

Subject: Ward 20 (Osgoode) Vacancy

File Number: ACS2025-OCC-GEN-0005

Report to Council 26 March 2025

Submitted on March 21, 2025 by Caitlin Salter MacDonald, City Clerk

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Ward: Osgoode (20)

Objet : Charge vacante dans le quartier 20 (Osgoode)

Numéro de dossier : ACS2025-OCC-GEN-0005

Rapport au Conseil le 26 mars 2025

Soumis le 26 mars 2025 par Caitlin Salter MacDonald, Greffe municipal

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Quartier : Osgoode (20)

REPORT RECOMMENDATION(S)

- 1. That City Council declare the Office of City Councillor, Ward 20 (Osgoode) to be vacant, as required in accordance with Section 262 of the *Municipal Act, 2001*.**
- 2. That City Council approve and enact the *By-law to Require a By-election*, attached as Document 1, which requires that a by-election be held to fill the vacancy in the Office of City Councillor, Ward 20 (Osgoode), in accordance with the *Municipal Elections Act, 1996*.**

RECOMMANDATION(S) DU RAPPORT

1. **Que le Conseil municipal déclare vacante la charge de conseiller municipal du quartier 20 (Osgoode), conformément à l'article 262 de la *Loi de 2001 sur les municipalités*.**
2. **Que le Conseil municipal approuve et adopte un *règlement exigeant la tenue d'une élection partielle*, ci-joint en tant que document n° 1, afin de combler la charge vacante de conseiller du quartier 20 (Osgoode), conformément à la *Loi de 1996 sur les élections municipales*.**

EXECUTIVE SUMMARY

On Thursday, February 27, 2025, Councillor George Darouze was elected to be the Member of Provincial Parliament for the riding of Carleton. On March 14, 2025, George Darouze provided the City Clerk with written notice of his resignation as City Councillor of Ward 20 (Osgoode), effective end of day March 14, 2025, pursuant to Subsection 260(1) of the [Municipal Act, 2001](#).

On March 5, 2025, in anticipation of Councillor Darouze's resignation, City Council held a Special Council meeting and approved [Motion No. 2025-53-01](#) to direct the City Clerk to report back to City Council with information on a by-election model at the March 26, 2025, City Council meeting.

In addition, to support residents through the transition, the above-noted motion delegated authority for concurrence and approval for Ward 20 (Osgoode) matters, as required, and the provision of Councillor comments on staff reports related to Ward 20 (Osgoode), to Councillor David Brown and Councillor Catherine Kitts. The City Clerk and the Manager of Governance, Elected Officials, and Business Support Services were delegated the interim authority to approve the payment of expenses from the Ward 20 (Osgoode) Office Budget arising from routine matters, and to address human resources matters relating to the Ward 20 (Osgoode) Office. These interim delegated authorities came into effect on March 15, 2025, following Councillor Darouze's resignation.

The Ward 20 (Osgoode) Office remains open and staffed to continue to address day-to-day constituency needs.

Legislative requirements

As required by Section 262 of the *Municipal Act, 2001*, when a Member of City Council resigns from Office, City Council must formally declare the Office to be vacant at its next meeting. Accordingly, and further to Motion No. 2025-53-01, the City Clerk has prepared this report for City Council's consideration, and approval of Recommendation 1 will satisfy City Council's statutory obligation to declare the seat vacant in accordance with the *Municipal Act, 2001*.

Following the declaration of vacancy, Section 263 of the *Municipal Act, 2001* provides City Council with two options to fill the vacancy, namely by holding a by-election ("elect"), or appointing a new Member ("select").

More specifically, Subsection 263(5) of the *Municipal Act, 2001* provides that, within 60 days of City Council declaring an Office to be vacant, City Council shall pass a by-law requiring a by-election to be held to fill that vacancy or appoint a person to fill the vacancy.

Filing the Ward 20 (Osgoode) vacancy by way of a by-election

Subsection 65(3) of the [Municipal Elections Act, 1996](#) (the MEA) mandates that "by-elections shall be conducted as far as possible in the same way as regular elections". As such, should City Council choose to fill the Ward 20 (Osgoode) vacancy by way of a by-election, the by-election will be conducted using the same voting methods as the 2022 Municipal Elections (the most recent regular election), and electors will have three options to cast their ballot during the Ward 20 (Osgoode) by-election: voting in person, voting by special mail-in ballot, and voting by proxy.

The Ward 20 (Osgoode) by-election would be conducted in accordance with statutory timelines set out in the MEA. Subsection 65(4) of the MEA states that Nomination Day must be no less than 30 days and not more than 60 days after the passing of the by-law requiring a by-election. Voting Day must be 45 days after Nomination Day and is, therefore, dependent on the date the City Clerk establishes for Nomination Day.

Should City Council choose to fill the Ward 20 (Osgoode) vacancy by way of a by-election, the by-election schedule, as established by the City Clerk in accordance with the MEA, will see the following dates:

- **March 27, 2025**
 - Candidate nomination and third party advertiser registration periods begins.
- **May 2, 2025 at 2 pm**
 - Anticipated Nomination Day (last day to file or withdraw a nomination to be a candidate).
- **June 6, 2025**
 - Anticipated Advance Vote Day (from 10:00 am to 8:00 pm).
- **June 13, 2025 at 4:30 pm**
 - Anticipated last day to submit a notice of registration as a third party advertiser.
- **June 16, 2025**
 - Anticipated Voting Day (from 10:00 am to 8:00 pm).
- **June 17, 2025**
 - Expected Declaration of Results and Declaration of Office.

Staff will continue to monitor this schedule with consideration given to the potential federal election and voting place availability, and the City Clerk will advise City Council and the public as soon as possible if any changes are required to the nomination and registration periods and voting dates included in the above-noted schedule.

Staff estimates that a by-election for Ward 20 (Osgoode) would cost approximately \$522,491. This estimate includes costs that are incurred after a by-election due to legislative requirements such as the City Clerk's review of contributions and the Contribution Rebate Program. Funding for the by-election would come from the Tax Stabilization Reserve, which is the primary fund for elections.

Should City Council choose to fill the Ward 20 (Osgoode) vacancy by holding a by-election, approval of Recommendation 2 of this report is required.

Filing the Ward 20 (Osgoode) vacancy by an appointment process

Should City Council choose to fill the Ward 20 (Osgoode) vacancy by an appointment process, staff is recommending that City Council approve that the appointment process be conducted using the process set out in Document 4. City Council previously approved that the same process be used in 2021 to fill the Ward 4 (Kanata North) vacancy.

The recommended appointment process will take approximately 30 days to complete and would allow City Council to appoint a new City Councillor at a City Council meeting of by the end of April or early May. These timelines ensure the appointment of an eligible individual within 60 days of declaring the seat vacant, as is required under Subsection 263(5) of the *Municipal Act, 2001*.

