

The Township of The Archipelago

Recommendation Report to Council

Report No.: 03-2026

Date: April 16, 2026

Originator: Maryann Martin, Clerk

Subject: Council Vacancy – Ward 1

RECOMMENDATION

1. That Council of the Township of The Archipelago, pursuant to Section 262 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, hereby declare the Ward 1 Councillor seat to be vacant; and;
 2. That Council direct staff to fill the vacancy by way of Appointment through a Call of Applications process.
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BACKGROUND

Section 259(1) of the *Municipal Act, 2001* (the “Act”) provides that the office of a member of council becomes vacant under specific circumstances, including where the member:

- a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258;
- b) fails to make the declaration of office before the deadline in section 232;
- c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- d) resigns from his or her office and the resignation is effective under section 260;
- e) is appointed or elected to fill any vacancy in any other office on the same council;
- f) has his or her office declared vacant in any judicial proceeding;
- g) forfeits his or her office under this or any other Act; or
- h) dies, whether before or after accepting office and making the prescribed declarations.2001, c.25, s.259(1).

On March 23, 2026, Tom Lundy, Councillor for Ward 1, passed away. In accordance with Section 258(1)(h) of the Municipal Act, this has resulted in a vacancy on Council.

NEXT STEPS

Declaration of Vacancy – Section 262(1) requires Council to formally declare the seat vacant by resolution.

Requirement to Fill the Vacancy – Section 263(1) of the Act provides that when a vacancy occurs, the municipality shall:

- a) appoint a person who has consented to accept the office; or
- b) pass a by-law requiring a by-election to be held in accordance with the Municipal Elections Act, 1996.

Section 263(5) further requires that within 60 days of declaring the vacancy, Council must either appoint a person or pass a by-law requiring a by-election.

While the next regular municipal election is scheduled for October 26, 2026, the Act provides that a municipality is not required to fill a vacancy that occurs within 90 days of Voting Day. As this vacancy occurred outside of that 90-day period, the Township is legislatively required to fill the vacant seat.

Previous Practice

In 2016, Council filled a Ward 4 vacancy through an Appointment by Call for Applications process. Seven applications were received, and the vacancy was filled within 30 days.

In 2021, Council again utilized an Appointment by Call for Applications process to fill a Ward 6 vacancy, successfully appointing a member within a similar timeframe.

These past processes established clear procedures, templates, and timelines that may be utilized again to ensure consistency, fairness, and transparency

OPTIONS

Option 1(a) – Appointment by Call for Applications (Recommended)

The Act does not prescribe a specific appointment process. Council may therefore adopt a fair and transparent procedure inviting eligible residents to apply.

This process would:

- Provide equal opportunity to all qualified electors;
- Promote transparency and public confidence;
- Utilize an established procedure previously approved by Council; and
- Allow the successful candidate to be sworn in as early as May 22, 2026.

This option balances efficiency, cost-effectiveness, and democratic principles and is the recommended approach.

Option 1(b) – Direct Appointment by Council

Council may directly appoint an eligible individual without a formal application process. While this approach may expedite the appointment, it offers limited transparency and may give rise to concerns regarding fairness or openness. For these reasons, although legislatively permissible, this option is not recommended.

Option 2 – By-Election - Council may pass a by-law requiring a by-election.

In accordance with Section 263(5), such a by-law must be passed within 60 days of declaring the vacancy. A by-election would require:

- Establishment of a nomination period;
- Statutory notice periods;
- Voting day at least 12 days following the close of nominations; and
- Full election administration procedures.

Although a by-election provides the most direct expression of the electorate's will, the regular municipal election is scheduled for October 26, 2026. Conducting a by-election in the same year would require residents to vote twice for the same office within a short period.

In addition to increased administrative burden, a by-election would result in unbudgeted expenditures and significant staff time during a year already dedicated to election preparation.

For these reasons, this option is not recommended.

FINANCIAL IMPLICATIONS

Option 1(a) – Appointment by Application

- Advertising (maximum): \$1,000
- Postage (estimated): \$1,500
- Staff time for administration and orientation

This represents the most cost-effective approach.

Option 1(b) –Direct Appointment

- Minimal advertising costs
- Staff time for orientation

Option 2 – By-Election

- Advertising (maximum): \$2000
 - Estimated election costs: \$1,100–\$1,500
 - Postage: approximately \$1500
 - Significant staff time and operational impact
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CONCLUSION

The Municipal Act requires Council to fill this vacancy, as it occurred outside of the 90-day exemption period prior to Voting Day.

Council may either appoint a qualified individual or hold a by-election. Given the timing within an election year, the associated costs, and the administrative demands of conducting two elections in 2026, an Appointment by Call for Applications represents the most responsible, transparent, and cost-effective option.

It is therefore recommended that Council declare the Ward 1 seat vacant and proceed with filling the vacancy through an Appointment by Application process.

Respectfully Submitted,



Maryann Martin, Clerk

I concur with this report
and recommendation,



John MacKinnon, P. Eng
Chief Administrator Officer

ATTACHMENTS

- Council Vacancy Application Procedures
- Council Vacancy Appointment Timeline
- Council Vacancy Application Form