

Ontario Municipal Policy Affecting Local Autonomy: A Case Study Involving Windsor and Toronto

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Résumé de l'article

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Notre étude examine deux crises qui menacèrent l'avenir du système municipal en Ontario. D'abord le cas de Windsor : aux années 30, Windsor et ses faubourgs furent menacés de banqueroute, ce qui risquait de faire périr le crédit provincial. Ensuite, aux années 50, l'impuissance de la ville de Toronto, face aux besoins de services qui dépassaient les limites strictes de la ville, risqua d'empêcher, sinon d'arrêter, le développement de ce centre de croissance provinciale.

Notre étude montre comment le gouvernement provincial intervint à contre-cœur dans les affaires municipales, afin de créer pour les deux régions de nouveaux règlements, et comment il créa une structure de surveillance provinciale qui comprendrait une Commission des affaires municipales plus forte ainsi qu'un département spécifiquement conçu pour gérer les affaires municipales. Le but de cette politique fut de soutenir l'autonomie municipale, non pas de la restreindre.

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Larry Kulisek
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Résumé/Abstract

Entre 1900 et les années 20, période de la première grande expansion urbaine ce sont les municipalités — seules ou d'un commun accord — qui encouragèrent des innovations politiques ainsi que de nouveaux services à leurs habitants. En général, les gouvernements provinciaux n'entrèrent pas beaucoup dans le champ de ces politiques nouvelles, mais ils ne freinèrent pas non plus les efforts issus d'un esprit d'autonomie locale. Ce n'est qu'en 1945, à la suite des crises économiques de la Dépression (et d'un esprit renouvelé de développement urbain) que l'autorité des gouvernements provinciaux sur les municipalités se manifesta.

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During the first great burst of urban growth in Canada from the beginning of the 20th century and on into the 1920s it was generally the municipalities, either singly or collectively, which fostered policy innovation and new services. Provinces generally did little at that time, either to foster new policies or rein in local autonomy. It was only after the economic setbacks of the depression and a renewed spirit of urban development after 1945 that provincial direction over municipalities became much more significant.

This paper is a case study of two major policy crises which threatened the viability of the whole municipal system in Ontario. In the 1930s the Border Cities (Metropolitan Windsor) faced bankruptcy and economic collapse and placed in jeopardy the credit of the province. In the early 1950s the inability of Metropolitan Toronto to create area-wide solutions to severe servicing problems threatened to stall the main engine of provincial growth.

The case study demonstrates how a reluctant provincial government intervened to create new metropolitan arrangements for the two areas and accompanied this with a greatly expanded structure of provincial oversight including a strengthened Ontario Municipal Board and a specific department to handle municipal affairs. The objective of the policy was to bolster local government rather than to narrow municipal autonomy.

PART I: INTRODUCTION

Ontario Municipal Policy Affecting Local Autonomy

An intrinsic element of the understanding of democratic political institutions in those countries falling within the Anglo-Saxon tradition is that local self-government is an essential component. Since John Stuart Mill framed his classic defence of the necessity for institutions of local self-government, many writers have reiterated the arguments.¹

In the more than a century since John Stuart Mill, local government in Canada has undergone many changes; expanding what it does, employing large numbers of administrators and becoming involved in highly complex relationships with provincial and federal governments.

While lip-service about the necessity for local government still flows readily from politicians and commentators alike there is today some questioning of the continuing vitality and relevance of "local self-government." There are suggestions on the one hand that local governments are little more than agencies of the provinces, delivering services of a kind and level ordained for them.² It is also pointed out that the majority of the population are quite apathetic about local politics, which are too parochial and technically complex to be worth much attention.

Two factors which have impacted on the viability of local government institutions have been; first, the continuous urban development which has overflowed municipal boundaries and has led to an incongruity between the social and economic community and the political unit of local government; second, a rising demand for more extensive municipal services with some degree of equity as between rich and poor communities.

The first situation left unchanged has led to politically fragmented metropolitan areas unable to devise area-wide solutions to problems of growth. In such circumstances, provincial intervention is often invited to provide *ad hoc* solutions or to assume direction of services themselves.