If City Council chooses to fill the vacancy by appointment, in accordance with the process outlined in Document 4, the following timelines would apply:

- **Monday, March 31, 2025**
 - The City Clerk will provide public notice of the vacancy and advertise City Council's intention to appoint a person to fill the vacancy.
 - The notice will invite eligible individuals to seek appointment for the Ward 20 (Osgoode) Office and outline the process for filing an application.
 - Advertisements would be placed in newspapers for a two-week period (the week before the application period begins, and throughout the application period).
 - Information will also be available on the City of Ottawa website and social media accounts during the application period.
- **Monday, April 7, 2025, at 8:30 am**
 - The application period begins.
- **Friday, April 11, 2025, at 4:00 pm**
 - The application period closes.
 - Following the close of the application period, the City Clerk will examine each application that has been filed to ensure it meets the requirements of the MEA, and, if satisfied, certify the application.

- **Friday, April 25, 2025**

- The City Clerk will issue a report to City Council that includes a list of certified applicants.
- The report to City Council will also outline the appointment process to fill the Ward 20 (Osgoode) vacancy, in accordance with Document 4 attached to this report.

- **April 28, 2025 to May 2, 2025**

- A Special Council meeting to appoint an applicant to fill the Ward 20 (Osgoode) vacancy will be scheduled between April 28, 2025, and May 2, 2025.

Staff anticipates that an appointment process would cost approximately \$8,000, primarily related to advertising, which could be absorbed within the operating budget of the Office of the City Clerk.

If City Council approves option 2 to appoint, a motion would be required to that effect.

RÉSUMÉ

Le jeudi 27 février 2025, le conseiller George Darouze a été élu député provincial de la circonscription de Carleton. Le 14 mars 2025, George Darouze a avisé par écrit la greffière municipale de sa démission du poste de conseiller municipal du quartier 20 (Osgoode), qui entrera en vigueur à la fin de cette même journée, conformément au paragraphe 260(1) de la [Loi de 2001 sur les municipalités](#).

Le 5 mars 2025, en prévision de la démission du conseiller Darouze, le Conseil municipal a tenu une réunion extraordinaire au cours de laquelle il a approuvé la motion [Motion n° 2025-53-01](#) pour demander à la greffière municipale de fournir au Conseil des renseignements sur un modèle d'élection partielle lors de sa réunion du 26 mars 2025.

De plus, pour soutenir les résidents pendant la transition, la motion indiquée ci-dessus délègue le pouvoir en matière d'accord et d'approbation des affaires du quartier 20 (Osgoode), au besoin, et la fourniture de commentaires du conseiller sur les rapports du personnel liés au quartier 20 (Osgoode) au conseiller David Brown et à la conseillère Catherine Kitts. Le pouvoir d'approuver le paiement à même le budget du bureau du quartier 20 (Osgoode) des dépenses ordinaires et de régler les questions des ressources humaines liées au bureau du quartier 20 (Osgoode) a été délégué par

intérim à la greffière municipale et au gestionnaire, Services de gouvernance et de soutien aux activités et aux représentants élus. Les pouvoirs délégués par intérim sont entrés en vigueur le 15 mars 2025 à la suite de la démission du conseiller Darouze.

Le bureau du quartier 20 (Osgoode) demeure ouvert et doté en personnel pour continuer à répondre aux besoins quotidiens de l'électorat.

Exigences législatives

En vertu de l'article 262 de la *Loi de 2001 sur les municipalités*, lorsqu'un membre du Conseil municipal démissionne, le Conseil est tenu de déclarer vacante la charge en question lors de sa prochaine réunion. En conséquence, et à la suite de la motion n° 2025-53-01, la greffière municipale a préparé le présent rapport aux fins d'examen par le Conseil municipal. En adoptant la recommandation 1, le Conseil répondra à l'obligation statutaire qui lui prescrit de déclarer vacante la charge de conseiller conformément à la *Loi de 2001 sur les municipalités*.

Une fois la charge déclarée vacante, l'article 263 de la *Loi de 2001 sur les municipalités* offre deux options au Conseil municipal pour combler la charge vacante, soit la nomination d'un nouveau membre (nommer) soit la tenue d'une élection partielle (élire).

Plus précisément, en vertu du paragraphe 263 (5) de la *Loi de 2001 sur les municipalités*, le Conseil doit, dans les soixante (60) jours suivant la déclaration d'une charge vacante, adopter un règlement pour exiger la tenue d'une élection partielle afin de combler la charge vacante.

Comblent la charge vacante dans le quartier 20 (Osgoode) par une élection partielle

Le paragraphe 65 (3) de la [Loi de 1996 sur les élections municipales](#) (LEM) stipule qu'« une élection partielle est tenue le plus possible de la même manière qu'une élection ordinaire ». Ainsi, si le Conseil municipal devait choisir de combler la vacance dans le quartier 20 (Osgoode) par une élection partielle, l'élection partielle sera menée selon les mêmes modes de vote que ceux utilisés lors des élections municipales de 2022 (la plus récente élection générale). Les électeurs disposeront de trois options pour voter lors de l'élection partielle du quartier 20 (Osgoode) : vote en personne, vote par bulletin de vote spécial par la poste et vote par procuration.

L'élection partielle dans le quartier 20 (Osgoode) serait tenue conformément aux délais prescrits par la LEM. Le paragraphe 65 (4) de la LEM stipule que le jour de la déclaration des candidatures doit être au plus tôt 30 jours et au plus tard 60 jours après

l'adoption d'un règlement municipal exigeant la tenue d'une élection partielle. Le jour du scrutin tombe 45 jours après le jour de la déclaration de candidature et dépend donc de la date que la greffière municipale fixe pour le jour de la déclaration de candidature.

Si le Conseil choisit la tenue d'une élection partielle dans le quartier 20 (Osgoode), le calendrier de l'élection partielle, établi par la greffière municipale conformément à la LEM, comprendra les dates suivantes :

- **Le 27 mars 2025**
 - Début de la période de dépôt des candidatures et de la période d'inscription des tiers annonceurs
- **Le 2 mai à 14 h**
 - Jour prévu de la déclaration des candidatures (dernier jour pour déposer ou retirer sa candidature)
- **Le 6 juin 2025**
 - Jour prévu de vote par anticipation (de 10 h à 20 h)
- **Le 13 juin 2025, à 16 h 30**
 - Dernier jour prévu pour soumettre un Avis d'inscription en tant que tiers annonceur
- **Le 16 juin 2025**
 - Jour prévu du scrutin (de 10 h à 20 h)
- **Le 17 juin 2025**
 - Proclamation attendue des résultats et déclaration d'entrée en fonction

Le personnel continuera de surveiller ce calendrier en tenant compte de l'élection fédérale potentielle et de la disponibilité des bureaux de vote. La greffière municipale avisera le Conseil municipal et le public si des changements sont requis aux dates indiquées dans le calendrier ci-dessus.

Le personnel estime qu'une élection partielle dans le quartier 20 (Osgoode) coûterait environ 522 491 \$. Cette estimation tient compte des frais engagés après l'élection partielle en raison des exigences législatives, notamment l'examen par la greffière

municipale des contributions et la gestion du Programme de remises de contributions. Le financement de cette élection partielle proviendra du Fonds de réserve de stabilisation des taxes, lequel est la principale source de financement des élections.

