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## Bill 5: How the Better Local Government Act Silenced the Voices of Diverse Progressive Women Candidates in Toronto's 2018 Municipal Election

PRABHA KHOSLA & MELISSA WONG\*

AMBER MORLEY, A YOUNG BLACK WOMAN, was in the middle of her first run for City Council in Toronto's west end when the Conservative provincial government, under Premier Doug Ford, introduced and quickly passed the *Better Local Government Act* (Bill 5).<sup>1</sup> After years working for various city councillors, Amber realized that the councillors she worked for were unwilling to address key issues of discrimination and inequality that many communities in her ward face daily. Specifically, Amber said she: “was concerned about the racism and harassment of young Black women and men and lack of accountability of the Toronto police; the police services budget; affordable and accessible public transit; growing levels of poverty, and specifically women's poverty; and community accessibility to infrastructure and services.”<sup>2</sup> She also added that the incumbent city councillor had been in power since she was a child and, based on the Integrity Commissioner's findings, seemed to care more for developers and their interests than for residents' needs.<sup>3</sup> She was running for City Council with a vision for a sustainable environment and a commitment to a more equitable society. Amber was part of a cohort of fourteen women that underwent the Women Win Toronto (WWTO) training program for progressive diverse women who wanted to run for political office in the City of Toronto.<sup>4</sup>

### I. BILL 5: A COUP D'ÉTAT AGAINST LOCAL DEMOCRACY

Amber and her team of volunteers had spent over a year building a campaign and preparing for the election, when she learned that the ward she had been planning on running in would no longer exist. On 27 July 2018, eighty-eight days into Toronto's municipal election campaign, Bill 5 was introduced. A few short weeks later, on 14 August 2018, the Bill received Royal Assent, and Toronto City Council went from forty-seven wards to just twenty-five “mega wards” and the election of regional chairs in the York, Peel, Niagara, and Muskoka regions was cancelled.<sup>5</sup> Bill 5

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<sup>1</sup> Bill 5, *An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001 and the Municipal Elections Act, 1996*, 1st Sess, 42nd Leg, Ontario, 2018 (assented to 14 August 2018).

<sup>2</sup> Interview with Prabha Khosla.

<sup>3</sup> John Lancaster, “Integrity Commissioner finds Coun. Mark Grimes had ‘improper’ relationship with developers,” *CBC* (7 July 2016), online: <[www.cbc.ca/news/canada/toronto/mark-grimes-developers-1.3669349](http://www.cbc.ca/news/canada/toronto/mark-grimes-developers-1.3669349)> [perma.cc/3DJ8-YTT6].

<sup>4</sup> Women Win Toronto, online: <[womenwinto.ca/participants/](http://womenwinto.ca/participants/)> [perma.cc/BN83-DZDT].

<sup>5</sup> When a challenge to the new legislation was successful at first instance, Premier Ford indicated that it was the government's intention to invoke the notwithstanding clause of the *Canadian Charter of Rights and Freedoms* so that the province could implement the new law even though Justice Belobaba had found it to be unconstitutional.

purported to increase efficiency and save money for Toronto City Council by reducing the number of wards and councillors.<sup>6</sup> For Amber, changing the boundaries of the Ward posed many challenges. She would require a brand-new strategy on short notice, her campaign materials would now be invalid, and the population of the Ward would more than double. None of this she had planned for.<sup>7</sup>

Many residents active in the Toronto municipal election called Bill 5 a coup against the residents and city of Toronto.<sup>8</sup> For the many diverse women of Toronto who were running for political office for the first time and hoping to win one of the forty-seven seats, the rug had been pulled out from under their campaigns. They were going to lose months of organizing efforts, as well as thousands of dollars of their small campaign budgets.