In the second instance, the province is faced with demands for services for which local communities may be unwilling or unable to pay. Again, the province is drawn into intervention to lay down uniform standards and to provide supplementary financing according to the level of local resources.

From the above discussion it should not be assumed that provinces eagerly sought the role of mastery of local government and actively conspired to undermine local democracy. Using the instance of Ontario and reviewing provincial pol-

icies from the beginning of the 20th century to early post-World War II, this paper illustrates that the province was drawn to intervene reluctantly by the pressure of very insistent crises affecting the total economic well-being of the province.

While the general events of the whole 50 years were important, the paper will argue that two particular situations proved to be such a challenge to existing provincial policies towards municipalities that these two cases were catalysts for major institutional and policy developments.

During the 19th century in Ontario, urban growth was gradual and political changes generally occurred as legislatures permitted urban centres to annex sufficient land to maintain a coherent urban unit. The explosive growth of many areas in the 20th century undermined this orderly process as new incorporations and fringe growth occurred more rapidly than any kind of systematic response from the government. Central cities such as Toronto were reluctant to annex areas which had grown with deficient services which they would be called upon to improve with general community resources in the post-annexation period.

The selection of Windsor and Toronto as two key municipalities requiring major developments of provincial policy-making is related to their particularly urgent growth-related problems. In the 1920s, in relative terms, Windsor was the fastest growing community in Canada, and in the post 1945 period, it was Toronto. As a result of this growth, both centres faced considerable financial and service difficulties, the consequences of which would have been more than local in their impact.

It is almost a cliché of historical generalization to state that Canada is a blend of United States and British political traditions. In the instance of the development of policy towards the handling of metropolitan growth, there was a choice.

The one path was towards the American tradition of populist, grass-roots, local self-determination which gives local communities the right to veto any municipal boundary change by popular vote. The other path leads towards the contemporary British tradition whereby certain priorities which are centrally determined are imposed across the board on all local governments in a fairly uniform way.

In the 1920s, metropolitan fragmentation and a fairly *laissez-faire* attitude by the Ontario government indicated that the liberal individualism of the United States was also the policy in Ontario. This position had been abandoned by the 1950s in favour of more centralized policy direction from the province. In the two case studies we trace the evolution of Ontario government policy affecting local government and bring out the following basic points:

1. That the right of local self-determination was subject to complete provincial discretion which showed that the province of Ontario could and would eliminate historical communities and merge them with others.
2. That basic standards of financing and debt accumulation would be set by the province with authoritative monitoring by a specialized appointed body accountable to the province.
3. That a concept of "reform" or restructuring of local government emerged which implied a perspective of wider public interests than those of a specific community. This concept of reform also contained within its aspects of contemporary theories of public administration which related to the idea that administration should be based on comprehensive planning for communities, and of sufficient scale for economies of specialization and administrative expertise.

The Case Studies: Windsor's Amalgamation (1935) and the Creation of Metro Toronto (1953)

Until the end of the first decade of the 20th century, urban growth had not been as explosive in Canada as it had been in the United States. Morley Wickett, writing in 1907, noted that, "in Canada, the municipality is the outcome of general development and forms."³

In Ontario, the Legislature found no need of exceptional legislation. Such incremental changes as were needed were handled as amendments to the Municipal Act or as private bills. Such legislation was largely from municipal initiatives and was discussed by the Municipal Affairs Committee of the legislature, a committee which Wickett stated was the most important committee of the legislature.

It was through special legislation that an arrangement was set up for the Essex Border Utilities Commission in 1917, as a result of local petition. This arrangement was established to deliver services on a metropolitan basis to the cluster of municipalities in the Windsor region which enjoyed exuberant growth after 1910.⁴

The case looks at the scope and effectiveness of the Essex Border Utilities Commission and the consequences of financial collapse of most of its constituent members in the depression years. The strengthening of the Ontario Municipal Board (OMB), the creation of a Department of Municipal Affairs and the passage of an Amalgamation Bill creating an integrated Metropolitan Windsor, marked a decisive development of provincial policy. Just what was at stake and how provincial-municipal relations were permanently altered is the major task of this analysis.