Si le Conseil municipal choisit de pourvoir la charge vacante dans le quartier 20 (Osgoode) au moyen d'une élection partielle, l'approbation de la recommandation 2 de ce rapport est requise.

Comblé la vacance dans le quartier 20 (Osgoode) par un processus de nomination

Si le Conseil municipal choisit de pourvoir la charge vacante dans le quartier 20 (Osgoode) par un processus de nomination, le personnel recommande que le Conseil approuve la tenue du processus conformément aux modalités énoncées dans le Document n° 4. Le Conseil municipal a approuvé auparavant que le même processus de nomination soit utilisé en 2021 pour combler la vacance dans le quartier 4 (Kanata-Nord).

Le processus de nomination recommandé prendra environ 30 jours et permettra au Conseil municipal de nommer une nouvelle conseillère ou un nouveau conseiller municipal lors de sa réunion de la fin avril ou du début de mai. Ces échéances garantissent la nomination d'une personne admissible dans les 60 jours suivant la déclaration de vacance du poste, conformément au paragraphe 263(5) de la *Loi de 2001 sur les municipalités*.

Si le Conseil municipal choisit de pourvoir le poste vacant par nomination, conformément au processus décrit dans le Document n° 4, les échéances suivantes s'appliqueront :

- **Lundi 31 mars 2025**
 - La greffière municipale diffusera un avis public annonçant la vacance du poste et informera la population de l'intention du Conseil municipal de procéder à une nomination pour le pourvoir.
 - L'avis invitera les personnes admissibles à soumettre leur candidature pour le poste de conseiller ou conseillère municipale du quartier 20 (Osgoode) et précisera la marche à suivre pour déposer une demande de nomination.

- Des annonces seront publiées dans les journaux pendant deux semaines (la semaine précédant et la semaine suivant le début de la période de déclaration des candidatures).
- L'information sera également publiée sur le site Web et dans les réseaux sociaux de la Ville d'Ottawa pendant la période de déclaration des candidatures.
- **Lundi 7 avril 2025 à 8 h 30**
 - Début de la période de déclaration des candidatures.
- **Vendredi 11 avril 2025 à 16 h**
 - Fin de la période de déclaration des candidatures.
 - Après la fin de la période de déclaration des candidatures, la greffière municipale examinera chacune des demandes déposées pour vérifier qu'elles satisfont aux exigences de la LEM et, le cas échéant, elle certifiera la candidature.
- **Vendredi 25 avril 2025**
 - La greffière municipale présentera un rapport au Conseil qui comprendra la liste des candidats et des candidates validés.
 - Le rapport au Conseil présentera également le processus de nomination visant à pourvoir la charge vacante dans le quartier 20 (Osgoode), conformément aux modalités décrites dans le Document n° 4 joint à ce rapport.
- **Du 28 avril 2025 au 2 mai 2025**
 - Séance extraordinaire du Conseil afin de procéder à la nomination de la personne qui pourvoira la charge vacante de conseiller ou conseillère du quartier 20 (Osgoode), qui est prévue entre le 28 avril 2025 et le 2 mai 2025.

Le personnel prévoit que les coûts du processus de nomination s'élèveront à environ 8 000 \$, principalement en raison des annonces, lesquels pourraient être absorbés à même le budget de fonctionnement du Bureau du greffe municipal.

Si le Conseil municipal approuve l'option 2 (nomination), une motion devra être adoptée à cet effet.

BACKGROUND

On Thursday, February 27, 2025, Councillor George Darouze was elected to be the Member of Provincial Parliament for the riding of Carleton. Pursuant to Subsection 258(1)(3) of the [Municipal Act, 2001](#), “a Member of the Assembly as provided in the [Legislative Assembly Act](#) or of the Senate or House of Commons of Canada” is not eligible to hold office as a Member of Council.

As such, on March 14, 2025, George Darouze provided the City Clerk with written notice of his resignation as City Councillor of Ward 20 (Osgoode), effective end of day March 14, 2025, pursuant to Subsection 260(1) of the *Municipal Act, 2001*.

Special meeting of City Council

On March 5, 2025, in anticipation of Councillor Darouze's resignation, City Council held a Special Council meeting and approved [Motion No. 2025-53-01](#) to direct the City Clerk to report back to City Council with information on a by-election model at the March 26 City Council meeting. The submission of this report satisfies City Council's direction to report back.

In addition, to support residents through the transition, the above-noted motion delegated authority for concurrence and approval for Ward 20 (Osgoode) matters, as required, and the provision of Councillor comments on staff reports related to Ward 20 (Osgoode), to Councillor David Brown and Councillor Catherine Kitts. The City Clerk and the Manager of Governance, Elected Officials, and Business Support Services were delegated the interim authority to approve the payment of expenses from the Ward 20 (Osgoode) Office Budget arising from routine matters, and to address human resources matters relating to the Ward 20 (Osgoode) Office.

These interim delegated authorities came into effect on March 15, 2025, following Councillor Darouze's resignation.

Motion No. 2025-53-01 also directed the City Clerk to advise City Council once Councillor Darouze has resigned and advise when the above-noted delegations of authority are in effect. As such, the City Clerk issued a memorandum on March 14, 2025, to advise City Council of George Darouze's resignation. Further, the memorandum noted that the above-noted delegations of authority would come into effect on March 15, 2025, until a new City Councillor is sworn in to the Ward 20 (Osgoode) Office.

Declaring a Council vacancy in accordance with the *Municipal Act, 2001*

As required by Section 262 of the *Municipal Act, 2001*, when a Member of City Council resigns from Office, City Council must formally declare the Office to be vacant at its next meeting.

Accordingly, and as directed in Motion No. 2025-53-01, the City Clerk has prepared this report for City Council's consideration at its March 26, 2025, meeting, and approval of Recommendation 1 will satisfy City Council's statutory obligation to declare the seat vacant in accordance with the *Municipal Act, 2001*.

Process to fill Council vacancies as defined by *Municipal Act, 2001* and the *Municipal Elections Act, 1996*, "Select or Elect"

Section 263 of the *Municipal Act, 2001* provides City Council with two options to fill a vacancy, namely by appointing a new Member ("select") or by holding a by-election ("elect"), as follows:

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*](#).

More specifically, Subsection 263(5) of the *Municipal Act, 2001*, requires City Council to choose one of these options and either appoint an individual to fill the vacancy or pass a by-law requiring a by-election to be held, within 60 days of declaring the Office vacant as follows:

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 be held to fill the vacancy under Subsection (1).

In addition to the above-noted timelines, Subsection 65(2) of the MEA mandates that, "no by-election shall be held to fill an Office that becomes vacant after March 31 in the

year of a regular election”. Furthermore, Subsection 263(5)3 of the *Municipal Act, 2001*, states that a Council is only permitted to leave a seat open if the vacancy occurs within 90 days of a regular municipal election.

