

June 30, 2025,

*sent via email*

Caspar Hall  
Local Government Division  
College Park, 13<sup>th</sup> Floor,  
777 Bay St Toronto, Ontario  
M7A 2J3

**RE: Clarity regarding Strong Mayor Implementation**

Dear Caspar:

We appreciated the ministry's 2024 responses to our letter which outlined a series of questions on implementing strong mayors' powers from our members and the wider sector.

Given the absence of clarity in the legislation and regulations, some of the responses have been very helpful for municipalities navigating the implementation of this legislation. We understand that your responses continue to be used frequently to fill gaps in the legislation and assist municipal staff with supporting their councils.

Since then, with the addition of 170 other municipalities to the regulation and continued operations in the original 46, more questions have been raised and there remain areas where the legislation and regulations do not provide enough direction which require us to ask you to revisit the responses provided in 2024. Additional clarity is especially important to the municipalities with smaller staff sizes and part-time councils to manage the complexities of strong mayor powers in their municipalities.

We note that the most recent red tape reduction package refers to the Province "exploring changes" to the framework. Therefore, we are also taking this opportunity to make some formal requests for legislative or regulatory amendments to bring much needed clarity for municipal staff, for members of council, for strong mayors and for rate payers and the general the public.

***New Questions***

1. We continue to hear and see impacts of strong mayor powers on municipal staff including the CAO and other senior leaders. Changes such as these are felt right through the organization.

With the introduction of strong mayor powers in 170 additional municipalities, there are already several CAOs who have left or been dismissed publicly.

In many of these municipalities, there are many CAOs who are also clerks, treasurers or deputy clerks or deputy treasurers amongst other titles. It remains unclear from a political and human resource perspective, how or whether a strong mayor could remove the CAO while keeping the statutory roles in place.

Additional clarity is needed in two areas:

- a) Whether a CAO who is also a statutory officer (e.g. CAO/Clerk, CAO/Deputy Treasurer) can be removed from their CAO role while retaining their statutory role or from a role listed as a limitation; and
- b) When a statutory officer or an employee whose role under the limitation section 284.6(3) is re-organized using strong mayor powers, and moved under the supervision of a head of department, does the legislation allow that statutory officer be removed from their position?

In our read of the legislation, it only disallows the head of council from removing a statutory officer directly. However, as a new head of department is ultimately responsible to a mayor or through the mayor via a mayor-appointed CAO where delegated, the mayor could ensure the removal of any statutory officer indirectly. If not the intention of the legislation, then the ministry must issue guidance to that effect while legislative amendments are brought forward.

Could the ministry provide clarification on these items?

There remains confusion over why certain roles were excluded from the limitations clause within the part. There are certain roles which, while not statutory, have obligations to all of council and are appointed by council, such as the city solicitor. Would the ministry consider adding additional roles to the limitation clause?

2. Strong Mayor powers were recently expanded to municipalities with councils larger than 5 members without any publicly shared policy rationale as to why. As municipalities prepare for elections including reviewing wards or council composition, we understand that some may be contemplating a reduction in the number of council members.
  - a) Where a municipality chooses to reduce the number of council members to 5, will the ministry remove them from the strong mayor regulation?
  - b) Similarly, where a municipality chooses to increase the number of council members to more than 5, will the ministry add them to the strong mayor regulation?
3. Many heads of council may not be sure if a particular action relates to a provincial priority and are unsure of their ability to act on a matter. There appears to be confusion and inconsistency across the province from strong mayors who are unclear about what constitutes a provincial priority and to whom they should turn to for advice. It is similarly unclear to other members of council and

some members of the public about what to do when they are of the opinion that the strong mayor's action does not relate to a provincial priority. Turning to the courts is a time-consuming and costly process both for the individual and for the municipality.

Is the ministry contemplating providing guidance for strong mayors on what they must do when considering an action within the framework (e.g. exercising due diligence, vetting candidates they hire, ensuring compliance with employment laws, seeking advice from CAO, HR, solicitor etc.) and to whom they may/should turn to for advice? (ie HR staff, legal services etc)

### **Revisited Questions**

4. Municipalities which prepare multi-year budgets continue to experience execution challenges resulting from ambiguity in the legislation and staff find it difficult to act without adequate legislative clarity. While the *Municipal Act (MA)* permits multi-year budgets, *O. Reg 530/22* for strong mayors does not contemplate multi-year budgets. The absence of regulations on budget confirmation process leaves ambiguity around matters like early approval of capital projects. Municipalities are still looking for clarity on the application of strong mayor authorities to multi-year budgets in the same way the legislation has addressed annual cycles.

For example, it remains unclear whether a strong mayor who chooses not to use powers in the first year of a multi-year budget can then introduce a strong mayor budget at the point of confirming the next year's budget as required by the *MA* section 291(4). This is an area where legislative clarity would be appreciated. Could you provide insight?