After 1945 a renewed period of urban growth was accompanied by many requests from municipalities to annex surrounding territory. The Windsor precedent and the readiness of the OMB to review and adjudicate such requests ensured a reasonably effective solution to the problem of organizing metropolitan-wide structures to handle new service needs. A greater challenge had to be faced, however, when Toronto applied to the OMB to annex and incorporate into an enlarged single city, huge territories and populations which had grown around it since the last annexation in 1914.

The political pressures of those who resist annexation are always a factor of which the province must be aware; in the case of Toronto they were potentially of such dimensions that Premier Frost could not allow it to be dealt with as a routine annexation case. Frost referred the matter to Lorne Cumming, Chairman of the Ontario Municipal Board, to make a Special Study of Toronto Metropolitan Area conditions. The time granted was sufficient for the Premier to work out a political compromise which became the first metro Toronto federation and the foundation of later restructuring policies.

PART II: DEVELOPMENTS IN THE BORDER CITIES (WINDSOR) AND MUNICIPAL POLICY

The urbanization of Ontario was well under way by 1910 but this had not caused the provincial government to institute extensive central guidance mechanisms; to oversee the process of growth; or, to curb the potential of municipalities to go out on a financial limb in providing the infrastructure for future growth.

A Provincial Auditor for Municipal Finance was appointed in 1897 to ensure a degree of rectitude in municipal financial reporting.⁵ In 1906 the Ontario Railway and Municipal Board was established which, at first, was concerned mainly with railways and only gradually during the 1920s did the municipal function become more important than the railway function.⁶

Alterations to the overall municipal structure were made by the legislature through amendments to the Municipal Act. Changes were generally originated by the municipalities themselves in the form of representations to the Municipal Affairs Committee of the Legislature. Specific changes requested by particular municipalities were presented to the legislature as Private Bills and this was a major preoccupation of the legislature as can be seen from the statistics in Table 1.

What appears to be evident in the period up to 1930 was that the municipalities had considerable scope to initiate services, respond to their citizens' needs and to seek authority for changes. While the process recognized the legal

authority of the provincial legislature to approve changes, the initiative lay with the municipalities, which were building up their budgets and their administrative capabilities.⁷

TABLE 1
Private Acts Compared With
Total Acts Ontario 1920-1934

Number of Acts		Number of Private Acts		
1920	167	1920	56	33.5%
1921	140	1921	50	28.0
1922	154	1922	55	35.7
1923	112	1923	52	46.4
1924	155	1924	69	44.5
1925	136	1925	55	40.4
1926	124	1926	50	40.3
1927	150	1927	52	34.6
1928	115	1928	57	50.4
1929	137	1929	49	35.7
1930	118	1930	52	44.1
1931	147	1931	67	45.5
1932	113	1932	58	51.3
1933	121	1933	50	41.3
1934	104	1934	38	34.6
TOTAL 21,993		TOTAL	810	40.6

Note: Municipal Bills as percentage of Private 810/601 = 74.2%

TABLE 2
Proportion of Greater Windsor Private Bills
Relative to Total for Ontario 1920-1934

Number of Acts for Municipalities		Number of Acts for Greater Windsor/		
1920	41	1920	8	19.5%
1921	41	1921	7	17.0
1922	39	1922	4	10.2
1923	44	1923	2	4.5
1924	55	1924	9	16.3
1925	41	1925	5	12.1
1926	34	1926	4	11.7
1927	41	1927	5	12.1
1928	39	1928	9	23.0
1929	40	1929	7	17.5
1930	41	1930	5	12.2
1931	54	1931	7	13.0
1932	39	1932	6	15.4
1933	21	1933	5	23.8
1934	31	1934	3	9.6
TOTAL 601		TOTAL	86	14.3

In such key issues as the establishment of municipal boundaries and the changing of structures of government, the initiative also lay at the local level. Before amalgamations and annexations could occur it was necessary for local plebiscites to be held and for majority approval of those in the affected areas be given before new and enlarged municipal units came into being.⁸

