

From: Susan Watson
To: Clerks
Subject: Correspondence for 2023-141 Governance
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Dear Clerks:

I would like to put this article by Political Science Professors Zack Taylor and Martin Horak on the record as my correspondence submission for the Governance item for Tuesday's Council meeting.

If there are problems with formatting, the full article is at this link:

<https://policyoptions.irpp.org/magazines/december-2022/strong-mayor-powers-in-ontario-are-a-gross-violation-of-democratic-principles/>

Best,
Susan

Strong mayor powers in Ontario are a gross violation of democratic principles

Sacrificing local democracy to shift political responsibility for the housing crisis to mayors sets a dangerous precedent.

by [Zack Taylor](#), [Martin Horak](#)

December 16, 2022

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Since the summer, Ontario's Progressive Conservatives under Doug Ford have transformed mayoral power in key cities in Ontario. [Bill 3](#), which became law in September, gives powers to the mayors of Toronto and Ottawa that no Ontario mayor has ever had: the power to veto certain bylaws passed by council; the ability to hire and dismiss senior managers; and stewardship over the city budget.

[Bill 39](#), approved by the Ontario legislature in December, pushes the envelope by proposing to give mayors the power to do something that no governing executive can do in [any western democracy](#): pass bills with only one-third support of the legislature.

Now that Bill 39 has passed, Toronto Mayor John Tory can enact bylaws with the support of only his hand-picked eight-member executive committee rather than a majority on the 25-member council.

The Ontario government has made it clear that it intends to extend the new mayoral powers to other large Ontario municipalities. If Bill 39 is extended to Brampton, for example, with its six-member city council, Mayor Patrick Brown would need only one other councillor to agree with him.

The Ford government insists Ontario needs more housing supply to address the affordability crisis and that "strong mayors" are the best way to make that happen – a debatable proposition. This imposition of minority rule sets a terrible precedent, the future implications of which are unknown. It should be reversed as soon as possible.

What could possibly justify this gross violation of democratic norms and traditions?

Most causes of housing unaffordability are not local

The Ford government insists that we need more housing supply to address the affordability crisis. It says the blame for inadequate supply lies squarely with overly strict local land-use regulations and costly approval processes. The villain of the Ford story is the parochial ward councillor, protecting their constituents' property values by

holding back the tide of housing supply growth with regulatory barriers to neighbourhood change. The hero is the “strong” mayor who, with quasi-dictatorial powers, can overcome local NIMBY opposition and misguided environmental concerns to enable the city to build its way out of the housing crisis.

It is true that Ontario needs to build more of the right kind of housing in the right locations and at the right price, especially because the federal government has raised its immigration target to 500,000 for the year 2025 – double the level of a decade ago. Province-wide, housing starts are at their highest level since 1987, although the Canadian Mortgage and Housing Corporation (CMHC) reports that housing completions per-capita have declined in the Toronto and Ottawa regions in recent years.

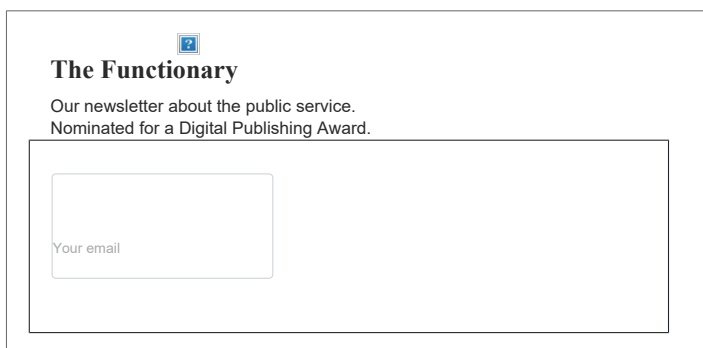
[Some provincial governments seek conflict with municipalities](#)

[How to get cities out of their constitutional straitjacket](#)

But how much of the growing unaffordability of housing in big Canadian cities is caused by restrictive regulation and its defenders on municipal councils?

