



**Submission from Michael Coteau, M.P.**

**(Don Valley East)**

**To the Standing Committee on Procedure and House Affairs**

**Regarding objections to the report of the  
Electoral Boundaries Commission for Ontario**

**March 10, 2023**

**Introduction**

My submission to the Standing Committee on Procedural and House Affairs (“PROC”) on the elimination of Don Valley East as a federal riding is based on four main concerns, and form the basis of my objections:

- The lack of procedural fairness, public notice and opportunities for public input;
- Lack of recognition of the role that Don Valley East plays and has played in the settlement and support for newcomers and the significant role that it plays in the empowerment of people of the Muslim faith;
- The distinctiveness of the North York communities that comprise Don Valley East, especially the foundational role of Don Mills, Canada’s first planned community, and the communities west of Victoria Park Avenue: Fenside, Parkwood, Victoria Village, and Bermondsey;
- A lack of recognition of Victoria Park Avenue as a well recognized and appropriate historical political boundary.

<i>Ottawa</i>	<i>Constituency</i>
Room 118, Justice Building, Ottawa, Ontario K1A 0A6	300-1200 Lawrence Ave. East, Toronto, Ontario M3A 1C1
Tel.: 613-992-0919	Tel.: 416-443-0343
michael.coteau@parl.gc.ca	
michaelcoteau.libparl.ca	

I am also making some recommendations which I trust will be supported by PROC.

In 2022 I provided input to the Commission on the proposed boundaries in Toronto, including the Commission's proposal to *expand* the riding of Don Valley East. I also supported a joint proposal with my caucus colleagues to maintain 25 seats in Toronto with some relatively minor boundary adjustments but which underscored the importance of the Victoria Park Avenue boundary.

I remind the Standing Committee on Procedure and House Affairs that virtually all of the Toronto MPs, save two, signed a proposal that respected the Victoria Park boundary.

On February 10th I was gobsmacked to learn that the Commission had reversed course, completely reshuffled boundaries, and recommended eliminating our riding without any public notice or feedback from the public or from the affected communities.

The Commission's recommendations released without fanfare on February 10th are not mere adjustments, refinements or improvements to lines on a map; over and above the extent to which they have been surprising, they are nothing less than divisive, disruptive, and harmful to the affected communities.

I believe, and I trust that the Standing Committee on Procedure and House Affairs will agree, that the Commission has erred and should revisit its recommendations and provide further opportunities for public input before they make their recommendations final.

I have four recommendations for the committee:

***RECOMMENDATION 1: That the Standing Committee on Procedure and House Affairs recommend that the Federal Electoral Boundaries Commission for the Province of Ontario ("the Commission") provide public notice regarding its recommended boundaries issued on February 10, 2023, or any other boundaries that it might subsequently recommend, and provide opportunities for public input in a manner similar to the process set out in Sections 19 (1-6) of the [Electoral Boundaries Readjustment Act R.S.C., 1985, c.E-3](#) (the "Act") and that this recommendation be transmitted to the Speaker of the House of Commons for transmission to the Commission; and further***

***RECOMMENDATION 2: That the Standing Committee on Procedure and House Affairs study the issue of public participation in the review of boundaries and make recommendations to the Government of Canada with respect to amendments to the [Electoral Boundaries Readjustment Act R.S.C., 1985, c.E-3](#) in order to provide opportunities for public input in response to proposals and recommendations prepared by Commissions, both after the initial Proposals are made and after the release of the Commissions' Reports; and further***

***RECOMMENDATION 3: That in the matter of the Commission recommendations regarding the elimination of Don Valley East, that the Standing Committee on Procedure and House Affairs object to the Commission's recommendations as they will have a significant deleterious effect on the representation of newcomers, Muslim residents and the stable successful North York neighbourhoods in the riding and that it consider alternative proposals.***

***RECOMMENDATION 4: That the Standing Committee on Procedure and House Affairs, recommend that Commissions formed pursuant to the Act should follow, as a first principle when considering boundary adjustments, minimizing harm and disruption to communities.***

### **Lack of notice and due process**

In 2022, the Commission released its proposal for federal riding boundaries in Ontario which included an *expansion* of the Don Valley East boundaries and the public and stakeholders had an opportunity to comment on those boundaries. The Commission did not propose options or scenarios or go through an interactive or iterative modeling of the choices. It proposed a set of boundaries.