If municipalities, such as Toronto, considered that, on balance, the taking in of more territory was not advantageous to their interests, the province would not order a forced amalgamation. In the case of Windsor through 1920-1934, and Toronto from 1920 to 1949, voluntary discussions and proposals for change yielded no consensus on the method or the objectives of territorial readjustment. If complete consensus among the municipal units backed by positive votes of their citizens was a necessary pre-condition for amalgamation, it did not happen at that time.⁹

The provincial government, in both the Windsor and Toronto situations, appeared to feel that some form of metropolitan integration was desirable: but held back from mandatory consolidation until the issues were more than local and appeared the economic viability of the whole province.

In the period 1910-1930 the metropolitan Windsor area was the most rapidly growing metropolitan area in Canada. The growth did not proceed from one centre outwards but from a string of separately incorporated municipalities extending along the Detroit River. By the mid 1920s there existed, going from South to North; LaSalle, Ojibway, Sandwich, Windsor, Walkerville, Ford, Riverside and Tecumseh (see Figure 1). The four central municipalities of Sandwich, Windsor, Walkerville and Ford, constituted a continuous belt of urban development.¹⁰

In 1917 the border municipalities had approached the province to set up an *ad hoc* committee of the municipalities to help formulate area-wide plans and to administer an area-wide transit system. The province obliged by passing an act to create the Essex Border Utilities Commission (EBUC). The EBUC never did take over transit, but it did provide a fairly important linkage to create a water supply system, manage some aspects of planning, create a district health board, operate hospitals; and it was also assigned responsibilities for district parks.¹¹

The growth of the automobile industry in Windsor and the prospect of Ojibway becoming a second Gary and major centre of Canada's steel industry, helped to foster an extravagant land speculation boom. Municipalities incurred heavy debts installing services for expected growth. The EBUC as an area-wide planning agency proved quite incapable of acting as a restraining influence because every municipality felt that they should do all in their power to widen their assessment base and welcome industry and residents to locate there.¹²

The appeal of a more unified government for the area accompanied by more professionalism, better planning, and a high level of public services appealed to the business elites; as represented by the Chamber of Commerce and the *Border Cities Star*. The Windsor Metropolitan area was the fourth largest urban area of Ontario and the sixth in industrial production in Canada. These elites felt that Windsor

