing all debentures for all municipalities and almost all authorities in Metro, we do not consider this, in itself, a serious limiting factor in determining the dependence or independence of any board or commission.

its employees. The powers and duties listed in the Metro Act are designed not to restrict but to specify certain functions which the Commission is obliged to carry out.

The Gray Coach Lines Limited is a wholly owned subsidiary of the TTC. Changes in capitalization and capital stock must receive prior approval from the Metro Council.

In summary, then, the TTC is a (largely) self-supporting, self-administering body with control over policy. Although the Metro Council now exercises some influence over certain aspects of policy, the TTC can be viewed on balance as an independent enterprise.

#### *A Note on Commissioners' Salaries*

Going back to 1957, and reaffirmed on November 28, 1967, the salaries of TTC Commissioners have been: Chairman — \$15,000; Vice Chairman — \$9,000; and Commissioners — \$8,000. The Executive Committee of Metro Council, in 1967, recommended \$15,000, \$10,000, and \$5,000, respectively, but this was turned down by Council. Also reviewed in the same Executive Committee Report (No. 51) was the matter of compensation for members of the Metro Planning Board, Police Commissioners, and Licensing Commissioners. The Executive Committee recommended, and Council adopted, the following: Planning Board members continue as unsalaried; the Chairman of the Police Commission, if serving other than full-time — \$5,000; Vice Chairman — \$4,000; Commissioner — \$3,000 (a full-time Chairman is in Group 3, Department Heads, with a present salary range of \$19,000 to \$23,000); the Chairman of the Licensing Commission (since 1963 part-time) — \$5,000; Vice Chairman — \$4,000; Commissioner — \$3,000.

#### *Toronto Harbour Commissioners*

Another example of an enterprise is the Toronto Harbour Commissioners, the governing body for the Port of Toronto. The Commission is composed of five members, three appointed by City Council, and two

by the Governor General in Council. It, too, is incorporated, and has the powers to sue and be sued, to buy and sell property.

Unlike the TTC and most of the other enterprise authorities, whose jurisdictions involve all or most phases of a single function, the Harbour Commission is a multi-purpose authority for the limited territorial jurisdiction of the harbour. It is involved in operating the Island Airport, shipping activities including docks and terminals, and land reclamation and development of the port area. As an agent for the City and Federal government, it has full authority for policing the harbour and it licenses power boats within its jurisdiction. Although it used to be responsible for various parklands, these are now the responsibility of the City and Metro.

The Harbour Commission is both financially self-sufficient, receiving funds from its airport and harbour activities, and independently administered, hiring and paying its own staff. While it receives financial aid for its water safety patrol, and acts as an agent for the City in its policing function, its powers, functions, and Federal flavour tend to maximize its own independence.

#### *A Note on One Aspect of Inter-Governmental Relations*

The estimated cost of the lifesaving and police patrol in the Toronto Harbour for the 1968 season was \$509,000. The City of Toronto formerly met these expenses. In its 1968 budget, however, it appropriated only \$291,000, and planned to ask Metro and the CNE to meet the balance of \$218,000. The City argued that, since the Toronto Island was a Metro park, the lifesaving services should be a Metro responsibility (as is presently the ambulance service to and from the Island and the policing of land and water in the immediate vicinity).

The \$291,000 was expended as of August 7, 1968, and the revised estimate was \$245,000 for the balance of the season ending in October. On August 2, Metro Council agreed to pay one-half of the remaining costs, up to \$122,500, for the bal-

ance of the lifesaving season if the City would have paid the other half and if the Harbour Commissioners provided certain information and opened their books to the Metro auditor. While no decision has been made by City Council as of this writing, some have pointed out that the City's share of the Metro grant would be 43% (the City's share of the total Metro levy). Metro would require permission from the Province in the form of legislation to allow it to make the grant.