And then what was released on February 10th was materially different. One could argue, as the Commission has, that the Feb 10th recommendations responded to the public input in 2022 but the Commission also conceded that the changes were significant. In its report it said:

“Based on this criticism, the Commission has significantly reconfigured its plan for Toronto.”<sup>1</sup>

It also acknowledged at page 56 of the English version of its report, when commenting on changes to the Don Valley North boundaries, “this is a significant change from the proposed or existing boundaries and that the public has no opportunity to submit feedback on this change.”<sup>2</sup>

Stakeholders in Scarborough did not like the Commission's proposed boundaries in 2022, which would have eliminated a Scarborough riding, and they articulated their concerns. That was predictable, it was human nature. While residents of Scarborough-Agincourt had the opportunity to have their voice heard on the elimination of their riding in 2022, residents of Don Valley East have no comparable opportunity.

This is not the first time that this type of procedural flaw has been identified. In fact, it is a recurrent problem recognized by past Commissions.

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<sup>1</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, page 52.

<sup>2</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, page 55.

In its final disposition of objections in 2003, the Commission of that time reversed a significant change that it had proposed in its initial report affecting the ridings of Beaches - East York and Toronto - Danforth, wherein it had taken the southern portions of these two electoral districts and merged them to create a new district of Beaches - Riverdale, and merged the northern portions into a new district of East York. The Commission noted that while, in its public sittings, it had heard a persuasive proposal from an individual advocating for this change, it had not heard from the sitting MPs, receiving objections from them to that proposal only at the Committee stage. Quite reasonably, the Commission inferred, “(w)e can only assume that both (of the affected Members) were content with the August 2002 Proposals<sup>3</sup>”.

In response to the Members’ Committee stage objections, the Commission reversed the proposal and restored the pre-existing electoral districts with only minimal changes. In so doing, it pointed out that:

*“the Act provides for only two mechanisms by which the Commission may be advised: 1) public hearings; and 2) objections from members of Parliament after the tabling of the Report. Some of the reactions to the Commission’s Report, as revealed in the records of the Subcommittee and Committee, would suggest that people are surprised that the Commission would accept recommendations for major change made at the public hearings by a presenter who does not have the prior agreement of the relevant members of Parliament. Others seem surprised that the Commission did not engage in consultations before revising the boundaries. The Commission’s mandate at all times is to act in accordance with the provisions of the Act, which do not allow for public consultations outside the public hearings.”*

Interestingly the Commission of a decade later identified an analogous situation that does not appear to have been rectified in the 2003 Report. The 2012 Commission raised this very issue when commenting on the changes from 2003.

*“The work of the previous Commission in Ontario revealed an inherent flaw in the procedure outlined in the Act for preparing a proposal, conducting public hearings, and submitting a report. In 2003, Northern Ontario had 11 electoral districts. The previous commission determined that the number of electoral districts in the region should be reduced by one. Its proposal eliminated the Electoral District of Nickel Belt and established boundaries for 10 electoral districts in the region.*

*“However, as a result of submissions received at public hearings, the previous commission decided to retain the Electoral District of Nickel Belt and to eliminate the Electoral District of Timiskiming-Cochrane. It also substantially altered the proposed boundaries for the Electoral District of Timmins-James Bay. The result was that the city of Temiskaming Shores found itself within the boundaries of an electoral district named*

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<sup>3</sup> "Disposition by the Commission Pursuant to Subsection 23(1) of the Electoral Boundaries Readjustment Act of Objections Filed by Members of the House of Commons with Respect to the Commission’s Report Dated March 14, 2003, document dated August 13, 2003 at page 25.