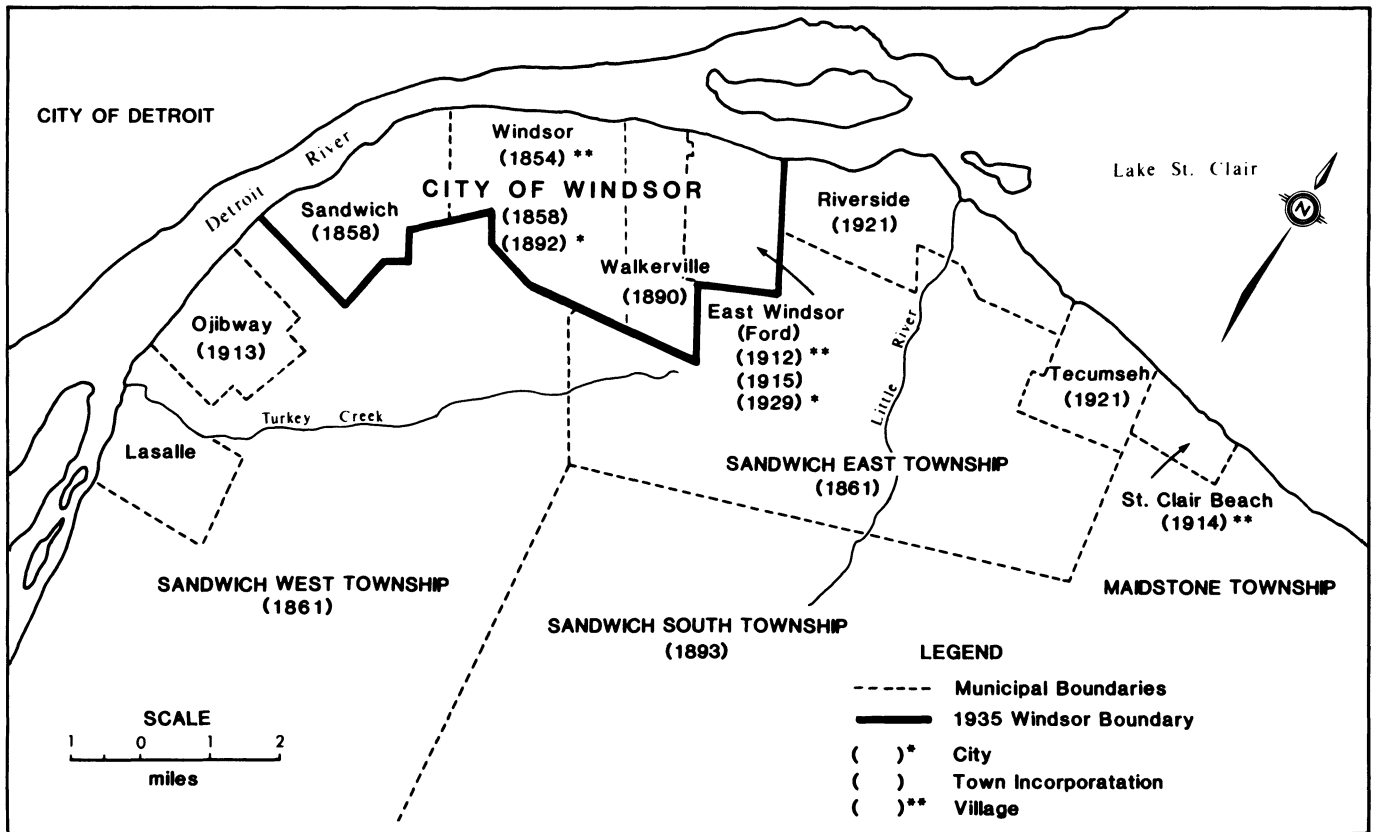


FIGURE 1. Windsor Metropolitan Area: Municipalities and Boundary Changes, 1935.

SOURCE: Base map from G.P. Nixon and M.A. Campbell, *Four Cities* (Toronto: McClelland and Stewart Ltd., 1971), 10, with additions and alterations.

would project a more positive image and become even more attractive to business and commerce if outsiders saw a single large well-administered community rather than a cluster of competing centres, some of which were not very viable, even before the crash of 1929.

Amalgamation was put to the vote in the 1926 municipal elections and was approved by Ford and Windsor, but rejected by a small margin in Sandwich and by a substantial margin in Walkerville.¹³

Interest in Border Cities amalgamation did not subside and for the rest of the 1920s it continued to be a matter of local debate. W. H. Price, the Ontario Attorney-General offered the services of W. J. Ellis the head of the Municipal Bureau, to the Windsor area municipalities as a mediator. He held discussions with leading businessmen and the heads of municipalities in an attempt to get informal agreement on bringing about amalgamation. He supplied data to try to demonstrate that unified cities, such as Hamilton and Ottawa, enjoyed lower per capita costs of administering certain services, such as police and fire protection. Walkerville continued to be sceptical in these discussions, believing that they enjoyed a higher level of municipal services, more prudent management and a richer industrial base than the other

municipalities. Walkerville feared that its clear advantages would be dissipated in any union with the municipalities. Ellis reassured the representatives that he was merely acting as a catalyst and that the government had no intention of forcing the issue on reluctant municipalities at that time.¹⁴

Impact of Depression and Default

In the early 1930s many municipalities found themselves caught in a squeeze of declining revenues and increased costs for relief of the unemployed. The Windsor area was particularly affected because the extent of unemployment was accentuated by a rapid decline in automobile sales and the closing of the U.S. border to a significant proportion of the local population which had found work in Michigan in the 1920s.¹⁵ The extravagant levels of borrowing during the 1920s left all of the area municipalities with huge debts which they were unable to service. By 1933 all of the metropolitan area municipalities with the exception of Walkerville had been placed under provincial financial supervision.¹⁶