This election was the first time in many years that there was hope in the air that, this time, Toronto could elect a council that would better reflect the diversity of the populations of the city.<sup>9</sup> As Canada's largest and most diverse city, Toronto's City Council has never adequately reflected the people it serves. With a population where over fifty percent are racialized,<sup>10</sup> and with over half of the population being female,<sup>11</sup> the Toronto City Council was overwhelmingly male and white.<sup>12</sup> Many residents expressed concerns that these councillors did not reflect their priorities and the concerns of their communities.<sup>13</sup>

Toronto had recently conducted a four-year ward boundary review that involved extensive research and public consultation and ultimately supported a new model of Council that changed

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<sup>6</sup> See Nathalie Des Rosiers, this volume. Jennifer Pagliaro & Robert Benzie, "Ford plans to invoke notwithstanding clause for first time in province's history and will call back legislature on Bill 5," *Toronto Star* (12 September 2018), online: <[www.thestar.com/news/toronto-election/2018/09/10/superior-court-judge-strikes-down-legislation-cutting-the-size-of-toronto-city-council.html](http://www.thestar.com/news/toronto-election/2018/09/10/superior-court-judge-strikes-down-legislation-cutting-the-size-of-toronto-city-council.html)> [perma.cc/28GW-ZYQ3].

<sup>7</sup> Interview with Prabha Khosla.

<sup>8</sup> See, for example, Progress Toronto, "Tell City Council It's Time to Take Doug Ford to Court," online: [www.progresstoronto.ca/take-ford-to-court#theexperts](http://www.progresstoronto.ca/take-ford-to-court#theexperts) [perma.cc/EAH5-GGYF]; Star Staff, "Bill 5: The winners, the losers and the in-betweeners," *Toronto Star* (19 September 2018), online: <[www.thestar.com/news/toronto-election/2018/09/19/bill-5-the-winners-the-losers-and-the-in-betweeners.html](http://www.thestar.com/news/toronto-election/2018/09/19/bill-5-the-winners-the-losers-and-the-in-betweeners.html)> [perma.cc/XLL2-885H]; Edward Keenan, "Fairness to Ford means only giving him what he wants," *Toronto Star* (20 September 2018), online: <[www.thestar.com/opinion/star-columnists/2018/09/19/for-doug-ford-fairness-means-given-him-exactly-what-he-wants.html](http://www.thestar.com/opinion/star-columnists/2018/09/19/for-doug-ford-fairness-means-given-him-exactly-what-he-wants.html)> [perma.cc/ZE2C-ZXRV]; Ken Hale, "Bill 5 Will Weaken Toronto's Democracy," *Advocacy Centre for Tenants Ontario* (3 August 2018), online:

<[www.acto.ca/bill-5-will-weaken-torontos-democracy/](http://www.acto.ca/bill-5-will-weaken-torontos-democracy/)> [perma.cc/A8LD-S4GN];

John Cartwright, "Council-cutting Bill 5 just the beginning," *Toronto Star* (16 August 2018), online: <[www.thestar.com/opinion/letters\\_to\\_the\\_editors/2018/08/17/council-cutting-bill-5-just-the-beginning.html](http://www.thestar.com/opinion/letters_to_the_editors/2018/08/17/council-cutting-bill-5-just-the-beginning.html)> [perma.cc/PZ9A-K4K6].

<sup>9</sup> Jennifer Pagliaro, "Meet the people challenging Premier Doug Ford's Toronto ward cuts in court," *Toronto Star* (28 August 2018), online: <[www.thestar.com/news/toronto-election/2018/08/28/meet-the-people-challenging-premier-doug-fords-toronto-ward-cuts-in-court.html](http://www.thestar.com/news/toronto-election/2018/08/28/meet-the-people-challenging-premier-doug-fords-toronto-ward-cuts-in-court.html)> [perma.cc/98QM-C3HG].

<sup>10</sup> Julia Whalen, "Census 2016: More than half of Torontonians identify as visible minorities," *CBC* (25 October 2017), online: <[www.cbc.ca/news/canada/toronto/census-visible-minorities-1.4371018](http://www.cbc.ca/news/canada/toronto/census-visible-minorities-1.4371018)> [perma.cc/98EG-G9VA].

<sup>11</sup> Toronto, 2016 Census: Age and Sex; Type of Dwelling, online: <[www.toronto.ca/wp-content/uploads/2017/10/96d7-2016-Census-Background-Age-Sex-Dwelling-Type.pdf](http://www.toronto.ca/wp-content/uploads/2017/10/96d7-2016-Census-Background-Age-Sex-Dwelling-Type.pdf)> [perma.cc/K4X2-UK88].