*Nipissing- Timiskaming, and the communities along Highway 11 from the Town of Smooth Rock Falls to the west of the Town of Hearst were removed from the Electoral District of Timmins-James Bay and placed within the boundaries of an electoral district named Algoma-Manitoulin-Kapuskasing. This happened without any notice to these communities. The procedure did not afford them an opportunity to appear at a public hearing or to make submissions before the report was submitted to the House of Commons.*

***“This Commission holds the view that those communities were effectively denied due process. They were not afforded the opportunity to consider or advise the previous Commission of their views on the extent, if any, to which they had a community of interest with or historical attachment to other communities in the electoral districts to which they were ultimately assigned.”<sup>4</sup>***

As may be seen, there is a flaw in the system that arisen in the past where a profound change was introduced only at the late stage of a Commission’s Report, instead of in its initial proposal.

In my view, the flaw is one that arises from past practice and an inflexible approach then taken; it is not hard-wired into legislation, and it can in fact be remedied by the Commission.

The *Act* includes extensive public notice provisions and an opportunity for public input and gives the Commission widespread powers to establish its own rules of procedure:

Section 18 of The Act permits the Commission wide latitude to regulate its proceedings and any inquiries;

Section 19 (1) of The Act permits the Commission to determine when and where it sits, with a *minimum* requirement to hold one sitting for public input;

Sections 19 (2), 19 (3), 19 (4), 19 (5), and 19 (6) of the Act prescribe the notice provisions required to inform the public and to receive representations from the public; these provisions make clear the legislation’s unambiguous intention that the public should be notified in advance of the proposed boundary changes and given adequate time to respond;

In essence, the *Act* contemplates and requires public notice and public participation. And past Commissions have taken this to mean that public participation is only appropriate on the first lap of the track.

But my position, and what I am hearing again and again from my community, is that this is inadequate and that when there is a materially different recommendation or scenario proffered

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<sup>4</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2012, ISBN 978-1-100-22176-2, page 10.

by the Commission that it should be subject anew to the public notice and public input contemplated by the legislation, commensurate or proportionate with the new options.

Rather than continuing the harmful practice of consulting on a set of preliminary boundaries and then making wholesale changes without any further input, the Commission should seek out further public feedback. The Act does not, in fact, preclude this. Subsection 19(1) states that

*“A commission may, in the performance of its duties under this Act, sit at such times and places in the province for which it is established as it deems necessary, except that before completing its report it shall hold at least one sitting in that province for the hearing of representations by interested persons.”*

There is no express wording that precludes such a sitting from taking place at this later stage. The timeframe available for this further public consultation is, undoubtedly, rather tight, but the alternative is for the Commission either to:

- (a) adopt a change that it proposed without having heard any argument from affected communities who had no means of knowing that a change of this nature now proposed was even remotely being contemplated. Or, in terms similar to those used by the 2003 Commission when it rectified the fundamental boundary change that it had proposed (as discussed above) one can only assume that these communities were content with the original Proposal; or
- (b) revert back to the original proposal and attempt to fashion anew its solution to the concerns it had previously set out with the Toronto boundaries, again, without any opportunity for public consultation or discourse on the merits of a brand new approach.

Neither of these alternatives is particularly desirable, and accordingly, I believe that the Commission should proceed now with further public feedback.

Given that alternative (a), above, is entirely unfair to the affected population, a further public consultation regarding the Toronto boundaries is entirely in keeping with the notion that “the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.”<sup>5</sup>

The Act is centred on the principle of advance public notice so as to provide meaningful public input into the meaningful representation in Parliament to which Canadians are entitled<sup>6</sup>.

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<sup>5</sup> As laid out by the Supreme Court of Canada in *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC), [1998] 1 SCR 27 at paragraph 21..

<sup>6</sup> See *Reference Re Prov. Electoral Boundaries (Sask.)*, [1991] 2 SCR 158 (The “Saskatchewan Boundaries Reference”) and *Raïche v. Canada* [2005] 1 FCR 93 (“*Raïche*”).