In 1932 the Ontario Railway and Municipal Board was replaced under a new act which provided for the Ontario Municipal Board. Under the Act, responsibility for financial supervision of municipalities rested with the Board which

could appoint Committees of Supervisors. The financial assessments made by the Committees of Supervisors followed by the most stringent cost-cutting measures failed to improve the situation. By 1935 all the area municipalities were in default both on the principal and interest payments on their debentures.¹⁷

The condition of all the municipalities is reflected in the summing up of the Riverside Committee which stated:

The main liability of Riverside is to those private individuals and others who, in good faith and in the representations of the municipality's administration from time to time invested their savings in the Town's debentures, and the proceeds of which were utilized by the municipality to provide all the services now possessed by it, namely schools, local improvements, houses, hydro-electric etc. The amount due to them is \$2,409,409 and no interest has been paid on the debt since late in 1931.

Naturally the questions uppermost in the debenture holders' minds are when will the debt be paid and when will interest be resumed on it?¹⁸

Given the fact that only 34% of the property taxes were paid in 1932, and that there was little sale for properties which had been registered for tax default, the supervisors were unable to come up with any scheme for refinancing or repayment of the debt. It was clear that the problem was beyond local resolution and could only be dealt with by a general policy of the responsible authority, namely the provincial government.

The Ontario government faced an unprecedented crisis of welfare, municipal viability and potential political unrest in the early 1930s. Labour and left-wing politics experienced an upsurge in municipal elections. The absence of any extensive central administration for monitoring and control of municipal affairs and the perception that control of municipalities could fall into the hands of political groups antagonistic to the then existing economic and political system spurred the Conservative regime of Premier Henry to take some action.

The creation of the Ontario Municipal Board with strengthened powers in 1932 was a first step, but this body was small. H. L. Cummings, one of the board members, spent a considerable time in Windsor in 1932 discussing the financial conditions with Windsor's political and economic leadership. He urged the amalgamation solution on his minister W. H. Price, Attorney-General of Ontario. The Conservatives did not take this step, perhaps feeling that their mandate was running out and that such an action would further diminish their electoral chances in 1934.

A new Ontario government under Liberal Premier Mitch Hepburn was elected in June 1934. One of the most prominent members of that government was David Croll who had

been elected Mayor of Windsor in 1930. Croll was a politician who had broad labour support and showed himself to be a believer in an activist role for government in dealing with the problems of the depression. Croll had responsibility for these key portfolios, Welfare, Labour and Municipal Affairs. He became the first Minister of Municipal Affairs. The Department of Municipal Affairs existed as a fact from the fall of 1934, though a bill to create it was not submitted to the legislature until 1935.¹⁹

The formation of the department and the designating of a minister specifically responsible for municipal affairs signified a determination to play a much stronger role in monitoring municipal problems. The actions of Croll in the case of Windsor demonstrated that when the issues at stake were serious enough the former latitude afforded to local government to originate policies and to veto territorial changes had been eroded.

Until 1935 annexations and amalgamations were only carried out by the Ontario Municipal Board if an affirmative vote of the residents of the areas to be annexed or amalgamated showed support.²⁰ The significance of the 1935 Windsor Amalgamation Act was that it was initiated by Provincial Legislation in 1935 after a referendum of December 1934 showed Walkerville's opposition to the action by a majority of approximately three to one.²¹

This action was regarded as so extreme by the citizens of Walkerville, who were so convinced that this action was a transgression against traditions of "British democratic self-government," that they fought the matter through the courts for three years all the way to the Privy Council.²²

Circumstances of the Amalgamation and the Border Cities' Reaction

As early as 1931, H. L. Cummins, then Law Clerk for Municipal and Private Bills, drew a very stark and foreboding portrait of the Border Cities. Cummins took the place of Ellis as a major administrative advisor to the Ontario government and was behind the scenes in much of the policy development of that period. On October 31st, 1931 he wrote a memorandum to W. H. Price, Attorney General. In it he castigated the Border Cities for their profligacy in good times.