<sup>12</sup> Denise Balkissoon, "Meet the new Toronto Council, same as the old Toronto Council," *CBC* (23 October 2018) online: <[www.theglobeandmail.com/canada/toronto/article-meet-the-new-toronto-council-same-as-the-old-toronto-council/](http://www.theglobeandmail.com/canada/toronto/article-meet-the-new-toronto-council-same-as-the-old-toronto-council/)> [perma.cc/2GWK-VXCX].

<sup>13</sup> Cynthia Mulligan, "The faces of power: examining the political diversity landscape," *CityNews* (5 April 2018), online: <[toronto.citynews.ca/2018/04/05/faces-power-examining-political-diversity-landscape/](http://toronto.citynews.ca/2018/04/05/faces-power-examining-political-diversity-landscape/)> [perma.cc/3C7W-78ZG].

the number of wards from forty-four to forty-seven.<sup>14</sup> The intention of the changes was to ensure that residents had adequate representation at City Council. Prospective candidates, like Amber, saw the new forty-seven ward model as a chance to break the barriers of a first-past-the-post electoral system that overwhelmingly favoured incumbency.

Almost half of the Councillors had been in power for more than three terms and a number for over twenty-five years. Unseating them was incredibly difficult due to an electoral system that allowed some councillors to get elected with less than thirty percent of the vote.<sup>15</sup> Electoral reform beyond the increase in wards noted above had been proposed for Toronto,<sup>16</sup> but no changes had been implemented. For first and second generation Canadians, many of whom are racialized and do not have a family legacy in politics, entering the political field is daunting and plagued with barriers. For women, the challenges increase due to sexism and the unequal distribution of child and family labour.<sup>17</sup> Women in these circumstances often do not have the connections that will help them to raise huge funds or secure experienced campaign staff.

Chiara Padovani, a young woman of Italian descent from the working-class area of the old Ward 11, York South-Weston, was also a new candidate in the municipal election and a challenger of Bill 5.<sup>18</sup> Chiara spent three years in Argentina working on human rights issues, such as access to affordable housing and health care. She realized these same issues of the human right to housing and health care were critical to the area where she had grown up and were violated daily. According to Chiara, “[u]p to fifty percent of the children in my ward are living in poverty and affordable housing is almost non-existent. The councillor of my ward is the same councillor who has been in power for thirty years.”<sup>19</sup> Chiara, along with many of the residents she knew in her community, felt their councillor was not working to address structural issues of inequality. Chiara felt it was time to go home and fight for human rights in the ward where she had spent most of her life.

## II. WOMEN WIN TORONTO (WWTO)

In June 2017, a program called Women Win Toronto (WWTO) was launched with the goal of building the capacity of diverse progressive women to run and win in Toronto’s 2018 municipal election. WWTO was initiated by a group of progressive women who were experienced campaigners from a range of political backgrounds and had witnessed some of the challenges that many women faced when running for office. The women who took part in the training for the Toronto municipal election were local activist leaders in their different communities across the city. They were representative of the communities of Toronto and its many neighbourhoods and had been involved in local issues for several years. Chiara Padovani and Amber Morley were two

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<sup>14</sup> Toronto Ward Boundaries Review, “The Toronto Ward Boundary Review looked at the size and shape of Toronto's wards,” online: <drawthelines.ca/> [perma.cc/C3B3-6N42].

<sup>15</sup> “Toronto municipal election 2018: Ward-by-ward results” *CityNews* (23 October 2018), online: <toronto.citynews.ca/toronto-municipal-election-2018-ward-by-ward-results/> [perma.cc/DN4-84PV].

<sup>16</sup> Staff Report on Proposed Electoral Reforms (24 April 2013), online: <www.toronto.ca/legdocs/mmis/2013/gm/bgrd/backgroundfile-57756.pdf> [perma.cc/E24P-Y56Z].

<sup>17</sup> House of Commons, “Elect Her: A Roadmap for Improving the Representation of Women in Canadian Politics,” online: <www.ourcommons.ca/Content/Committee/421/FEWO/Reports/RP10366034/feworp14/feworp14-e.pdf> [perma.cc/FJ2T-HLNP].

<sup>18</sup> “Chiara Padovani: Council candidate for Ward 5 (York South-Weston),” *Toronto.com* (9 October 2018), online: <www.toronto.com/news-story/8946166-chiara-padovani-council-candidate-for-ward-5-york-south-weston/> [perma.cc/5U2Q-D9SH].