## **The impact on newcomers, racialized, and Muslim residents**

Don Valley East plays, and has played, a significant role in the welcoming and settlement of newcomers to Toronto and Canada. Census data clearly highlight newcomers from the Phillipines and from India, Pakistan, Syria, Afghanistan and Iran, among other countries.

I believe that the Federal Electoral Boundaries Commission for Ontario recommendations, if approved as presented on Feb. 10th, 2023, will reduce the visibility and voice of members of Canada's Muslim communities, hinder the Government's services to a high number of future citizens, impact the representation of Canada's largest and most economically significant city, and ultimately contribute to a more inequitable Parliamentary system.

Muslim residents constitute over one fifth of all Don Valley East residents<sup>7</sup>. Don Valley East has the third highest concentration of Muslim residents in Canada (second only to Saint-Léonard--Saint-Michel, and Mississauga - Erin Mills). The representation within the riding is double that of the Toronto average (noting Toronto as a whole is home to a third of Canada's Muslim residents) and four times the national average.

Don Valley East's neighbouring ridings of Don Valley West<sup>8</sup> and Scarborough Centre<sup>9</sup> also have higher-than-average Muslim representation within their communities. This means the planned elimination of DVE would serve to reduce the voice of Muslim residents by consolidating these communities into one less electoral riding.

The number of Canadians identifying as Muslim has increased substantially in recent years, reaching one million in 2011. It is expected to surpass two million in the foreseeable future particularly as the growing number of Muslim immigrant families have Canadian-born children. Additionally, Canada's Muslim population is generally younger than most other demographics within Canada, with just six percent aged 65 or older<sup>10</sup>. This means that these individuals and families will play an increasingly important role in our electoral system for many years to come. However, there are significant barriers to their participation within our politics.

In *Canadian Muslims: A Statistical Review*, a 2015 report by the Canadian Dawn Foundation, it was estimated that just 46.5 percent of eligible Muslim citizens exercised their voting rights<sup>11</sup>, a full 16 percent shy of the Canadian average at the time of the study.

While turnout among Muslim voters in the years since seems to have improved, it is important that these gains are preserved in helping Muslim communities engage in the political process and see their needs represented in the House of Commons. Lessening representation for Muslim peoples in Canada could negatively affect voter turnout within this important and growing group and will also make it more difficult to address issues like Islamophobia and lower income and employment prospects for Muslim residents in Canada.

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<sup>7</sup> [StatsCan 2021 Census Profile – Don Valley East](#)

<sup>8</sup> [StatsCan 2021 Census Profile – Don Valley West](#)

<sup>9</sup> [StatsCan 2021 Census Profile – Scarborough Centre](#)

<sup>10</sup> [StatsCan Religion by visible minority and generation status: Canada, provinces and territories, census metropolitan areas and census agglomerations with parts – 2022-10-26](#)

<sup>11</sup> [Canadian Muslims: A Statistical Review](#), Canadian Dawn Foundation, pg 2., March 25, 2015.

It is important to acknowledge that in recent years our MP, MPP and school trustee positions have all been filled by Muslim Canadians whose families have settled in Don Valley East and gone on to represent the community. This riding has allowed these representatives to gain a foothold on Canada's political scaffolding, a not insignificant accomplishment.

These issues are not limited to our Muslim residents and communities.

Don Valley East and Scarborough Centre in particular feature almost twice as many of what Statistics Canada terms "visible minorities" versus those identified as "not a visible minority". This stands in contrast to neighbouring ridings such as Don Valley West, where the population features a European heritage majority.

Notably, nearly one in five (18.5 per cent) of Don Valley East residents are not yet Canadian citizens, slightly higher than the Toronto average and more than double the Canadian average of 8.8 per cent. Naturally, these individuals may be seeking assistance with immigration, refugee, or citizenship matters and may require special attention and care as they integrate into our country, particularly those who may be eligible for a fast-tracked application following recent global disasters and conflicts. The expertise in these areas that has been developed in the Member's constituency office staff is fueled and maintained by the demand for such services that exists when a larger proportion of the client population is in need of these services, something that is lost if they are to be scattered into multiple ridings.