#### *Service Authorities<sup>8</sup> Local Boards of Health*

The City and each of the boroughs have a local board of health as required by the Ontario Public Health Act. A board of health consists of the head of council, the Medical Officer of Health, and three, five, or seven taxpayers and councillors appointed by council. Each board is endowed with corporate status and can sue or be sued. It is independent, and is neither an agent of, nor controlled by, the council. The functions are largely administrative under the Public Health Act, although a board must often exercise its discretion.

A board of health is not fiscally independent in the same sense as a board of education. Yet, if the accounts are passed by a board of health for functions performed by the board under provincially-directed minima, then the money must be provided by council.

#### *A Note on Provincial Incentives to Special Bodies*

The public health functions of local governments may be carried out under one of three forms, distinct as to provincial financial support. A local board of health receives a grant of 25% of its costs; a health unit, an amalgamation of local boards, qualifies for 50% reimbursement; and a district health unit, an amalgamation of health units, 75%. Thus, if Metro's local boards were to amalgamate, and the Province were to recognize this action as qualifying Metro for the 75% grant, three times the current level of provincial sup-

<sup>8</sup>On the assumption that they are sufficiently well-known, we do not discuss the boards of education in Metro.

port would be obtained. Metro's boards have failed to take advantage of this incentive, although local officials constantly lament the anti-big city discrimination built into such other provincial grants as those for roads.

#### *Metropolitan Toronto and Region Conservation Authority*

This is a joint service authority, although the MTRCA is also involved extensively in regulatory activities to protect and develop watershed resources. It covers all of Metro and all or part of 22 neighbouring municipalities, with a territorial extent of about 1,000 square miles.

The board of the Authority is composed of 55 members, of whom 26 are appointed by Metro Council, 26 by councils of the other 22 municipalities, and three, including the chairman, by the Lieutenant Governor in Council. There is an executive committee composed of 11 members — the chairman, vice-chairman, and the heads of the nine advisory committees. It has its own administration, and hires and pays its own full-time office, technical, and operating staff.

Funds for the Authority's operating and capital activities come from a variety of sources including a per-capita levy on its member municipalities, provincial and Federal grants, and sundry revenues.

#### *Regulatory Authorities*

In this category fall the Planning Boards, Committees of Adjustment, the Courts of Revision, the Police Commission, the Licensing Commission, and the Housing Standards Appeal Committee. While in some cases they may be providing a service, the nature of that service is basically regulatory or restrictive.

#### *Planning Boards*

The planning function in Metro is provided by a two-tier system, similar to the Metro system itself. The Metro Toronto Planning Area includes Metro and its 13 surrounding municipalities, with Metro the designated municipality. Each of the area municipalities within and without Metro are subsidiary planning areas.

The Metro Planning Board consists of 28 members: seven appointed by Metro for three-year terms; six from Metro Council; six from the Metro municipalities' planning boards; six from the fringe municipalities; two from the Metro School Board; and one from the Metro Separate School Board. This method of appointment and representation should allow for a degree of coordination among planning boards.

A planning board's duties are to investigate and survey physical, social and economic conditions, to draw up a plan, and to carry out any duties of a planning nature which council refers to them. An "official" plan must be approved by the board, the council, and the Minister of Municipal Affairs. In Metro's case, the official plans of the six subsidiary planning areas are binding until a Metro official plan is adopted, in which case the latter would have precedence.

#### *Metropolitan Board of Commissioners of Police*

The five-member Police Commission is composed of the Metro Chairman, one member of Metro Council appointed by same, one County Court judge, and two members (including one magistrate) designated by the Lieutenant Governor in Council. (It is interesting in view of the following note on separation of powers that a 1968 amendment reduced magistrate representation on the Commission from two to one.) The Commission directs the police force in its order-maintenance and law-enforcement functions.

The Commission must submit its estimates to Metro Council, which can alter them at its own discretion, with the exception that any salaries or wages fixed by arbitration must be met by Council. All staff is hired and paid by the Commission. If there is a dispute about the size of the police force, the Ontario Police Commission determines the matter after a hearing.