<sup>19</sup> Interview with Prabha Khosla.

of the women from communities across Toronto who were selected to attend this unique program. They were chosen for this article due to their activism and commitment to their communities, their successful campaigning, and because they could have won in a forty-seven-seat election.

The training they and others received focused on traditional election skills such as door knocking and fundraising, but also highlighted some of the discrimination and obstacles that women face while campaigning such as racist, lesbo/homophobic, xenophobic, and sexist attacks in person or on social media, and safety while door knocking. Unlike other campaign training programs, which are often held over one or two weekends, WWTO spanned seven months, providing the participants with support and guidance as they built their campaigns. WWTO connected women to mentors, empowered them and built sisterhood and solidarity among the women, creating a network of support that led them through the difficult 2018 campaign period.

Seven graduates of WWTO ran for municipal office, including Chiara and Amber, with the hope of creating a more just and equal city for all. Two of the women who participated in the program chose to run in the June 2018 provincial election and won their seats. However, for the candidates running in the municipal election, Bill 5 threw a giant wrench into their campaigns.

By reducing the number of wards from forty-seven to twenty-five, the chance to elect new faces to City Council became even more difficult. Voters are more likely to support incumbents, as has been the case historically,<sup>20</sup> and the opportunity for candidates to run in open seats was erased. Without consultation, the Provincial Government unilaterally took a sledgehammer to Toronto's election, undermining residents' rights to democracy and choice. On average, Toronto City Council has had fourteen women councillors out of forty-four, *i.e.* 31.8 per cent. During the 2018 municipal election, eight women were elected out of a total of twenty-five wards, stalling their percentage in Council at 32 per cent.<sup>21</sup> There have never been more than two racialized women elected during any term. By propping up incumbents, Bill 5 entrenched white male control of decision making at the City of Toronto and in effect, served to keep diverse women and men out of power and decision making.

When Bill 5 was proposed, Toronto was already facing growing income disparities, housing unaffordability, soaring poverty rates, homelessness, lack of affordable childcare, and inadequate and expensive public transit.<sup>22</sup> Women, particularly newcomer and racialized women, were impacted by these factors more than most. Toronto had severely fallen behind on its commitments to end poverty and build affordable housing. At the same time, thousands of new private ownership condo units were being approved at every City Council meeting.

### III. ADVOCATING FOR A GENDER JUST CITY FOR WOMEN AND GIRLS

Women's advocacy to address these inequalities is not new; many groups have been lobbying for change for many decades and continue to do so today. Toronto Women's City Alliance (TWCA)

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<sup>20</sup> Jack Lucas, "The Size and Sources of Municipal Incumbency Advantage in Canada" (2019) *Urban Affairs Review* 1.

<sup>21</sup> Signal Toronto, "Toronto council races end with same percentage of women on council (and that's only half the number of men)" (22 October 2018), online: <[signaltoronto.com/toronto-council-races-end-with-an-increase-to-the-percentage-of-women-on-council/](https://signaltoronto.com/toronto-council-races-end-with-an-increase-to-the-percentage-of-women-on-council/)> [perma.cc/F2TR-XS3B].

<sup>22</sup> Social Planning Toronto, "The Good, the Bad, and the Ugly: Report Examines Which of Toronto's Problems are Better, and Which are Bigger, after 10 Years of Austerity," online: <[www.socialplanningtoronto.org/good\\_bad\\_ugly](https://www.socialplanningtoronto.org/good_bad_ugly)> [perma.cc/6XN4-9HKS].

is one of these groups of feminist activists. Since its founding in 2004, TWCA has been organizing to promote the equality of women and girls in municipal policy, urban planning, budgetary matters, and programmes.

TWCA's priorities included raising issues around the affordability and availability of childcare, housing, and transit. TWCA questioned the municipal budget with its allocation of vast amounts of monies to building roads, parking infrastructure, and new highways, while not making public transit, housing, and childcare a priority. TWCA's work has shed light on the importance of implementing a gender equality and intersectional analysis when the City does its planning and budgeting. TWCA amassed the evidence to demonstrate that urban planning needs to be gender-responsive and how this would improve the quality of life of not only women and girls but also men, gender diverse people, those who are Indigenous, older, racialized, with disabilities, and those who experience intersecting inequalities.