Therefore, the legislative timeframe established by the MEA and the *Municipal Act, 2001*, obligates City Council to appoint a candidate to fill a vacancy in the Office of City Councillor beginning April 1, 2026, to July 28, 2026, during the 2022-2026 Term of Council. As such, at this time in the 2022-2026 Term of Council, City Council may choose to fill the Ward 20 (Osgoode) vacancy by either an appointment process or by-election, in accordance with the MEA and the *Municipal Act, 2001*.

Previous vacant Offices on Ottawa City Council

Since amalgamation in 2001, six of Ottawa’s City Councillors have resigned from Office, causing City Council to declare their Offices vacant.

On October 16, 2003, Councillor Madeleine Meilleur (Ward 12, Rideau-Vanier) and Councillor Phil McNeely (Ward 19, Cumberland) submitted their resignation following their election to the Legislative Assembly of Ontario in the 2003 Provincial Election. As City Council declared the Offices of Councillor Meilleur and Councillor McNeely vacant within 90 days before Voting Day of the next regular municipal election – the 2003 Municipal Election occurred on November 10, 2003 – City Council was not required to fill these two vacancies in accordance with legislative provisions.

The third vacancy occurred in September 2005 when Councillor Herb Kreling (Ward 1, Orléans) resigned from City Council to become a Justice of the Peace. Councillor Kreling’s resignation took effect on September 13, 2005. In turn, at its meeting of September 14, 2005, City Council passed a number of related motions, including motions to declare the Ward 1 Office vacant and to direct the City Clerk to conduct a by-election. Pursuant to this direction, the City Clerk conducted a by-election on January 9, 2006, which was preceded by an Advance Vote Day on December 17, 2005. The total cost of the 2006 by-election in Ward 1 was approximately \$277,000.

The fourth vacancy occurred in January 2019, when Councillor Tobi Nussbaum (Ward 13, Rideau Rockcliffe) resigned from City Council to accept the role of Chief Operating Officer for the National Capital Commission. Councillor Nussbaum provided written notice of his resignation on January 25, 2019. At its meeting of January 30, 2019, City Council approved the staff report titled [Declaration of Vacant Office on Council - Ward 13 \(Rideau-Rockcliffe\) and Related Matters](#) to declare the Ward 13 (Rideau-Rockcliffe) seat vacant and pass a by-law requiring that the vacancy be filled by way of a by-

election. The Ward 13 (Rideau-Rockcliffe) by-election occurred on April 15, 2019, with an Advance Vote Day taking place on April 5, 2019. The cost of this by-election was \$339,000.

The fifth vacancy occurred in March 2020, after Councillor Stephen Blais (Ward 19, Cumberland) was elected to be the Member of Provincial Parliament for Orléans. On March 5, 2020, he provided the City Clerk with written notice of his resignation as City Councillor of Ward 19 (Cumberland), effective immediately. Around this time, the environment was materially changed due to the COVID-19 pandemic, and it became clear that conducting a by-election was not possible at that time. At the Special City Council Meeting of March 25, 2020, City Council approved a motion that, in part, declared the Ward 19 (Cumberland) seat vacant and directed the Office of the City Clerk to report back to City Council within the 60-day statutory timeline. At its meeting of [April 22, 2020](#), City Council deferred the decision on how to fill the City Council vacancy by way of motion and directed staff to report back to City Council no later than 30 days after the provincial emergency order was lifted.

On July 15, 2020, City Council approved the staff report titled [Ward 19 \(Cumberland\) – Vacancy Options \(July 15\)](#) and passed a by-law requiring that the vacancy be filled by way of a by-election. The Ward 19 (Cumberland) by-election took place on October 5, 2020, with two Advance Vote Days occurring on September 28 and 29, 2020. The cost of this by-election was \$550,560.

The sixth vacancy occurred in September 2021, after Councillor Jenna Sudds was elected to be the Member of Parliament for Kanata-Carleton. On September 23, 2021, she provided the City Clerk with written notice of her resignation as City Councillor of Ward 4 (Kanata North), effective immediately. At its meeting of October 13, 2021, City Council approved Recommendation 1 of the staff report titled [Ward 4 \(Kanata North\) Vacancy Options](#) to declare the Ward 4 (Kanata North) seat vacant, and approved Motion No. 62/2 to fill the vacancy by an appointment process.

At the Special Council meeting on November 10, 2021, and in accordance with the appointment process set out in the report titled [Appointment Process to fill the Ward 4 \(Kanata North\) Vacancy](#), City Council appointed Cathy Ann Greene Curry to fill the vacancy in the Office of City Councillor for Ward 4 (Kanata North) for the remainder of the 2018-2022 Term of Council. The cost of the appointment process, primarily related to advertising, was \$7,278.

Ward 20 (Osgoode) statistics

Based on the most recent data available from the Permanent Register of Electors for Ontario, Ward 20 (Osgoode) has approximately 26,650 eligible electors.

For the 2022 Municipal Elections, Ward 20 (Osgoode) had 23,354 eligible electors, and voter turnout was 46 per cent with 10,780 electors casting their ballot. For the 2018 Municipal Elections, Ward 20 (Osgoode) had 18,581 eligible electors, and 8,518 electors cast their ballot for a voter turnout of 46 per cent.

There have been no by-elections in Ward 20 (Osgoode) since amalgamation in 2001.

DISCUSSION

Recommendation 1: That City Council declare the Office of City Councillor, Ward 20 (Osgoode) to be vacant, as required in accordance with Section 262 of the *Municipal Act, 2001*.

As noted above, on March 14, 2025, Councillor Darouze provided the City Clerk with written notice of his resignation as City Councillor for Ward 20 (Osgoode), in accordance with Subsection 9(2) of the [Legislative Assembly Act](#). Under Section 262 of the *Municipal Act, 2001*, when a Member resigns or is deemed to have resigned, City Council is mandated to declare the Office to be vacant at its next meeting. Therefore, City Council approval of Recommendation 1 declaring the Ward 20 (Osgoode) Office vacant is required to meet City Council's statutory obligations under Section 262 of the *Municipal Act, 2001*.

As outlined in the Background section of this report, in anticipation of George Darouze's resignation and to assist residents with the transition, City Council provided interim delegations of authority in relation to Ward 20 (Osgoode) matters by way of [Motion No. 2025-53-01](#).

As previously noted, these interim delegations of authority came into effect on March 15, 2025, following George Darouze's resignation, and will remain in effect until a new City Councillor is sworn in and takes Office.

The Ward 20 (Osgoode) Office remains open and staffed to continue to address day-to-day constituency needs.

Recommendation 2: That City Council approve and enact the *By-law to Require a By-election*, attached as Document 1, which requires that a by-election be held to fill the vacancy in the Office of City Councillor, Ward 20 (Osgoode), in accordance with the *Municipal Elections Act, 1996*.

The decision on how to fill the Council vacancy in Ward 20 (Osgoode) is made by City Council, within the statutory framework provided by the *Municipal Act, 2001* and the MEA. Section 263 of the *Municipal Act, 2001* provides City Council with two options to fill a vacancy, namely by holding a by-election (“elect”), or appointing a new Member (“select”).