The Commission asserts that it has taken into account Census data "to assess patterns with respect to demographic and socio-economic factors indicators"<sup>12</sup> but with utmost respect, I believe that it has fallen short.

The population of non-citizens in Canada is growing, having increased their share of the total Canadian population by 1.8 percent between 2016 and 2021<sup>13</sup>, and it now exceeds three million people.

While it may be argued that some care must be exercised in representing those who have not yet become citizens, it is the population of the riding at large that is served by the MP, and this calls for a continued concentration, indeed an increase in the available resources in Don Valley East to adequately support and represent both the citizens and future citizens of the area.

I am proud of the role that I play and have played in leading anti-racism and anti-Islamophobia efforts in Canada, a role that I have also played at the Ontario provincial and school board levels. Systemic barriers in Canada takes many forms, and the extinguishing of Don Valley East, with no notice, with no opportunity for public input, would have the unfortunate and unintended consequence of enhancing rather than diminishing the barriers faced by new Canadians; worse, it exposes the process to the risk of accusations that the process itself is discriminatory in nature.

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<sup>12</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, page 23.

<sup>13</sup> [StatsCan - A portrait of citizenship in Canada from the 2021 Census. Nov. 6, 2022](#)



Before I turn to the unique characteristics and communities of interest in the villages west of Victoria Park Avenue, I would like to make a special mention of Flemington Park, a low income enclave in the southwest corner of the riding, where I was raised, and the Commission's recommendation to include it in the new riding of Don Valley South.

In 2012 when Don Valley East was reengineered to make way for a new riding north of Highway 401, Flemington Park was shifted to Don Valley East, almost as ballast.

Now Flemington Park is being shifted to a new riding of Don Valley South, oblivious to the particular needs of low income residents, newcomers, racialized and Muslim residents. I cannot stress this enough, that where affluent and well connected residents in other parts of the City can advocate for themselves and can opine on their affluent neighbourhood being here or there, or advocate for a (somewhat trivial) name change, the residents of Flemington have no voice, mostly because they are often working multiple jobs, doing essential work, or struggling to stay in school.

This is compounded by the fact that the Commission is making this change with no notice to the public and without an opportunity for public input.

Flemington Park should neither be, nor perceived to be, a mere population cluster to be bounced around from riding to riding to accommodate some arcane formula. Such decennial shifting can only serve to destabilize and diminish the perceived worth of such a "ping-pong ball" population.

Flemington Park's well being and stability as a community, and the well being of its residents, should be foremost in considering how it is represented in Parliament.

### **The villages of North York**

In reading the Commission's report issued on February 10th, 2023, the Commission accepted representations made by Scarborough residents, stakeholders and civic officials through the public process in 2022, so much so that the Commission was moved to restate various grievances in its report:

- Scarborough's high share of immigrants and visible minorities;<sup>14</sup>
- The importance of the Victoria Park boundary;
- The forced amalgamation in 1998 where Scarborough voted overwhelmingly against the megacity;<sup>15</sup>
- The lack of subway service;<sup>16</sup>
- The relatively poorer state of Scarborough hospitals.

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<sup>14</sup> 58% of DVE residents are a "visible minority" per Statscan 2016 Census report; 53% are immigrants.

<sup>15</sup> 80% of Scarborough residents voted against the megacity; 79% of North York residents voted against the megacity in the same referendum.

<sup>16</sup> In the mid 1980s Scarborough received the Scarborough RT line which at the time was the leading rapid transit technology in Canada and Scarborough is now the beneficiary of the single biggest transit investment in Canada.

My argument is not that Scarborough doesn't need representation; my argument is the obverse: Don Valley East and our historic villages along the west side of Victoria Park and along the banks of the Don River should remain intact *because they are successful*.