Recognizing that local governments are patriarchal institutions, as are many other institutions in society, TWCA has mobilized and lobbied for institutional and structural change in how the city is governed and its priorities and operations. Kristyn Wong-Tam, an out lesbian-feminist city councillor, and Melissa Wong, a co-founder of WWTO, both have worked with TWCA. Both have been critical in creating and shaping WWTO as a key strategy to enable diverse, progressive women to run for City Council. They recognized that lobbying for change from the outside was part of the strategy to push for social justice and equality; but elected officials who prioritize human rights and justice for women and vulnerable residents are also essential for creating change.

#### IV. INSTITUTIONAL AND STRUCTURAL CHANGE FOR A GENDER-RESPONSIVE AND INCLUSIVE TORONTO

Cities can implement several measures to become more inclusive and democratic. Numerous women's and civil society organizations have mobilized in cities around the world to bring about structural change and enable greater local democracy and citizen control. To name a few, consider the changes brought to cities such as Barcelona, Los Angeles, Vienna, and Naga City in the Philippines by mobilizing for gender equality and social inclusion and in re-shaping urban planning priorities. TWCA has lobbied for parity in local elections. Furthermore, it has advocated for parity for all municipal agencies, boards, commissions, and committees so they reflect the diversity of the city not only in terms of race, ethnicity, age, ability, indigeneity but also the geography of the city. TWCA also lobbied the City to create a fully funded and staffed Women's Equalities Office to ensure accountability, institutional and structural change to ensure diverse women's rights, and gender equality in the City's structures, policies, programmes, and projects. Additionally, it recommended the collection and use of disaggregated population and place-based data to support evidence-based decision making.<sup>23</sup> Additional measures to enable human rights and equalities include: a commitment to affirmative action and equity in hiring and business practices; the adoption of participatory gender-responsive budgeting as an institutional practice; and, within this process, to make a commitment to annual action plans based on the priorities of those communities facing the worst deprivations and violations of human rights. Furthermore, the City can deliberately re-orient its budget to first address the issues of multiple and intersecting

<sup>23</sup> City of Toronto, "Supporting Equity Goals with Disaggregated Data," online: <[www.toronto.ca/legdocs/mmis/2018/ex/bgrd/backgroundfile-114840.pdf](http://www.toronto.ca/legdocs/mmis/2018/ex/bgrd/backgroundfile-114840.pdf)> [perma.cc/CW46-C7UA].

inequalities, while also building an equitable and environmentally accountable city with a focus on gender-responsive mitigation and adaptation strategies to address the climate emergency. Women in local decision making can make this happen.

It is critical that women running for City Council understand how the City and its governance is shaped by patriarchal priorities that exclude women, Indigenous and racialized peoples, people with disabilities, young people, people of different sexual orientations and gender identities, and the environment. It is important for them to understand how power operates and the power of those who wield it. This is something that many of the women training with WWTO understood and they wanted to be the enablers of change. They experienced how others wielded power over their lives as women and as community activists. The election promised them an opportunity to be elected in greater numbers; to create a critical mass to impact decision making and take on these challenges as a team. As Chiara said, “we could have been a united front to challenge urban orthodoxies.”<sup>24</sup> As first-time candidates, both Amber Morley and Chiara Padovani garnered a significant percentage of the vote in their wards.<sup>25</sup> Due to their high polling numbers, they faced intense pressures with threats and misinformation about them directed at voters. Despite this, they were able to secure considerable support from the electorate and had the ward boundaries not changed, they stood a strong chance of defeating well established incumbents. Both plan to run in the next municipal election in 2022.

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<sup>24</sup> Interview with Prabha Khosla.

<sup>25</sup> Ulli Watkiss, Declaration of Results, Toronto City Clerk’s Office (22 October 2018), online: <[www.toronto.ca/wp-content/uploads/2018/10/97da-2018clerksofficialdeclarationofresults.pdf](http://www.toronto.ca/wp-content/uploads/2018/10/97da-2018clerksofficialdeclarationofresults.pdf)> [perma.cc/BLS7-TY TZ].