



Staff Report

Report To: Council Meeting
From: Terri Towstiuc, Clerk
Date: 2025-04-24
Subject: Filling the Vacancy of Ward 3 Councillor or the balance of 2022-2026 Term of Council

Recommendation:

That West Elgin Council hereby receives the report from Terri Towstiuc, Clerk re: Options, Filling the Vacancy of Ward 3 Councillor; And

Whereas Council declared the seat of Ward 3 Councillor vacant on April 10, 2025; And

Whereas Council is required to determine the method of filling a vacant seat, pursuant to the *Municipal Act*, Section 263;

Therefor Council direct the Clerk to proceed with Option _____, being _____, to fill the vacancy of Councillor, Ward 3 for the remainder of the 2022-2026 term of Council.

Purpose:

The purpose of this report is to present Council with options to fill Ward 3 vacancy on Council, previously declared on April 10, 2025.

Background:

Council declared the seat of Councillor, Ward 3, vacant on April 10, 2025. Council must now decide what manner to fill this vacancy within 60 days of the declaration. Section 263 of the *Municipal Act, 2001* provides that:

Filling vacancies

Section 263 (1) If a vacancy occurs in the office of a member of Council, the municipality shall, subject to this section,

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed,
or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act*, 1996. 2001, c.25 s.263 (1)

Rules applying to filling vacancies

Section 263 (5) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under Section 262, the municipality shall:
 - i. appoint a person to fill the vacancy under subsection (1) or (4), or
 - ii. pass a by-law requiring a by-election to be held to fill the vacancy under subsection (1).

In assessing its options, Council may wish to consider the following, among other things.

- Impact of time required to fill the vacancy
- Progression and time remaining in the Council term (18-months)
- The impacts on financial and staff resources
- Transparency, fairness and public participation relative to the selection process.
- 2018 voter turnout for full election was 20.91%
- 2022 voter turn-out for Ward 1 was approximately 10%
- 2022 Election cost was \$18,542.64, with only a Ward 1 Election
- 2024 Estimated cost of \$25,000-\$30,000
- Cost for candidates to canvas and advertise for selection (signs, mailouts, time, etc.)

OPTION 1 – Fill Vacancy by Call of Applications and Appointment

Council may appoint any person to fill the vacancy that is a qualified elector under the *Municipal Elections Act*, 1996 and is not disqualified from holding office under the *Municipal Act*, 2001 or any other Act.

The *Municipal Act* does not prescribe a specific process Council is required to follow to fill a vacancy by appointment; however, the justification for why an individual was appointed by Council to fill the vacancy should be transparent and allow for public notice in keeping with the principles of the *Municipal Election Act*, 1996.

In 2023 (Ward 1) and 2024 (Ward 3), Council chose to accept applications, proceed with an interview process that was open to the public, and choose a candidate that Council felt was best suited to uphold the position, aligning their goals and insight with the strategic goals of the municipality. The interview process would take place at a special meeting, and Council can choose to appoint a person at that meeting or defer to the following regular Council meeting (May 22, 2025).

This process allows applicants to apply for the vacant seat at no cost, provide Council with a Statement intentions and qualifications, and address Council for five-minutes at the interview meeting. This also allows the candidate to fill a position for 18 months, like a “try before you buy” approach, which could encourage a more fulfilling election in 2026. Candidates can apply for Ward 3, regardless of where they live in the municipality, if they are a qualified elector, in accordance with the *Municipal Elections Act*.

While taking this approach may be construed as lacking public participation, Council members were elected by the public, to make informed and well-thought decisions, on their behalf. Currently, there are 18-months left in the term, with many strategic goals in motion, and this allows Council to select a

candidate that best aligns with the strategic priorities of the municipality. Members of the public are also encouraged and welcomed to attend the candidate interview meeting or contact members of Council regarding the process, although there was very little public participation (outside of relations to candidates) at the 2023 and 2024 interviews.

A strong consideration to this approach is also the timeline (see below) in comparison to the timeline for a by-election. A Call for Application and appointment is the most efficient and cost-effective approach, with approximately a six-week vacancy.