5. There remains ambiguity amongst members of council on how strong mayor budgets align with council's role in passing tax levy by-laws. Legislative or regulatory updates which clarifies intent as outlined in MMAH's response to AMCTO in 2024 would be beneficial since members of council look to the legislation for direction.

Will the ministry provide legislative amendment or regulatory updates to address this gap?

6. There remains uncertainty in the interaction of the Part VI.1 provisions and other acts. For instance:
  - a.) *Planning Act*: The intention of the strong mayor provisions was to speed up decision-making with respect to housing matters that are within municipal control (approvals, permitting etc.). If the head of council brings forward a rezoning by-law under S. 284.11 (2), that section imposes no timing constraints and specifically exempts the by-law from any rules in the Procedure By-law. But it is silent on whether the *Planning Act* public notice provisions still apply. While the

ministry advises that these still do, it is open to interpretation because it is not in the legislation and hasn't been challenged in the courts.

Will the ministry consider bringing forward clarifying language within the Act?

b.) While MMAH had provided a response to our question about restricted acts under the *MA* in 2024, we understand that the position of the ministry may have changed since then. We understood that new guidance from the ministry would be forthcoming.

As AMCTO has noted, based on our read of the restricted acts provision, and the read of practitioners, restricted acts do not explicitly apply to strong mayors despite MMAH's response in 2024 that:

*certain powers and/or duties of the council are assigned to the head of council. As such, any powers or duties of council that are assigned to the head of council are subject to the restricted act provisions in the Municipal Act, 2001 or the City of Toronto Act, 2006.*

The sector requires clarity especially as municipal elections are taking place next year. If the ministry is now of the opinion that it may not apply to strong mayors, we would request that the ministry provide regulatory clarification. We are concerned that there may be inconsistent applications of this clause across the province with mayors differing in their opinions.

Could the ministry advise whether its interpretation of the restricted act provisions has changed? Will the ministry make legislative or regulatory amendments to ensure that this clarity is understood province-wide?

7. Additional clarity is needed, and we ask that the ministry reconsider the implication for when a member is on leave of absence either as authorized by the local council or under the *MA*, and how the calculations for one-third/two-thirds are managed.

Currently the calculation is based on the members elected and does not provide for a reduction when a member is on leave. This imbalance is also created where one or more members have a conflict of interest. The *Municipal Conflict of Interest Act* (MCIA) recognizes a conflict can reduce a quorum and this should also be applied to the one-third/two-third calculation.

Has the ministry's position on this changed? Will the ministry consider making legislative or regulatory amendments to bring needed clarity?

8. We note AMCTO's [previous recommendations](#) to amend the *MCIA* to provide greater clarity and a clearer definition for indirect or non-financial conflicts of interest and suggest that this needs to be revisited. With strong mayor powers there is likely to be a significant increase in lobbying activity which could pose an increased accountability risk for activities or interactions, gifts etc. that may not have a strict financial component.

It will be increasingly important to ensure that the public retains trust in local governments, heads of council remain accountable to their residents and legislative accountability gaps be closed. We highlight this gap for your consideration.

Is the ministry considering updates to the *MCIA* and related legislation to ensure that public trust and accountability are assured?

### ***Other Comments for Improving the Strong Mayor Framework***

AMCTO still feels strongly that overall, the hiring and removal of the CAO and department heads is having a negative impact on municipalities and their staff with several negative implications as a result.

If MMAH is contemplating changes to the strong mayor framework, in addition to the above noted requests for clarification, we ask the ministry to consider AMCTO's [previously communicated advocacy positions](#)<sup>1</sup> as they relate to the legislation.

Finally, if the ministry is contemplating further expanding strong mayor powers to the rest of the province, (or any other changes to structures, organizations, composition etc.) we would strongly recommend the ministry avoid announcing it during the municipal and school board elections which begin officially on May 1<sup>st</sup>, 2025, which will cause disruption.

Moreover, when considering an effective date of any expansion, the ministry should consider all the matters that municipal staff, including clerks, are managing for during and after the election. This includes candidate financial statement review, compliance audit functions, orientation, inauguration, and budget preparations.

Should expansion be contemplated, we would also recommend you consider when the transition is to be effective and provide more than a two-week period to do so. Implementing the strong mayor framework is a complex undertaking that requires changes to existing processes, procedures and policies and the development of new ones as well as fielding questions from members of council and the public. Additionally, should Bill 9 pass, the same small complement of municipal staff will also need to operationalize an updated accountability and transparency framework.

We appreciate your consideration of these questions and of amendments to the strong mayor

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<sup>1</sup> See also page 10

<https://www.amcto.com/sites/default/files/202502/Local%20Government%20Priorities%202025%20FINAL.pdf>



framework. We look forward to your earliest reply.

Sincerely,

**[Originally signed by]**

David Arbuckle  
Executive Director

Cc: Martha Greenberg, Deputy Minister Municipal Affairs and Housing  
Hon. Rob Flack, Minister of Municipal Affairs and Housing  
Tanner Zelenko, Director of Stakeholder and Caucus Relations