The people of the Border Cities in their private and public undertakings have given full reign to their imagination and fancies and have assumed that there could be no temporary cessation let alone stoppage, in the expansion and development of the district.²³

The drastic powers assumed by appointed financial trustees and the unprecedented provincial intervention are foreshadowed in a statement by Cummins at the end of his memorandum.

Salvation of the municipalities from the financial chaos into which they have been reduced controlled revision of budgets upon greatly lessened scales, but above all the ensured fulfillment of any scheme for reconstruction of capital obligations will, of necessity, depend upon complete control of all fiscal affairs being vested for many years to come in the hands of *some body to be created which for its appointment, composition, functions and powers will be entirely independent of both council and school boards etc., and of the electorate.*²⁴

Cummins went on to say that guarantees or assumption of a liability is not enough. Only a leadership which is completely controlled by the government and which is vested in a single body will suffice. He wanted to avoid continued friction amongst municipalities and he sought a mechanism which would involve the interests of the creditors directly so that their confidence in the solution would be guaranteed. He felt that only by such a solution would a situation be dealt with which he felt held some considerable risks to the province. His own words say it best.

The importance to the Province of having the disastrous state of affairs now prevailing in the Border Cities district, which is having a very bad effect upon every municipality throughout Ontario, cleared up is one which justifies the Government participating in every way possible²⁵

This memo is dated October 31, 1931 and is advice sent to the Conservative Attorney General. The conditions assessed and the solution presented by Cummins were not totally implemented immediately. There was in succession; a greatly strengthened Ontario Municipal Board, and then Boards of Supervisions in 1932 and 1933.

In 1934 David Croll still using H. L. Cummins as a principal advisor resolved to gain greater powers through becoming a Minister of Municipal Affairs, with his own department to advise him and take over complete direction of the Border Cities situation.

The solution put forward was complete amalgamation of the four main urban centres and the taking over of the main levers of administration by an externally imposed authority. Financial matters were placed under the Windsor Finance Commission which Croll was well able to control through his picked appointees. The Finance Commission took complete charge of the city budget, arranged a merger of all assessment and tax levies. The Commission could also make local appointments to major administrative positions. A refinancing plan for the debt was restructured by the Finance Commission with the consent of the debenture holders who were represented on the Commission.²⁶

The extraordinary powers assumed by the province and the removal of decision-making authority over these key matters from the locally elected councils could, even under

the best of circumstances, be counted to have caused resentment and friction. The style and manner of Croll and Hepburn, the political animosities between local factions, and the almost complete lack of local consultation; caused acute feelings of bitterness and anger in parts of the Windsor community, especially in Walkerville.

Windsor and East Windsor had supported amalgamation in a plebiscite in December 1934, Sandwich abstained from a vote and Walkerville voted strongly against (80%) it. Croll did promise not to implement amalgamation against Walkerville's wishes, but he did so anyway.²⁷

In mid-1935 the Amalgamation Bill was implemented and an election was called for the newly enlarged Windsor council. At the 1935 election the voters returned a Union Leader as a mayor (the first ever) and a strong group of anti-Croll Conservatives to the council. They were all political opponents of Croll, and made common cause with an influential group of Walkerville residents and business leaders called the Walkerville Property Owners Association.

The question of amalgamation and the refinancing of the debts of the defaulting municipalities had been a desired objective for years. When it finally happened it was implemented with amazing speed and without local consultation or public hearings in the Ontario legislature.²⁸ Walkerville had the most to lose since its debts were less than the others in relation to its tax base and it had not defaulted on interest payments up to 1934. Walkerville feared that its tax assessment would be increased to help pay for the debts of weaker municipalities and that its own services would deteriorate to a lower uniform level, once all services had been merged in a new Windsor. Walkerville put great emphasis on pride of place which had been heightened by the fact that its name was carried world-wide on Canadian Club whiskey produced by Hiram Walker Ltd.