The evidence shows that housing unaffordability has [many causes](#). A decade of ultra-low interest rates – coupled with more exotic mortgage products and the financialization of housing assets at a time of widening income inequality – has [bid up the cost of housing](#). This has encouraged speculative housing investment and inflated the net worth of existing property owners, while at the same time putting the bottom rung of the ownership housing ladder – and even [renting](#) – beyond the reach of low- and middle-income earners.

At the same time, governments have been [deeply reluctant](#) to invest in social housing and increase affordable housing supports, as well as to protect existing affordable rental stock. While new purpose-built rental construction has increased, its profitability hinges on its catering to the high end of the market. [Statistics Canada](#), [the CMHC](#), and [BuildForce Canada](#) have highlighted shortages of qualified skilled labour and materials to build new housing and related infrastructure as a key constraint on new development. These powerful factors are beyond the control of local governments and their mayors.



While local planning and zoning are a part of the puzzle, the notion that broad, systemic constraints will be overcome by allowing big-city mayors to overrule majorities of democratically elected councillors is a fallacy.

Downloading political responsibility for the housing crisis

What then are these “strong mayor” powers in Bill 3 and Bill 39 really about?

We conclude that, under the guise of empowering mayors, the provincial government is deliberately blurring accountability for the housing agenda to avoid paying the political cost for disrupting established neighbourhoods.

In the United Kingdom, the Conservative government was set to impose high housing delivery targets on local authorities in the hope of expanding housing supply by 300,000 units annually. But, facing [a rebellion](#) by 100 backbenchers who feared a backlash from

their constituents, the government will now allow local authorities to build less housing if it would “significantly change the character” of their area. Score: NIMBYs 1, YIMBYs 0.

To avoid such a backlash, the Ontario government appears to be transferring political responsibility for the housing crisis to big-city mayors. If affordable housing does not materialize in strong-mayor cities, the province can blame the mayors.

Undermining local democracy

In and of itself, strengthening mayoral powers in Ontario is not entirely without merit. Rooted in consensus-building rather than majoritarian *force majeure*, decision-making in Ontario’s non-partisan, ward-based city councils can be slow and messy. A stronger executive could bring greater coherence and accountability. But the Ford government has not delivered a well-considered set of reforms to local executive authority. Instead, it is enacting a series of ad-hoc but increasingly radical measures. They are aimed at advancing a particular agenda, but their repercussions may be long-lasting and deeply damaging to local democracy.

The foundation of Canada’s political system – and of all other democracies – is majority rule. Our democratic institutions contain many safeguards to protect minorities from the tyranny of the majority. The Constitution guarantees the rights of linguistic, religious and other minorities. Many important issues require agreement between the federal and provincial governments. In some other countries, a two-thirds supermajority is required for certain types of decisions.

The numbers tell us who’s in charge at Toronto city hall

Let’s empower municipalities, too often the little siblings of federalism

Bill 39 entrenches a new principle: minority rule. In doing so, it rolls back almost 400 years of democratic development premised on checks and balances between executive and legislative authority – all in the name of a narrow property development agenda masquerading as a housing affordability plan.

While giving mayors unilateral powers may appear to enhance local autonomy, mayoral action is now tightly yoked to the transitory agenda of the Ontario government of the day. Unlike strong mayors in American cities, Ontario’s new strong mayors can use their new powers only to veto and pass bills for the purpose of advancing “provincial priorities.” For Doug Ford’s Progressive Conservatives, these priorities are to build as much housing as possible, as fast as possible. But once the strong mayor powers come into force, they will exist for years to come. What might future provincial government priorities be? To what new purposes might the Ontario government’s mayoral marionettes be turned in the future? We can only guess.

Bill 39 sets a terrible precedent that will reverberate across Canada and around the world. Arguing that minority rule will be rarely used, that it can be used only in specific circumstances, or that it is required to address an immediate crisis, is a red herring. Bill 39 will erode local autonomy and normalize minority rule as a legitimate governing principle. Minority rule has no place in a democracy. Bill 39 should be repealed.