Let me quote from a constituent, Kevin, who wrote to me and to the Commission about the elimination of Don Valley East:

*"The current setup provides residents of Don Valley East with adequate political representatives in the Government of Canada, Government of Ontario, the City of Toronto as well as a school board trustee. Everybody knows who to contact for various resolution (sic) or assistance with their problems, concerns or comments. There is a clear delineation of who is responsible for what and things are working fine. The saying "If it ain't broke, don't fix it," comes to mind. If constituents of Don Valley East will be adversely affected for the worse, why tinker with a perfectly well functioning system? The people who reside in Don Valley East deserve what every other Canadian and Ontarian enjoy: competent representation at whatever level of government is responsible for delivering services, or addressing their concerns."*

If it ain't broke, don't fix it. I couldn't have said it better myself.

The communities of Don Mills, Victoria Village, Parkwoods O'Connor, Fenside, and Bermondsey, are stable, successful communities that share schools and community amenities, with excellent access to greenspace and the river valley. Most of these villages have their roots in original homesteads, but they have evolved to be welcoming forward-looking neighbourhoods. Most look west to the Don Mills corridor for their community engagement, they don't look east.

Here's some feedback from long-time residents Doreen and Ron:

*"We have lived in Don Mills, North York, for 64 years and have always been proud of our community. We have no desire to be part of Scarborough. The government has no right to force this on us without community input. Victoria Park Ave. has always been a perfect dividing line between North York & Scarborough. Why on earth would the government want to change it? It makes no sense and all it does, is once again, upset people. We are so tired of the government upsetting things. If it isn't broke, why fix it!"*

Our North York neighbourhoods were planned. Don Mills was the first planned community in Canada and many of our other neighbourhoods have emulated that approach.

The Commission's attempt to merge communities between the Don River and Victoria Park with Scarborough Centre has startled residents in that area. I would say the most vocal opposition to the Commission's recommendations emanates from that area. Families who have deep roots in North York, in our community and political and educational institutions do not want to amalgamate with Scarborough neighbourhoods.

Some of the hundreds of emails we have received underscore the positive attributes of North York neighbourhoods and others highlight the antipathy that some residents have for merging with Scarborough residents under a new political umbrella.

The Commission can take the position that nothing will really change as a result of the boundary changes, that the federal government and MP have nothing to do with community building or neighbourhood issues, but that is not how the support systems available to the population of the existing Don Valley East work.

When and if the Commission establishes a federal riding merging Scarborough Centre and Don Valley East, the provincial and municipal and school board boundaries will follow.

The Commission addressed this issue in its report. The Commission dismissed concerns about the alignment of federal boundaries with provincial districts and City of Toronto wards<sup>17</sup> but it also found that on the issue of aligning with municipal boundaries “many of these arguments (are) highly compelling and supportive of effective representation.”<sup>18</sup>

In other words, and I am paraphrasing, the Commission asserts that it makes sense for federal boundaries to align with municipal boundaries (cities, towns, townships, etc), outside of Toronto but it can't be held responsible if boundaries inside Toronto change as a result of the federal boundaries.

I have no doubt, having worked in political and community and education spheres in Toronto for more than twenty years, that when the federal boundaries are finalized that the provincial and municipal and school board ward boundaries will follow.

See in this respect the *Representation Act, 2015, SO 2015, c 31, Sch 1*, which requires that boundaries in Ontario (other than Northern Ontario) must mirror the ones set by this Commission. Similarly, see Section 128 of the *City of Toronto Act, 2006, SO 2006, c11 Sch A*, which extends that mirroring to City of Toronto ward boundaries.

So through its February 10th recommendations, which have had no public input whatsoever, the Commission is compelling our neighbourhoods east of the Don River and west of Victoria Park to be represented by Scarborough city councillors, school trustees and Members of Provincial Parliament.

For this reason I cannot support the Commission's proposed riding of Scarborough Centre - Don Valley East.

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<sup>17</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, page 16.

<sup>18</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, page 22.