Proposed Timelines for Call of Application and Appointment:

Thursday, April 10, 2025	Declaration of vacancy
Thursday, April 24, 2025	Council approved application and appointment process
Friday, April 25, 2025	Notice posted on Municipal Website and social media
Thursday, May 1, 2025	Notice in Chronicle for Call of Applications
Thursday, 9, 2025 @ 2 p.m.	Application Deadline
Thursday, May 15, 2025	Special Council Meeting – Applicant Interview
Thursday, May 22, 2025	Councillor Ward 3 to take Oath and Seat

OPTION 2 – Fill Vacancy by Holding a By-Election

The process to fill a vacancy via by-election is prescribed by the *Municipal Elections Act*. In summation, a by-election is to be conducted following the same rules as a regular election, except for some unique time frames and deadlines.

A by-law indicating that a by-election is required must be passed within 60 days of declaring the vacancy (*Municipal Act* Section 263(5)(1)) which means that a by-law must be adopted no later than by June 9, 2025 (May 22, 2025, Council Meeting). If Council chooses to hold a by-election, staff recommend that a by-law be presented for adoption at the next Council meeting on Thursday, May 8, 2025, in order to provide staff adequate time to prepare for the by-election.

In consultation with AMO, “of the 80 elected officials that either resigned, were removed or passed away for the 2022-26 term, there have been (or will be) 75 appointments and 16 by-elections. The numbers are a bit off as one municipality started the election year with a 4-member council – not enough candidates, so they had to appoint 5th member, some appointments counted twice as the person sits on upper and lower.” Historically, byelections are done for municipality’s that have vacancies effecting the entire municipality (Mayor, Deputy Mayor, Councillor at large), and appointment selection/direct appointment for Ward Representatives. While Council has opted for a future “at-large” system, this will not take effect until the October 2026 Municipal Election.

In consultation with Municipal Clerks, those who prepared by-elections in 2024, or are currently running a byelection, provided a budget of \$25,000 to \$30,000 to their respective Councils, with one municipality advising the actual cost of \$21,000 (\$25,000 budget). Although requested, Clerks were reluctant to provide a breakdown of essential costs to bring to a final total, as the numbers can vary depending on vendors. One municipality shared a breakdown, which is quite similar to the cost

breakdown shown below. Keeping this in mind, the cost estimate provided could potentially be low, and election expenses are unfortunately non-negotiable.

**Proposed Timelines for Holding a By-Election:
(if a by-law is adopted at the Council Meeting on October 10, 2024)**

Thursday, April 10, 2025	Declaration of vacancy
Thursday, May 8, 2025	Adopt a by-law to conduct a by-election (MEA, S. 65 (4) 1 ii)
Monday, June 9 @ 2 p.m.	Nomination Day (Between 30-60 days) (MEA S. 65 (4) 2)
Thursday, July 24, 2025, 2025	Voting Day (45 days after Nomination Day) (MEA S. 65 (4) 3)
Thursday, August 14, 2025	Councillor Ward 1 takes Oath and seat

Financial Implications:

OPTION 1 - Appointment Option

There would be a slight cost if Council decides to appoint by application with the main expense being for advertising, which is estimated to be less than \$1,000. There would be no direct election costs other than advertising in the Chronicle.

OPTION 2 - By-Election Option

Estimated cost used from report presented September 2024. The estimated cost to run a by-election would be approximately \$25,000. This cost is \$5,000 higher than the estimated amount presented in 2024, as the cost of Voterview and Intellivote were not accurately captured in the 2024 report, however, were noted on record during the council meeting. This estimate includes the hard costs of equipment, supplies, advertising, etc. as well as soft costs such as labour, including outsourcing necessary vendors. *This option does not include and potential staff overtime and/or additional contract hiring, which is very difficult to estimate.*

By-Election Estimated Cost	
Data Fix	\$2,300
Intellivote	\$10,000
Voterview	\$3,850
Elections Ontario	\$0
Advertising	\$2,500
IT (Based on 2022)	\$4,000
Supplies (Stationary)	\$1,000

Misc. (Meals, Postage)	\$2,000
Total (Estimate)	\$25,650

Policies/Legislation:

[The Municipal Act](#)

[The Municipal Elections Act](#)

West Elgin Policy “Appointment Procedures for Filling a Council Vacancy

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin’s infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input checked="" type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,

Terri Towstiuć

Municipal Clerk