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DATE                       21 May 1996

TO/DEST.                 Co-ordinator  
                              Corporate Services and Economic Development Committee

FROM/EXP.               Chief Administrative Officer  
                              Acting Regional Solicitor

SUBJECT/OBJET           **ADMINISTRATION**  
                              **APPLICATION BY THE TOWNSHIP OF CUMBERLAND FOR**  
                              **CITY STATUS**

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#### **DEPARTMENTAL RECOMMENDATION**

**That the Corporate Services and Economic Development Committee recommend Council support the application of the Corporation of the Township of Cumberland for city status.**

#### **BACKGROUND**

On September 14, 1995, the Council of the Township of Cumberland received a report from the Mayor's Task Force on Economic Development entitled *Cumberland's Road to Growth*. The purpose of this report was to research and recommend an action plan to promote economic development within the Township of Cumberland. Among the recommendations of the Task Force was the following:

That the Township take immediate action to become a City and that a committee be struck to consider the appropriate name for the City.

It was the view of the Task Force that while agriculture continues to be an important part of the economy of Cumberland, the title "Township" implied a rural nature which was not truly reflective of a municipality in which 75% of population lived in its urban sector.

Having received the report, Cumberland Council passed a resolution declaring its intention to change its status from that of a Township to a City. A committee was struck to recommend a name for the new City. This committee reported back to Cumberland Council on January 16, 1996 and proposed that the name of the City be Cumberland. This recommendation was accepted by Council and on February 6, 1996, Cumberland Council enacted By-law Number 9-96, the operative clauses of which read:

**THAT** the Council of the Corporation of the Township of Cumberland respectfully requests that the Minister of Municipal Affairs and Housing to recommend to the Lieutenant Governor in Council that the status of the Corporation of the Township of Cumberland be altered from a Township to a City to be known as the Corporation of the City of Cumberland effective September 1, 1996; and

**THAT** for the purposes of the Section 128 of the Highway Traffic Act, Chapter H.8, R.S.O. 1990, the Corporation of the City of Cumberland shall be deemed to be a township municipality.

The Council of the Township of Cumberland has requested that Regional Council endorse these requests.

### DISCUSSION

The economic development of all areas of Ottawa-Carleton is a major concern for the Councils, staff, businesses and residents of the Region and each the area municipalities. Through its becoming a city, it is the hope of Cumberland that it will be able to broaden its urban appeal to those not now familiar with the municipality and the opportunities to be found there. The Regional Corporation wholeheartedly supports Cumberland in this endeavour.

The *Regional Municipalities Act*, subsection 3(1) provides that:

- 3(1) Despite any Act, upon the recommendation of the Minister upon an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Whereas in the instances of Gloucester, Kanata and Nepean legislation enacted by the Provincial Parliament was necessary to alter their status from a township to a city, since 1982 it has been possible to alter the status of an area municipality through means of an Order-in-Council. Subsection 3(1) provides authority to the Cabinet to alter Cumberland's status from a township to a city.

With respect to the second clause of Cumberland's By-law 9-96, the *Highway Traffic Act*, section 128 provides that unless otherwise posted the speed limit is 80 kilometres per hour in a township and 50 kilometres per hour in a city. Consistent with the approach taken in Gloucester, Kanata, and Nepean, Cumberland wishes to maintain the general speed limit of 80 kph while avoiding the costs of posting the speed limit across the municipality. Regional transportation have the same concerns as Cumberland and support the approach taken.

As the alteration in status of Gloucester, Kanata and Nepean was brought about in each case through the enactment of legislation it was clearly possible to deem these three municipalities to be townships for the purposes of the *Highway Traffic Act*, section 128 notwithstanding that they had become cities. A concern has been expressed in some quarters that the *Regional Municipalities Act*, subsection 3(1) does not provide sufficient authority to deem Cumberland to be a township for the purposes of section 128.

It is the opinion of the Legal Department that it is precisely for such matters as arise from the question of the *Highway Traffic Act*, section 128 that the power is given to Cabinet to "*provide for any matters that are considered necessary or desirable for implementing the alteration of status*". As a result, it is the Legal Department's opinion that the Cabinet does have the power to given effect to Cumberland's request to be deemed a township for the purposes of section 128. Nevertheless, if the province is not able to come to a similar conclusion, staff would support the enactment of a private or government bill to achieve this purpose.

*Approved by*  
*E. A. Johnston*  
*Deputy Regional Solicitor*

*Approved by*  
*C.M. Beckstead*  
*Chief Administrative Officer*

TCM