#### *A Note on Separation of Powers and Dual Jurisdiction*

A fundamental democratic principle is involved in the operations of a regulatory

authority such as the Metro Licensing Commission which both passes by-laws governing licensing and then hears and decides on licensing applications. Is the separation of these legislative and judicial powers sufficient to guarantee due process? Concern over this matter prompted Metro Council to obtain amending legislation from Queen's Park to permit Council, rather than the Commission, to enact licensing by-laws.

But the amendment (Section 16 of Bill 145, passed on July 23, 1968) has not solved the problem with sufficient clarity. The Bureau interprets this amendment as merely permitting dual by-law jurisdiction — i.e. that while Metro Council can now pass or repeal by-laws affecting licensing, the Commission can still enact by-laws as long as Council has not passed a contrary by-law and such Commission legislation remains in force unless and until Council repeals same. Nor do we believe that Council's concern over the potential for personal conflict of interest (should magistrates be appointed to the Licensing Commission?) is as vital as the institutional conflict of roles when the same body which legislates by passing a by-law then adjudicates by interpreting and applying it in specific cases.

#### *Management Authorities*

Typical of this category are the management boards which operate parks and/or community centres. Compositions of these boards vary. Usually either the head of council and six residents appointed by council for three-year terms compose the board, or from three to seven resident ratepayers do so. If there are five or more members, at least two must be members of council.

Although property and facilities are managed for the municipality, a board cannot be interfered with in such management. Park boards can acquire property as agents of the municipality and may pass by-laws respecting its use and management.

Employees are appointed and paid by the board, although much of the actual servicing of the facilities is often carried

out by municipal works departments. Financial help is available from the Province for community centre capital projects.

#### *Promotional Authorities*

##### *Metropolitan Toronto Industrial Commission*

The MTIC was organized as a private company and incorporated with a provincial charter in 1929. It receives financial support from municipalities within a 25-mile radius of Metro and from many private concerns. Members of the Commission are chosen from these subscribers. Its purpose is to increase the economic prosperity of the Greater Toronto area by attracting and assisting new manufacturers, by aiding municipalities in the planning and zoning of industrial sites, and by suggesting as to necessary public services.

The Industrial Commission receives a sizeable grant from Metro (\$75,000 in 1968). Through its activities, tax revenues to the municipalities have increased as has employment and capital investment in the area. The members of the Commission are responsible to the general membership (municipalities and other corporate contributors) to whom it reports at annual meetings.

#### **PROBLEMS CREATED BY SPECIAL-BODY FRAGMENTATION**

From the foregoing, two factors are self-evident. The first is that the various boards and commissions have many common characteristics. At the same time, there are significant variations in size, scope, importance, powers, structure, dependence, and fields of activity. The second is the fact that in a number of instances we find that a service which is provided by a special body in one municipality is in another provided by a municipal department or not at all. We should ask: what are the essential characteristics which make it desirable to have a service provided by a separate governmental authority rather than by the general municipal government?

There are no simple or ready answers to the question. While it might be appealing to advocate the abolition of most



boards and commissions and the transfer of their functions to municipalities, this approach would prove unsatisfactory and unrealistic. The Bureau will attempt to put forward certain guidelines which we believe can prove useful in evaluating the proper role and place of boards and commissions in the provision of local government services in Metro.

Two basic aspects of the issue must be considered concurrently — the provision of each good or service in its own context, and the provision of all goods and services within the general context. As suggested earlier, the first can be dealt with in more concrete terms. The second factor is partially factual and partially theoretical.