Specifically, Subsection 263(5) of the *Municipal Act, 2001* provides that, within 60 days of City Council declaring an Office to be vacant, City Council shall pass a by-law requiring a by-election to be held to fill that vacancy or appoint a person to fill the vacancy.

Option 1: “Elect” – Hold a by-election to fill the Ward 20 (Osgoode) vacancy

Should City Council choose to fill the vacancy by holding a by-election, staff is recommending that City Council approve and enact the *By-law to Require a By-Election*, attached as Document 1, at the City Council meeting on March 26, 2025, with candidate nominations and third party advertiser registration periods beginning on March 27, 2025, as further described below.

Should City Council choose to fill the Ward 20 (Osgoode) vacancy by way of a by-election, and as is the case with a regular municipal election, the City Clerk is responsible for the preparation and conduct of a by-election. More specifically, Subsection 11(2) of the MEA provides that the City Clerk’s responsibility for conducting an election includes the following:

Duties of Clerk

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election;
- (c) maintaining peace and order in connection with the election; and
- (d) in a regular election, preparing and submitting the report described in Subsection 12.1(2) [relating to the identification, removal and prevention of barriers that affect electors and candidates with disabilities].

In addition, the City Clerk also has a duty to adhere to provisions of the MEA and administer the by-election in a manner consistent with the principles of the statute. While not defined in the MEA, the courts have established the principles as follows:

1. Secrecy and confidentiality of the voting process is paramount;
2. The election shall be fair and must not favour one candidate over another;
3. The election shall be accessible to voters;
4. Integrity of the process shall be maintained throughout the election;
5. Proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
6. Voters and candidates shall be treated fairly and consistently as determined by the courts.

Ward 20 (Osgoode) by-election model and associated timelines

Should City Council choose to fill the Ward 20 (Osgoode) vacancy by way of a by-election, it would be conducted in accordance with statutory timelines set out in the MEA. Subsection 65(4) of the MEA states that Nomination Day must be no less than 30 days and not more than 60 days after the passing of the by-law requiring a by-election. Voting Day must be 45 days after Nomination Day and is, therefore, dependent on the date the City Clerk establishes for Nomination Day.

Should City Council choose to fill the Ward 20 (Osgoode) vacancy by way of a by-election, the by-election schedule, as established by the City Clerk in accordance with the MEA, will see the following dates:

- **March 27, 2025**
 - Candidate nomination and third party advertiser registration periods begins.
- **May 2, 2025 at 2 pm**
 - Anticipated Nomination Day (last day to file or withdraw a nomination to be a candidate).
- **June 6, 2025**

- Anticipated Advance Vote Day (from 10:00 am to 8:00 pm).
- **June 13, 2025 at 4:30 pm**
 - Anticipated last day to submit a notice of registration as a third party advertiser.
- **June 16, 2025**
 - Anticipated Voting Day (from 10:00 am to 8:00 pm).
- **June 17, 2025**
 - Expected Declaration of Results and Declaration of Office.

A detailed by-election calendar is attached as Document 2.

Staff will continue to monitor this schedule with consideration given to the potential federal election and voting place availability, and the City Clerk will advise City Council and the public as soon as possible if any changes are required to the nomination and registration periods and voting dates included in the above-noted schedule.

Voting in the Ward 20 (Osgoode) by-election

Subsection 65(3) of the MEA mandates that “by-elections shall be conducted as far as possible in the same way as regular elections”. As such, the by-election will be conducted using the same voting methods as the 2022 Municipal Elections (the most recent regular election), and electors will have three options to cast their ballot during the Ward 20 (Osgoode) by-election: (1) voting in person; (2) voting by Special Mail-in Ballot; and (3) voting by proxy, as further described below.

(1) Voting in person

Section 43 of the MEA requires that a by-election be conducted with at least one advance vote day. As such, should City Council approve a by-election, the City Clerk, in accordance with the MEA, will establish a by-election schedule that provides electors with two opportunities to vote in person. This schedule includes one Advance Vote Day, anticipated to take place on June 6, 2025. Voting Day is anticipated to take place on June 16, 2025. Voting places will be open from 10:00 am to 8:00 pm on both voting days.

The Ward 20 (Osgoode) by-election will be conducted using an “anywhere voting” model. Anywhere voting uses an electronic Voters’ List and allows electors to cast their ballot at any voting place, regardless of their address. Anywhere voting has previously been implemented during Special Advance Vote Days in the 2014, 2018, and 2022 Municipal Elections, and on all voting days during the Ward 19 (Cumberland) by-election in 2020.

Given the expedited legislative timelines when administering a by-election, and as was done for the 2020 Cumberland By-election, voting places will be staffed by City staff only. Using City staff is necessary to support the “anywhere voting” model as election workers will be required to use and be familiar with City assets to access the electronic Voters’ List. Furthermore, using City staff provides the Elections Office with additional flexibility when providing training options to election workers and ensures that each voting place has bilingual staff as well as staff who have already completed the City’s mandatory *Accessibility for Ontarians with Disabilities Act (AODA)* training.

Staff is in the process of reviewing voting places that will be used should City Council approve a by-election to fill the vacancy in Ward 20 (Osgoode), and the list of voting places will be made available to the public once confirmed. At this time, staff anticipates that three “anywhere voting” places will be available to electors on Advance Vote Day (anticipated to be June 6, 2025), and seven “anywhere voting” places will be available on Voting Day (anticipated to be June 16, 2025).

Voting at long-term care and retirement homes

Subsection 45(7) of the MEA states that, on Voting Day, a voting place shall be provided in the premises of institutions in which 20 or more beds are occupied by persons who are disabled, chronically ill or infirm and in retirement homes in which 50 or more beds are occupied. Staff has identified six institutions and retirement homes that meet this threshold in Ward 20 (Osgoode), where voting places will be established for the residents of these facilities.

As previously noted, a full list of voting places will be made available once confirmed, and this information will be communicated to electors in a variety of formats including but not limited to voter notification letters, website and social media content, public service announcements and newspaper advertisements.

(2) Alternative voting method - Special Mail-in Ballot process

As part of the staff report titled "[Update on the 2022 Municipal Elections and amendments to election-related by-laws and policies](#)", on March 23, 2022, City Council approved and enacted By-law No. 2022-76, a *By-Law to Authorize the Use of an Alternative Voting Method*, to permit the use of a Special Mail-in Ballot to vote in the 2022 Municipal Elections and any by-elections that may occur during the 2022-2026 Term of Council.

As such, should City Council choose to fill the Ward 20 (Osgoode) vacancy by approving a by-election, eligible electors will be able to submit an application to the Elections Office to receive a Special Mail-in Ballot. This process will allow electors to mark their ballot at home and mail it to the Elections Office (1221 B Cyrville Road). Electors can also hand deliver their Special Mail-in Ballot to the Elections Office and the City's [Client Service Centres](#), including the Metcalfe Client Service Centre (8243 Victoria Street) or Laurier Client Service Centre (110 Laurier Avenue W), should they choose to do so.

