

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPLICATION by the **MUNICIPALITY OF THE DISTRICT OF BARRINGTON** to confirm the number of councillors and to maintain the present boundaries of the polling districts

BEFORE: Murray E. Doehler, CA, P.Eng., Member

APPLICANT: **MUNICIPALITY OF THE DISTRICT OF BARRINGTON**
Brian Holland, Clerk-Treasurer

HEARING DATE: January 28, 2015

DECISION DATE: February 11, 2015

DECISION: The Application is approved.

I INTRODUCTION

[1] The *Municipal Government Act*, S.N.S. 1998, c. 18, (“MGA”) requires the council of every municipality to conduct a study and make an application to the Nova Scotia Utility and Review Board (“Board”) to confirm or alter the number of councillors and the boundaries of the polling districts. Section 369 states:

369 (1) In the year 1999, and in the years 2006 and every eighth year thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed, and before the end of the year in which the study was conducted, the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors.

[2] The Municipality of the District of Barrington (“Municipality”) applied to the Board to confirm the present number of councillors at five, and further, to maintain the boundaries of the polling districts.

[3] The Notice of Hearing was advertised in the Coast Guard on January 13 and 20, 2015. The Notice invited members of the public to advise the Board of their comments in advance of the hearing. The Board did not receive any objections or letters of support. The hearing was held by teleconference on January 28, 2015. No members of the public were present.

[4] The hearing was originally scheduled for January 27 at 11:00 a.m., but was postponed because of weather. Brian Holland stated that Council was informed of the change in the hearing date and time at its regular meeting on the night of January 26, 2015.

[5] Mr. Holland, the Clerk-Treasurer, presented the application on behalf of the Municipality. There are presently five councillors elected from five polling districts.

The population of the Municipality according to the 2011 Census is 6,994, showing little difference since the 2006 Census.

[6] Table 1 sets out the number of eligible electors contained in each polling district in the last municipal election held in October 2012:

Polling District	Number of Electors	Variation from Avg. Number of Electors	
		#	%
1	1,162	92	8.6
2	1,220	150	14
3	967	-103	-9.6
4	896	-174	-16.3
5	1,107	37	3.5

Total number of electors: 5,352
Number of councillors: 5
Average number of electors per councillor: 1,070

[7] The following reasons were outlined in the application in support of maintaining the same number of councillors and the boundaries of the polling districts:

- The Municipality completed a boundary review in late 2011 and the UARB Issued an Order In January of 2012, reducing its number of councillors and electoral districts to 5.
- The Municipality would like to request that the status quo remain in place for at least one full term before changes are made to allow adequate time for any significant population changes to occur.

[Exhibit B-1, p. 7]

[8] The Municipality undertook an abbreviated consultation process to seek public input regarding the size and style of municipal government as well as the boundaries of polling districts. A public meeting was held on September 22, 2014, and written submissions were also invited. A notice of the meeting was advertised in the local newspaper and background material placed on the municipal website and Facebook. At its Council meeting on October 27, 2014, Council determined that the

number of polling districts and councillors should be maintained at five and the present polling districts maintained.

II FINDINGS

[9] Section 368(4) of the *Municipal Government Act* sets out the criteria for the Board:

368(4) In determining the number and boundaries of polling districts the Board shall consider number of electors, relative parity of voting power, population density, community of interest and geographic size.

[10] In 2004, the Board determined that the target variance for relative parity of voting power shall be $\pm 10\%$ from the average number of electors per polling district. Any variance in excess of $\pm 10\%$ must be justified in writing. The larger the proposed variance, the greater the burden on the municipal unit to justify the higher variance from the average number of electors.

[11] While the Board will permit variances up to $\pm 25\%$, the outer limits of this range should only apply in exceptional cases, where the affected municipality provides detailed written reasons showing that population density, community of interest, geographic size, or other factors, clearly justify the necessity of an increased variance within a polling district. In most cases, however, the Board expects municipalities to meet a target variance of the number of electors in each polling district which is within a $\pm 10\%$ range of the average.

[12] There has been no objection made to the application.

[13] One polling district is outside the $\pm 10\%$ guideline, but within the $\pm 25\%$ variance. The geography of the Municipality is such that, using natural boundaries, it is

difficult to achieve greater parity. Mr. Holland also informed the Board that the electors, in 2012, did not have any difficulty in understanding in which district to vote.

[14] A suggestion by Steven Stoddart to move a district boundary was considered by Council. It was not followed because it would not have improved the voting parity and the new districts had been formed just before the last election. It was felt that more time was needed before re-examining the boundaries.

[15] The Board approves the application. The number of polling districts is set at five, each electing one councillor. The Board also approves the maintenance of the present polling district boundaries.

[16] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 11th day of February, 2015.

Murray E. Doehler