#### Too Many Players

If one defines efficiency as the provision of the highest attainable standard of a service for the amount of money expended, as we shall do here, it becomes evident that in evaluating the overall performance of local units the total picture must be assessed. Were all services completely self-contained, with no inter-relationship of one to another, then efficiency of the whole would merely be the sum of the efficiency of each of its parts. This is not the case, however, with respect to local governments. Instead, the maze of what we have termed inter-governmental relationships negatively affect rational development.

To illustrate, preparation of land for residential use involves, among many other matters, underground and above-ground utilities, provision of facilities for transportation, education, recreation, libraries, hospitals, retail needs, and the assurance that a healthy use balance exists to create an adequate assessment base. To realize these multiple objectives to anything approaching an optimum degree, tremendous demands are placed upon co-ordinated forward planning and co-operation. The prospects for success become an inverse function of the number of players.

Thus, while each separated service or function can be considered as being effectively performed, particularly by those

responsible for its provision, a broader perspective detects duplications and voids. The whole becomes considerably less than the sum of its parts.

#### Too Little Public Control

Service fragmentation poses other, and potentially more serious, problems. It can undermine the multi-purpose municipalities — rendering them even less autonomous than their present weak state — and it can isolate the citizenry from the decision-making process. People are very often just not aware of who is responsible for what function, or, indeed, that the function exists in the first place. How many inhabitants of the City of Toronto are aware of the fact that they are subject to 39 governmental bodies in addition to Metro and the City itself? Or what proportion of the residents of East York knows that 37 special bodies serve (or can serve) them?

Some bodies receive extensive press coverage, others none at all; some spend millions of dollars annually, others operate with little if any public funds; some serve tens of thousands daily and directly, others only a few and indirectly. These and other factors determine public awareness. But accountability, control, responsiveness, and responsibility — essential elements of healthy democracy — require a two-way flow of information between the governors and the governed. If the latter are not aware of who the governors are, or even that they exist, then this flow becomes impossible and local democracy suffers.

The Bureau has pointed out<sup>9</sup> how special-body government may achieve service efficiency, but does so at the expense of meaningful popular access. This cost is not fully balanced by the admittedly positive feature of widespread citizen involvement through over 1,000 appointments and elections to the multitude of special bodies. Indeed, because of ex-officio appointments and other duplications, the true degree of citizen participation thus necessitated is significantly less than would appear.

<sup>9</sup>Bureau of Municipal Research, *op. cit.*, p. 18.

Another aspect of the political problem created by fragmentation is that often these bodies equate their individual and narrow interest with the general public interest. To the extent that this occurs as a result of insulation, the decision-making integrity of, and popular respect for, multi-purpose municipalities is threatened. The citizen, especially if he has a complaint, understandably tends to seek redress from his alderman. But that official may be powerless to assist if the fault lies with a special body.

#### Too Little Public Awareness

To get an indication of the relative degree of public awareness regarding multi-purpose and special-body governments serving Metro, the Bureau conducted an informal poll of 30 individuals. By intent, this poll was not of a representative cross-section. Instead, we weighted it in favour of university graduates and of

people who, for one reason or another, could be expected to be politically informed at the local level. The results, which we believe interesting, are set forth in Table III.

Asked how many governments served them, all were able to name the Federal, provincial, Metro, and City or borough levels. Upon further explanation and prompting, including our giving the TTC as an example of a unit of government in our terms (but not then counting the TTC), eleven were able to list between one and three more, seven between four and six more, four between seven and ten more, two between 11 and 14 more, and one in excess of 15 more.

The most commonly mentioned additions were: school boards — 22 times; boards of health — 16 times; children's aid societies — 13 times; and planning boards — 9 times.