It is important to note that this alternative voting method does not replace traditional in-person voting. Eligible electors in Ward 20 (Osgoode) will still have the opportunity to vote in person or by proxy should they choose to do so.

The City's external election software provider, Dominion Voting Systems, provides a hybrid voting system that includes an alternative voting method by Special Mail-in Ballot that functions with the City's current vote tabulation system used for in-person voting.

As in previous elections, the City's election processes and vote tabulation system, including the Special Mail-in Ballot process, for the Ward 20 (Osgoode) by-election will be audited by an external auditor to ensure the accuracy, security, and validity of the election results.

Applying for a Special Mail-in Ballot

Any eligible elector may request to vote by Special Mail-in Ballot by submitting an application to the Elections Office. The application period is anticipated to be May 15, 2025, until May 23, 2025, at 4:30 pm. Application forms can be submitted by mail, email, in person or by the online application tool on ottawa.ca/vote.

Once an application is reviewed and accepted, the Elections Office will send a Special Ballot Voter Kit, which will include instructions on how to vote, a voter declaration form, a ballot, a ballot secrecy envelope, and a prepaid return envelope to the applicant by

mail following the close of the application period. An elector's name must appear on, or be added to, the Voters' List in order to receive a Special Ballot Voter Kit.

Completed Special Mail-in Ballots must be received at the Elections Office (1221 B Cyrville Road), or the City's Client Service Centres, including the Metcalfe Client Service Centre (8243 Victoria Street), or Laurier Client Service Centre (110 Laurier Avenue W), by 4:30 pm on Voting Day (anticipated to be June 16, 2025) in order to be counted in accordance with the Vote Counting Procedures, attached as Document 3.

(3) Voting by proxy

In accordance with Section 44 of the MEA, an eligible elector may appoint a proxy to go to the voting place and vote on their behalf. A proxy must be an eligible elector in the city of Ottawa and can still cast their own ballot if they are eligible to vote in the Ward 20 (Osgoode) by-election. A person can act as a proxy for only one other person unless they are representing members of their own family.

To appoint a proxy, the elector and the person they want to appoint must fill out two copies of an Appointment for Voting Proxy (Form 3). A link to this form is available on ottawa.ca/vote. The individual that has been appointed must take the completed forms to the City's Elections Office or any Client Service Centre during regular business hours, and have them certified by City staff. The anticipated timeline to do so will be from May 15, 2025, to June 16, 2025.

In accordance with Subsection 44(6) of the MEA, the Elections Office will work with Service Ottawa to ensure that the City's Client Service Centres are available to electors on Advance Vote Day and Voting Day to complete the certification of proxy forms and to receive hand-delivered Special Mail-in Ballots. Information about Client Service Centre hours during voting events will be communicated to the public and posted on ottawa.ca/vote.

To raise awareness about voting opportunities during the potential by-election, and in addition to statutory advertisement requirements, the Elections Office will ensure that a thorough communications plan is implemented.

Becoming a candidate in the Ward 20 (Osgoode) by-election

Candidate eligibility requirements

In accordance with the *Municipal Act, 2001*, a person is eligible to be a candidate in a municipal election if they are an eligible elector as of the day they file their nomination

papers. Subsection 17(2) of the MEA sets out the eligibility requirements for electors, and therefore candidates, as further described below.

A person is eligible to be a candidate for the Office of City Councillor if they are:

- a resident of the City of Ottawa, or an owner or tenant of land in the City of Ottawa, or the spouse of such an owner or tenant.
- a Canadian citizen.
- at least 18 years old.
- not legally prohibited from voting.

The following persons are disqualified from being elected as a Member of Council, or from holding Office as a Member of Council:

- an employee of the municipality unless they take an unpaid leave of absence beginning the day they are nominated and resign if elected to the Office.
- a judge of any court.
- a member of the Provincial Legislature, the Federal House of Commons, or Senate who has not resigned from their office by the close of nominations. Proof of resignation must be provided by the close of nominations or the City Clerk will not certify the nomination.
- a candidate who failed to file the necessary financial statement(s) in the last municipal election or by-election.

Candidates do not need to reside in Ward 20 (Osgoode) to run in a Ward 20 (Osgoode) by-election.

As noted above, employees of the City of Ottawa who wish to run for City Council must take an unpaid leave of absence before filing their nomination papers. The employee must provide the City Clerk with a copy of the documentation showing that they have taken the leave of absence and the effective date.

Candidate nomination process

Nominations for the Ward 20 (Osgoode) by-election will take place at the Elections Office (1221 B Cyrville Road) with the City Clerk or her designate(s). Prospective

candidates are encouraged to schedule an appointment with the Elections Office, which will be reserved on a first come, first serve basis.

In accordance with the MEA, candidates may file their nomination forms from March 27, 2025, until the anticipated deadline of 2 pm on May 2, 2025. Information about the requirements to file a candidate nomination will be made available on ottawa.ca/vote and circulated in statutory advertisements.

Becoming a registered third party advertiser in the Ward 20 (Osgoode) by-election

Third party advertiser eligibility requirements

A third party advertiser in a municipal election is an Ontario resident, corporation, or trade union that incurs expenses relating to an advertisement in any medium that supports or opposes a candidate in an election, or a "yes" or "no" answer to a question on the ballot.

In accordance with Section 88.4(1) of the MEA, third party advertisers must register with the City Clerk before they can begin advertising.

The following are not eligible to register as a third party advertiser:

- A candidate whose nomination has been filed under Section 33.
- A federal political party registered under the *Canada Elections Act (Canada)* or any federal constituency association or registered candidate at a federal election endorsed by that party.
- A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
- The Crown in right of Canada or Ontario, a municipality or local board.

Third party advertising is separate from any candidate's campaign and must be done independently from a candidate.

Third party advertiser registration process

Third party advertiser registrations for the Ward 20 (Osgoode) by-election will take place at the Elections Office (1221 B Cyrville Road) with the City Clerk or her designate(s). Prospective third party advertisers are encouraged to schedule an appointment with the Elections Office, which will be reserved on a first come, first serve basis.

In accordance with the MEA, third party advertisers may file a notice of registration from March 27, 2025 until the anticipated deadline of June 13, 2025, at 4:30 pm. Information about the requirements to file a third party advertiser registration will be made available on ottawa.ca/vote and circulated in statutory advertisements.

The Voters' List and Revision Period

In accordance with the MEA, Elections Ontario is responsible for preparing the preliminary list of electors for each municipality to use in a regular election or by-election, using the [Permanent Register of Electors for Ontario](#). The Province's Chief Electoral Officer is required to provide the City Clerk with the preliminary list of electors, which the City Clerk uses to create the Voters' List. The Voters' List contains information about eligible electors in the municipality, or in the case of a by-election, the relevant ward, including an elector's name, address, residency status and school board support information.

