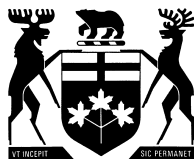


ISSUE DATE:

Dec. 30, 2005

DECISION/ORDER NO:

3392



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL050623

Beverly Wagar, Stephen Turner, Samuel Trosow and others have applied to the Ontario Municipal Board under section 223 of the *Municipal Act*, S.O. 2001 c. 25, resulting from a petition to redivide the Corporation of the City of London to change the composition of Council to 15 members consisting of one Mayor and 14 Councillors elected in one ward each, and to eliminate the Board of Control
O.M.B. File No. M050088

B E F O R E:

D.L. GATES
MEMBER

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)
)

Friday, the 30th
day of December, 2005

THIS MATTER having come on for a public hearing;

AND THE BOARD having withheld its order to allow the parties an opportunity to produce a ward map, on consent that conforms to the Board's decision;

AND THE BOARD having set aside a day, if it was necessary in the Board's opinion, to hear evidence in support of an agreed upon final ward map or to hear evidence concerning one or two boundary lines which still remain in dispute; and the Board having convened on December 22, 2005;

AND THE BOARD having heard the submissions of both parties that the City was unwilling to enter into discussions with the Applicants respecting a final ward boundary map;

AND THE BOARD having heard the submissions of both the City and the Applicants as to the City's request for adjournment of this days proceedings and the request of the City to stay, withhold or defer the issuance of the Board's Order until after the City's Application to Divisional Court for Leave to Appeal is heard on February 13, 2006 because proceeding might cause injustice or confusion in the circumstances of this case;

AND THE BOARD finds that it will not adjourn these proceedings or stay its order as this would undermine the whole or main purpose of the application which was to effect change in the ward structure for the City of London for the 2006 election and thereafter. The City has had a month to obtain a stay from the courts and has failed to obtain it;

AND THE BOARD finds that Section 25 of the *Statutory Powers Procedure Act* and Section 57 of the *Ontario Municipal Board Act* cannot be interpreted so as to require or support the delay of the Board's Order in this matter. The previous decisions referred to the Board by legal counsel for the City are not analogous to the present situation, nor do they deal with an application where to delay the granting of the Order would undermine the whole or main purpose of granting the Applicants the relief they sought. Section 223 of the *Municipal Act* has not been challenged by the City, nor, up until now, has the Board even issued an Order. The greater public interest is best served by issuing the Order in the ordinary course;

THE BOARD ORDERS that the Ward Boundaries of the City of London are redivided as set out in Attachment 1 to this Order, which is based on the evidence the Board heard including representation by population, communities of interest and the other criteria as set out in the decision.

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