TABLE III  
PUBLIC AWARENESS OF MULTI-PURPOSE AND SPECIAL-BODY  
GOVERNMENTS SERVING METRO: A SELECTED SAMPLE OF  
30 RESPONDENTS

Jurisdiction/Unit	Respondents Able To Name Unit(s)	
	Number	%
Federal	30	100
Provincial	30	100
Metro	30	100
City or Borough	30	100
1 to 3 Special Bodies	11	37
4 to 6 Special Bodies	7	23
7 to 10 Special Bodies	4	13
11 to 14 Special Bodies	2	7
15+ Special Bodies	1	3

#### CONCLUSIONS AND RECOMMENDATIONS

The following recommendations are based on the assumption that the present structure of Metro will continue to exist basically as it is now.<sup>10</sup> Because of the parent-child relationship existing between the Province and its municipalities, however robust the children may be, some provincial action (or at least acquiescence)

<sup>10</sup>It was not deemed practical to assume otherwise, although the provincial review scheduled for 1970 could produce interesting results in view of the disfavour shown by Queen's Park toward special bodies in the Ottawa-Carleton reorganization (see above, p. 7).

would be necessary to implement most of the changes recommended.<sup>11</sup>

Our recommendations are intended: (1) to provide principles to guide officials to a possible reduction in the number of special bodies carrying on governmental functions; (2) to empower to a greater and more meaningful extent our municipi-

<sup>11</sup>A recent legal opinion (City of Toronto, September 11, 1968) re the City's power to unilaterally abolish its Board of Control raises interesting speculation about the precise degree of provincial paternalism. Although the City of Windsor does not have a Board of Control, it has been assumed by observers that this was to be attributed to the fact that Windsor employs the council-manager form under which a Board would be redundant.

palities and their elected officials; and (3) to make the complete local government level more responsive, responsible, accountable, and controllable to and by the citizenry. They are framed in recognition of the substantial resistance to change, and thus are directed to what we consider more practicable and shorter-range reductions. The first ten recommendations deal with individual, or groups of related, special bodies, following which are four general recommendations.

1. *There are a group of boards which do not perform essential governmental services, but can offer useful advice. For these bodies, which have little if any power and expend minor public funds, our suggestion is opened. If a municipality deems it desirable to retain an advisory board for safety, historical, or cultural-artistic purposes, etc., it should be permitted to do so.*
2. *The Industrial Commission and the Convention and Tourist Bureau can be considered similarly. It is to be assumed that their positive value, and such they have, is weighed annually as Metro Council considers appropriations.*
3. *The CNE, while only a peripheral governmental service, was transferred to Metro in 1967 by Bill 81. Since rather external developments (including the proposed Waterfront Plan, a recent provincial commitment to modernize it, and talk of extending its season) are in the offing, a wait-and-see attitude is advisable. A separate authority attached to Metro or to the Province appears justified.*
4. *There are a number of cases where one board might replace several, as in the case of management boards for parks and recreation. The Borough of Scarborough has an integrated Recreation and Parks Commission for all facilities, instead of separate management boards for each facility. Metro uses a Parks Department and a Parks and Recreation Committee of Council to discharge this function. Either of these alternatives — integrated special body or department-committee — would be an improvement, although the Bureau favours the department-committee form.*
5. *In order to achieve the equities of uniformity in rates and in standards of service, a Metro Hydro Commission should be considered as a replacement for separate hydro commissions.*
6. *Each of the area municipalities has a local board of health. In so vital a service, uniformity in scope and quality should not depend upon where a Metroite happens to live. This is as true in health as it was in the welfare field, where unjustifiable service variations caused a transfer to the Metro level under Bill 81. Parochialism should not be permitted to further delay Metro's consolidation into a district health unit and the almost certain trebling of provincial health grants. A substantial portion of the district's membership should be drawn from local councils.*
7. *While Bill 81 also regionalized library services to a certain extent, the present two-tier structure might benefit from a review after another year or two of experience.*
8. *Some functions are partially governmental in nature, but involve complex and technical problems. We are of the opinion that the Toronto Harbour Commissioners and the Toronto Transit Commission should remain as separate authorities, although each should expect and accept that greater control by elected officials is a proper concomitant of additional municipal financial support.*
9. *Because their functions are quasi-judicial, the Courts of Revision, the six Committees of Adjustment, and the City's Housing Standards Appeal Committee should remain as independent bodies. There might be grounds to justify establishing one Committee of Adjustment, either for Metro or for the Planning Area as a whole, but such a development should await the formal adoption of an Official Metro Plan.*