## **The Victoria Park divide**

The Commission has recognized the importance of Victoria Park as a political boundary:

“The old municipal boundary on Victoria Park Avenue is a very important landmark to the residents of Scarborough.”<sup>19</sup>

But nonetheless, it concluded in the end that it would not be possible to have six or five ridings to the east of a hard Victoria Park line, either because it would unfairly eliminate one riding entirely in Scarborough or it would unfairly reduce the representation in the remainder of Toronto.<sup>20</sup>

Instead, it split the baby in half.

In 2022 I agreed with my caucus colleagues to support a joint submission to the Commission recommending a hard line at Victoria Park, notwithstanding the fact that the Commission recommended the expansion of Don Valley East to include a few blocks east of Victoria Park.

Victoria Park Avenue is acknowledged by government agencies and service providers (including hospitals, police divisions and school boards) as an easy to understand dividing line that makes sense.

With its February 10th recommendations, the Commission is cantilevering a Scarborough - majority riding westward over Victoria Park Avenue to create the illusion of maintaining six Scarborough ridings when it is doing no such thing. With a 55%-45% split, the Commission is not preserving a Scarborough riding, it is manufacturing a future stream of political conflict.

I can say with confidence that every federal, provincial and municipal election going forward on these recommended boundaries would be a conflict between east and west, Scarborough and North York. It would further divide, and not bring the affected communities together.

As an alternative, our office has been provided with various options from the community that preserve the Victoria Park boundary from Lake Ontario to north of Sheppard Avenue.<sup>21</sup> While this is still not ideal, it would preserve much of the Victoria Park boundary and maintain order and effective representation, and fall within the desired tolerance for riding populations.

Throughout this entire process we have heard many voices. Sometimes these voices held different perspectives on many issues, but throughout the entire process one thing remained the same. Everyone agreed that crossing the Victoria Park Ave line was not in the best interest of Scarborough and North York. This historical line shapes multiple catchment areas and this shift impacts our schools, police divisions, health services, hospitals, social services and program catchment areas. Maintaining or maximizing most of the Victoria Park boundary minimizes harm and disruption, which I believe should be a first principle of the Commission’s work.

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<sup>19</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, page 51.

<sup>20</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, pp 52-53.

<sup>21</sup> We are not including our modelling in this submission as we believe that it would be injurious and inappropriate to submit new options without the benefit of further public input.

## Quotas vs. Community of Interest

The exercise in which the Commission has been engaged is no doubt a difficult one, involving the weighing of a great many interests, where not all can likely be satisfied. While I greatly appreciate the Commissioners' efforts - a true service to Canada - I am concerned that the situation in which the people of Don Valley East find themselves is a result of an excessive focus on the quotas established under the *Act*, as opposed to the overarching principle, enshrined in subsection 15(2)(a) of the legislation, to the effect that deviation from these numerical constraints is entirely appropriate "in any case where the commission considers it necessary or desirable to depart therefrom ... (a) in order to respect the community of interest or community of identity in or the historical pattern of an electoral district in the province (for convenience, these three factors, of community of interest, community of identity, and the historical pattern of an electoral district in the province are referred to below as the "Three Factors").

The concluding language of ss. 15(2) does place a constraint upon this discretion, but it permits a significant range of flexibility that may be exercised under ordinary circumstances in order to respect the factors enumerated in clause (a), of plus or minus 25%. And although there is no need here to go beyond it, even the 25% constraint may be exceeded where the Commission considers there to be extraordinary circumstances.

With the greatest respect, I must suggest that the Commission has, in the present circumstance, failed to place sufficient weight upon the Three Factors. These legislated imperatives have been sacrificed on this proposal, not in order to respect the ordinary statutory ceiling of 25%, but in an apparent effort to keep the range in a far more narrow band, ranging from -9.54% (Toronto - Danforth) to +7.73 (Etobicoke Centre)<sup>22</sup>

Such a degree of what I would describe as an over-focus on maintaining quota deviations at under 10% were roundly criticized by the Federal Court in the 2004 case of *Raïche v. Canada*.<sup>23</sup> Indeed, the Court found that in so doing, the 2003 New Brunswick Commission had committed an error warranting the Court's intervention on judicial review, despite the Court's recognition that the Commission was entitled to a high degree of deference in its decision making.