In accordance with the legislation, the City Clerk is permitted to make revisions to this list based on information in the City's custody or control. The MEA also requires the City Clerk to make the Voters' List available to the public for a "Revision Period". The Revision Period provides electors with the opportunity to add, amend or remove their information from the Voters' List by submitting an application online or by submitting a paper application form to the Elections Office or a Client Service Centre during regular business hours. The Revision Period for the Ward 20 (Osgoode) by-election is anticipated to take place from May 15, 2025, until May 23, 2025, at 4:30 pm.

Electors may also add or amend their voter information at the voting place on voting days by filling out an application form.

Changes made to an elector's name and address on the Voters' List will be sent back to Elections Ontario within 30 days after Voting Day, to be included on updates made to the Permanent Register of Electors for Ontario.

While school board support information is relevant for regular municipal elections as electors are able to vote for candidates for School Board Trustee, this information is not relevant for the Ward 20 (Osgoode) by-election as there is no School Board Trustee race.

While electors may still choose to update their school board support information during the above-noted revision period and at their voting place on voting days, the [Municipal Property Assessment Corporation](#) (MPAC) is responsible for collecting and maintaining

information about an elector's school support. As such, all electors will also be encouraged to submit an application to update their school support information with MPAC using their [Online School Support Tool](#), even if they have made updates to their information during the Ward 20 (Osgoode) by-election.

Contribution Rebate Program

Section 88.11 of the MEA provides that a municipality may pass a by-law to allow for the payment of rebates to individuals who contribute to candidates for the Office of Mayor or City Councillor and may establish conditions under which such a rebate is paid. The City of Ottawa's Contribution Rebate Program was established in 2003 and its by-law, [By-law No. 2022-76](#), remains in effect for any municipal elections and by-elections in the City of Ottawa.

The program allows for the payment of rebates to individuals residing in Ontario who contribute to participating candidates running for municipal council, including both regular elections and by-elections. Registered third party advertisers are not eligible to participate in the Contribution Rebate Program.

Candidates in a Ward 20 (Osgoode) by-election may register to participate in the program at any time between the time they file their nomination and Nomination Day (anticipated to be May 2, 2025). Contributions made before a candidate registers for the Contribution Rebate Program are not eligible for a rebate. Campaign contributions from individuals are only eligible for a rebate if both the contributor and participating candidate meet the requirements of By-law No. 2022-76.

Additional information about the Contribution Rebate Program and its requirements will be provided to candidates when they file their nomination forms and will be available on ottawa.ca/vote.

Vote tabulators

Section 42 of the MEA provides municipalities with the option of passing a by-law to authorize the use of vote counting equipment. The City of Ottawa has relied upon automated vote tabulators to count votes in all municipal elections and by-elections since 1997. This equipment ensures the consistent and accurate counting of votes and the timely production of unofficial election results. The City's By-law No. 2003-275, which authorizes the use of vote-counting equipment, continues to be in effect for any regular elections or by-election.

The City of Ottawa has an existing contract with Dominion Voting Systems (Dominion) for both hardware (i.e. vote tabulators) and software (i.e. vote counting software). Through the 2011-2014 Strategic Planning process, City Council directed the City Clerk to secure the hardware and software necessary to deliver the 2014 Municipal Elections. After an open procurement process, Dominion was selected in October 2013 and has been the City's Vendor of Record for the 2014, 2018 and 2022 Municipal Elections. The existing contract runs until end of the 2022-2026 Term of Council, with provisions for any by-elections during the Term.

With the City's existing processes and procedures being designed based on automated vote tabulation, along with the above-noted legislative and contractual obligations, staff is of the view that this vote counting method is appropriate, effective and mandatory for a by-election.

As previously noted, the City's election processes and vote tabulation system for the Ward 20 (Osgoode) by-election will be audited by an external auditor to ensure the accuracy, security, and validity of the election results.

Cost of the Ward 20 (Osgoode) by-election

Staff estimates that a by-election for Ward 20 (Osgoode) would cost approximately \$522,491, as set out in *Table 1 - Draft budget for a Ward 20 by-election* below. This estimate includes costs that are incurred after a by-election due to legislative requirements such as the Clerk's review of contributions and the Contribution Rebate Program.

When planning a by-election, it is important to note that each ward presents a unique set of geographic and ward specific challenges that need to be considered and addressed. As such, the cost of a by-election differs from ward to ward due to the size and nature of each ward and the requirements of the MEA. Factors that impact the cost of a by-election include but are not limited to:

- The number of electors in each ward;
- The number of voting days offered (the requirement to offer at least one Advance Vote Day and Voting Day);
- The number of voting places required (including those mandated by the MEA such as long-term care facilities and retirement homes);
- Accessibility requirements; and

- Alternative voting methods (the Special Mail-in Ballot voting option is authorized for the 2022-2026 Term of Council and is an important service offering in a rural ward).

These factors directly influence the cost of a by-election as they impact the number of tabulators and voting place supplies that are required, in addition to printing and staffing requirements.

Table 1 - Anticipated budget for a Ward 20 by-election

Category	Estimated Cost
Staffing	\$137,500
Voting events	\$181,024
Print production and mailing	\$45,267
Communications and outreach	\$15,000
Legislative requirements and elections audit	\$41,700
Special Mail-in Ballot	\$60,000
Post-election costs	
Contribution rebate program	\$20,000
Clerk's audit of contributions	\$22,000
Total	\$522,491

Funding for the by-election would come from the Tax Stabilization Reserve, which is the primary fund for elections.

Should City Council choose to proceed with option 1 to fill the Ward 20 (Osgoode) vacancy by holding a by-election, approval of Recommendation 2 of this report is required.

Option 2: “Select” – Appoint an eligible individual to fill the Ward 20 (Osgoode) vacancy

Should City Council choose to fill the Ward 20 (Osgoode) vacancy by an appointment process, staff is recommending that City Council approve the appointment process be conducted using the process set out in Document 4.

In accordance with Subsection 263(5)1 of the *Municipal Act, 2001*, City Council must appoint a person eligible to hold office and who has consented to accept the position within 60 days after declaring the Office vacant.

Eligibility requirements for applicants

To be eligible for appointment to City Council, a person must be:

- 18 years of age or older.
- a Canadian citizen.
- a resident of the City of Ottawa, or an owner or tenant of land in the City or the spouse of such an owner or tenant.
- not be prohibited from holding municipal Office or from voting under the *Municipal Elections Act, 1996* or otherwise by law.

The following persons are disqualified from being appointed as a Member of Council, or from holding Office as a Member of Council:

- an employee of the municipality unless they take an unpaid leave of absence beginning the day they are nominated and resign if elected to the Office.
- a judge of any court.
- a member of the Provincial Legislature, the Federal House of Commons, or Senate who has not resigned from their office by the close of nominations. Proof of resignation must be provided by the close of nominations or the City Clerk will not certify the nomination.
- a candidate who failed to file the necessary financial statement(s) in the last municipal election or by-election.

Eligible individuals do not need to reside in Ward 20 (Osgoode) to be appointed to the Office of City Councillor for Ward 20 (Osgoode)

City Council has the statutory authority to appoint any person who meets the above-noted requirements, including candidates from a previous election. In the 2022 Municipal Elections, George Darouze won with 41 per cent of the vote (4,353 votes), with the second and third place candidates garnering 39 per cent (4,115 votes) and 14 per cent (1,541 votes) of the ballots cast.