10. *The police and licensing functions should be administered separately because of the paramilitary nature of the former and the quasi-judicial aspects of the latter. Yet in the case of the Metro Licensing Commission we believe that greater separation of its legislative and judicial functions is required to ensure due process.*
11. *Since the power of municipal councils to appoint members to special bodies is not sufficient to appropriately influence the activities of such bodies, we recommend that this power be supplemented by the right of recall,<sup>12</sup> with such right subject to appropriate hearing provisions.*
12. *As pointed out by the Ontario Committee on Taxation, not all revenue-earning local enterprises report their activities in sufficient detail to a central point. The Bureau concurs with OCT's call for provincial definition of such enterprises, separate fund accounting in all cases, and provincial collection and publication of comprehensive and comparable financial data.<sup>13</sup>*
13. *All boards and commissions receiving funds from a municipal tax levy should be listed, with an indication of the amount of such funds set forth in meaningful form (for example, expressed as cents or mills per property tax dollar) in an enclosure accompanying each tax bill. The aim of this proposal is to create a public awareness of at least the existence of such special bodies.*
14. *The power to expropriate land should be removed from all special bodies whose members are not directly elected. When land is deemed needed, municipal councils should expropriate in behalf of non-elected special bodies, after the former are satisfied that the property is indeed required. If a statistic can be persuasive, consider this one — our research indicated that no less than 21 public and semi-public agencies, including provincial bodies, can expropriate private property in North York.<sup>14</sup>*

#### EFFECTS OF RECOMMENDATIONS ON FRAGMENTATION

The implementation of recommendations (4) (5) and (6), above, could result in a net decrease of 28 special bodies, reducing the overall figure from 94 to 66. If our recommendations regarding future consolidation possibilities for libraries and Committees of Adjustment were followed, a further net reduction of 11 would result, reducing the number of special bodies to 55, a reduction of 42%.

The composite effect of our recommendations would be a substantial increase in the responsibilities of the area municipalities' councils and departments, and an indirectly offsetting transfer of authority to the Metro level. The area councils could benefit thereby, and Metro has demonstrated a capacity to absorb additional duties.

Some observers have questioned the continuance of a two-tier form for Metro. But, if we are to retain the lower tier, it is essential to recapture its sense of significance. This could be brought about as a by-product of the area municipalities being assigned some enterprise, service, and management responsibilities now divorced from their direct control.

The Bureau also believes that the recommendations would produce more responsive, responsible, and accountable local government by enhancing public control.

<sup>14</sup>Expropriation: *Public Purpose vs. Private Property* (Toronto: Bureau of Municipal Research, November, 1966) p. 4.

<sup>12</sup>For a further discussion of this and other aspects of municipal-special body relationships, see *Fourth and Final Report of Select Committee on the Municipal Act and Related Acts* (Toronto: March, 1965) pp. 155-163. The Select Committee also made this recommendation, along with several others worthy of serious attention.

<sup>13</sup>See *Report of the Ontario Committee on Taxation* (Toronto: 1967) Volume II, pp. 341-342. These recommendations received the endorsement of the Select Committee of the Legislature on the Report of the Ontario Committee on Taxation in its report entitled *Taxation in Ontario: A Program for Reform* (Toronto: September, 1968) pp. 97-98, 101-102.

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## BUREAU OF MUNICIPAL RESEARCH

Founded in 1914 by a group of public-spirited citizens — operating since then under provincial charter as a non-partisan, non-profit research agency — staffed full time by well qualified personnel—the Bureau of Municipal Research keeps local government operations in Greater Toronto under constant scrutiny.

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