In referring to the degree of parity of voting power (the basis of the quotas), the Court referred to the earlier decision of the Supreme Court of Canada, in the Saskatchewan Boundaries Reference, where Justice McLachlin had stated,

*"... such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the*

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<sup>22</sup> See Table 2C, at page 61 of the Commission's current Report.

<sup>23</sup> *Raïche v. Canada*, [2005] 1 F.C.R. 93.

*pursuit of more effective representation; the list is not closed.*” (page 184 - (emphasis added)).

In applying these comments to the language of the Act, which is unchanged since that time, the Federal Court, in *Raiche*, found that where the Commission had undertaken to keep the variance between electoral districts under 10%, thereby not acceding to a Three Factors argument, the Commission had not interpreted the Act in a manner in keeping with its spirit. Although the Commission was entitled to decide, generally, that the variance should not exceed 10%, it was nonetheless obliged to “consider whether there were electoral districts where, having regard to the community of interest in the region or its geographic features, it would be desirable to depart from the general principle that the variance should not be more than ten percent”<sup>24</sup>.

In relegating to the back seat the Three Factors, the Federal Court found that while the Commission had complied with the legislation in finding the 10% to be a reasonable target, it had failed to proceed to a mandatory second step since it had not considered whether it was desirable to allow a variance provided for in the Act (i.e. plus or minus as much as 25%) in order to preserve a community of interest in an electoral district.

On this basis, the Court set aside the decision of the Commission and referred back to the Commission the question of how to further revise the province’s electoral boundaries to comply with the Court’s determination.

In short, and with the greatest of respect for the Commissioners, I must ask that they revisit the approach taken, and reconsider the boundaries at issue, giving greater weight to the Three Factors in order to make a determination whether under the circumstances described in this submission, it would be desirable to allow a variance of as much as to 25% in either direction in order to preserve these interests.

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<sup>24</sup> At para. 69

## **The path forward**

As part of a broader plan for Toronto, the carving up of Don Valley East into neighbouring ridings would reduce Torontonians' representation within Parliament by one seat, segmenting and marginalizing the political voices of many diverse communities, including Muslim voters, that make up the GTA.

The Commission's February 10th report acknowledges existing Toronto ridings will be growing by several thousand voters to absorb the reduction in the number of ridings<sup>25</sup>. Doing so will further dilute the ability of these communities to seek support from their Member of Parliament and ensure their priorities are adequately represented.

As I am fond of saying, and with no disrespect to my colleagues in New Brunswick, if Toronto was located in New Brunswick it would be entitled to 36 seats, instead we are fighting over whether we should maintain our 25, and disrupting our communities as a result.

Toronto's population is extraordinarily diverse, with over 240 ethnic groups and cultures represented. Toronto's population accounts for one of every 13 Canadians, and it is unquestionably the economic powerhouse of the country. Toronto generates one fifth of Canada's GDP, punching well above its weight, and is home to nearly two out of every five business headquarters<sup>26</sup>. These are realities experienced by citizens and elected officials of the City of Toronto, which has become a microcosm of the Canadian multicultural dream.

These realities deserve special protection. The residents of Don Valley East and its neighbouring ridings have a right to expect their priorities will be recognized and fought for in their Parliament.

To ensure Toronto is adequately represented in the House of Commons, and to maintain effective representation for our local neighbourhoods, our support for newcomers and the particular role we have played and play in supporting Muslim residents, I strongly recommend against removing the riding of Don Valley East within Canada's riding map, and against removing a riding from Toronto.

Thank you,



Michael Coteau  
Member of Parliament  
Don Valley East

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<sup>25</sup> Report of the Federal Electoral Boundaries Commission for the Province of Ontario, 2023, ISBN 978-0-660-47412-0, Table 2A and Table 2B, pp 49-51.

<sup>26</sup> [Toronto Global Facts About Toronto](#)