It should be noted that City Council cannot appoint someone on the condition that they not run in the next municipal election. This has been a question in the past as well as in other jurisdictions, and such a condition is not enforceable in law as the MEA and *Municipal Act, 2001*, define the eligibility of candidates and prescribes limited instances where individuals are prohibited from running in the next election.

Filling a vacancy by appointment – legislative requirements

Staff notes that neither the *Municipal Act, 2001* nor the MEA provide a specific appointment procedure should City Council choose to fill the vacancy in Ward 20 (Osgoode) by appointment. That said, in 2021, City Council approved an appointment process to fill the Ward 4 (Kanata North) vacancy. This process included an advertisement period; a designated period where interested individuals could submit an application; and interviews of candidates at a public meeting of City Council, where candidates had five minutes to make a presentation, and Members asked questions of each candidate. Thereafter, a voting process for Members resulted in the successful appointment of a candidate.

Should City Council choose to fill the vacancy by approving option 2 to appoint, staff is proposing the same appointment process be used to fill the Ward 20 (Osgoode) vacancy, as set out in Document 4. This process remains in line with those used in other municipalities in Ontario.

Legislative timelines

In Ontario, an appointment must be used where a vacancy has occurred during the final months of a Term of Council and an appointment to fill the seat is required. In this respect, and as previously noted, Subsection 65(2) of the MEA mandates that, “no by-election shall be held to fill an Office that becomes vacant after March 31 in the year of a regular election”.

Furthermore, Subsection 263(5)3 of the *Municipal Act, 2001*, states that a Council is only permitted to leave a seat open if the vacancy occurs within 90 days of a regular municipal election.

Therefore, the legislative timeframe established by the MEA and the *Municipal Act, 2001*, obligates a Council to appoint a candidate to fill a vacancy between beginning April 1, 2026, to July 28, 2026, during the 2022-2026 Term of Council. As such, City Council does not currently have any legislated obligation to appoint a candidate to fill the Ward 20 (Osgoode) vacancy.

That said, City Council is not restricted from choosing to fill a vacancy by appointment earlier in the term. Staff note that filling a Council vacancy through an appointment process is most common in smaller municipalities, or as the end of a Term of Council approaches.

Appointment process and timelines to fill the Ward 20 (Osgoode) vacancy

Should City Council approve option 2 to appoint, staff recommends that the appointment be conducted in accordance with the process outlined in Document 4.

The recommended appointment process will take approximately 30 days to complete and would allow City Council to appoint a new City Councillor at a City Council meeting by the end of April or early May. These timelines ensure the appointment of an eligible individual within 60 days of declaring the seat vacant, as is required under Subsection 263(5) of the *Municipal Act, 2001*.

If City Council chooses to fill the vacancy by appointment, in accordance with the process outlined in Document 4, the following timelines would apply:

- **Monday, March 31, 2025**
 - The City Clerk will provide public notice of the vacancy and advertise City Council's intention to appoint a person to fill the vacancy.
 - The notice will invite eligible individuals to seek appointment for the Ward 20 (Osgoode) Office and outline the process for filing an application.
 - Advertisements would be placed in newspapers for a two-week period (the week before the application period begins, and throughout the application period).
 - Information will also be available on the City of Ottawa website and social media accounts during the application period.

- **Monday, April 7, 2025, at 8:30 am**
 - The application period begins.
- **Friday, April 11, 2025, at 4:00 pm**
 - The application period closes.
 - Following the close of the application period, the City Clerk will examine each application that has been filed to ensure it meets the requirements of the MEA, and, if satisfied, certify the application.
- **Friday, April 25, 2025**
 - The City Clerk will issue a report to City Council that includes a list of certified applicants.
 - The report to City Council will also outline the appointment process to fill the Ward 20 (Osgoode) vacancy, in accordance with Document 4 attached to this report.
- **April 28, 2025 to May 2, 2025**
 - A Special Council meeting to appoint an applicant to fill the Ward 20 (Osgoode) vacancy will be scheduled between April 28, 2025, and May 2, 2025.

Staff anticipates that an appointment process would cost approximately \$8,000, primarily related to advertising, which could be absorbed within the operating budget of the Office of the City Clerk.

If City Council approves option 2 to appoint, a motion would be required to that effect.

FINANCIAL IMPLICATIONS

The estimated cost of a Ward 20 (Osgoode) by-election is \$522,491 and would be funded from the Tax Stabilization Reserve. The anticipated cost of the appointment process is \$8,000 and would be funded from the Office of the City Clerk's operating budget.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

COMMENTS BY THE WARD COUNCILLOR(S)

Not applicable.

ADVISORY COMMITTEE(S) COMMENTS

Not applicable

ACCESSIBILITY IMPACTS

The City Clerk is required to ensure that municipal elections, by-elections, and appointment processes are accessible to people with disabilities, including electors, candidates, and applicants for appointment, in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Municipal Elections Act, 1996*.

The Elections Office consults with the Corporate Accessibility Office on matters related to ensuring the accessibility of municipal elections, by-elections, and appointment processes. Further, the Elections Office also consults with the Accessibility Advisory Committee on initiatives that increase the accessibility of municipal elections, by-elections, and appointment processes.

DELEGATION OF AUTHORITY IMPLICATIONS

City Council provided interim delegations of authority in relation to Ward 20 (Osgoode) matters by way [Motion No. 2025-53-01](#).

Through the above-noted motion, concurrence and approvals required by the Ward 20 (Osgoode) City Councillor were temporarily delegated to City Councillors David Brown and Catherine Kitts, who represent neighbouring wards. Further, City Councillors David Brown and Catherine Kitts have the option to provide comment in the “Ward Councillor Comment” section of staff reports pertaining to Ward 20 (Osgoode) matters.

With respect to the Ward 20 (Osgoode) Office, City Council delegated oversight of certain matters within the Ward 20 (Osgoode) Office to the City Clerk and the Manager of Governance, Elected Officials, and Business Support Services. This includes addressing human resources matters and the authority to pay routine expenses related to the Ward 20 (Osgoode) Office.

These interim delegations of authority came into effect on March 15, 2025, following George Darouze’s resignation, and will remain in effect until a new City Councillor is sworn in.

RURAL IMPLICATIONS

The by-election model outlined in this report considers the Ward 20 (Osgoode) specific characteristics with consideration given to the location and number of voting places as well as voting options in a rural ward while also adhering to the requirements of the *Municipal Elections Act, 1996*.

TECHNOLOGY IMPLICATIONS

Existing technology systems will be used to assist with the delivery of a by-election, in coordination with Information Technology Services and contracted providers.

SUPPORTING DOCUMENTATION

Document 1 - *By-law to Require a By-election*

Document 2 - Detailed By-election Calendar for a Ward 20 (Osgoode) by-election

Document 3 - Vote Counting Procedures

Document 4 - Appointment Process

DISPOSITION

The Office of the City Clerk will implement the direction of City Council.