Both the Walkerville property owners and Windsor City Council, elected in June, 1935, attempted to modify the amalgamation plan set out in the provincial legislation. They petitioned Premier Hepburn to intervene and to accept their compromise proposal of a borough plan for Windsor. Under this plan the original municipalities would cooperate in a type of expanded Essex Border Utilities Commission to handle wider functions, including police and fire protection. The main function which the municipalities wished to retain was assessment and taxation. The opponents of amalgamation totally opposed merging the debt and tax assessment. Hepburn would not interfere in the dispute and the Windsor Finance Commission continued to complete its refinancing plan during 1936.²⁹

By 1937 the local economy had begun to revive and a new council was elected in December 1936.³⁰ The new Mayor Colonel Wigle, was connected to the Conservative business elite but not so much with Walkerville. A Board of Control

was added to Windsor's government structure and this took over financial management of the city. The Finance Commission was wound up at the end of 1936. The frustration about provincial domination over local affairs gradually diminished. The province had accomplished what it had set out to do and the Ontario Municipal Board had been established as a watchdog to ensure the refinancing plan was adhered to.³¹

The Walkerville interests were not easily appeased and they fought the Amalgamation Bill through the courts on the grounds that it was "ultra vires" of the province. The argument made by the lawyers for the Walkerville group hinged on the view that the actions of the province were taken to avoid bankruptcy, which is a federal jurisdiction.

In their minds, however, the main purpose of their legal fight was to protect local rights. In a statement to the press one of the plaintiffs said:

Quite apart from its many financial inequities both the act itself and the methods used in securing its enactment . . . were so un-British in character that it had become imperative . . . to take action in order to preserve (community) rights, if the long tradition of British justice and fair play is to be maintained in this country.³²

The case proceeded through three levels where the Walkerville group lost and heavy costs were awarded against them on each occasion. At the Ontario Court of Appeal (May 1938), Justice Henderson stated:

There can, in my opinion, be no doubt that the legislature has the fullest and widest powers and jurisdiction to create municipal institutions, to merge or amalgamate or otherwise alter them, to endow them with administrative powers concerned with the welfare of the inhabitants and with the raising of the municipal revenues and with the expenditure thereof, and the education, health and well being of the people.³³

This opinion underscored the absolute supremacy of the province in guiding the financial well-being of municipalities. This opinion was further endorsed by the Privy Council which heard the appeal in March 1939. "It is not only the right," the Privy Council said, "but it would appear to be the duty of the provincial legislature to provide the necessary remedy, so that the health of the inhabitants and the necessities of organized life in the communities should be preserved."³⁴

Windsor and Toronto in the 1930s

The concern for the financial health of the Windsor area spurred the Ontario Government to fight a considerable legal and political battle with local interests in the Windsor area. That event demonstrated that there were distinct limitations

to the concept of local self-government in Ontario. However, if the Toronto situation is compared with Windsor during the same period, it will be found that the same type of forced amalgamation to solve similar problems was not undertaken in Toronto because it was politically more difficult.

Many of Toronto's suburbs — Mimico, Long Branch, Weston, York Township, and Scarborough Township — were also bankrupt. David Croll and his supporters wished to annex these fringe municipalities to Toronto, but Toronto resisted and Toronto was not an adversary that Croll and his fellow Liberals wanted to take on at that time. For action to be taken on the Toronto case, the political circumstances had to be right and that would not occur until after 1945.

PART III: THE CREATION OF METRO TORONTO (1953)

In the post 1945 period many municipalities were growing and the Ontario Municipal Board had, as one of its major functions, the adjudication of annexation requests. The OMB had full power and authority to act, and after 1946, could also create inter-urban areas which would operate under elected boards of management having exclusive jurisdiction over the functions assigned to them.

Metro Toronto proved to be a special problem, however, because of its importance to the well-being of the province, its rate of growth and because it had not experienced an annexation since 1914. The anti-annexationist policy adopted in that year was repeated in the prosperous 1920s and reinforced by experience in the depressed 1930s. Neither Croll's initiative on the Windsor model nor a less comprehensive form of metropolitan government developed by the ministry bureaucracy were able to overcome this resistance. As late as 1939, Toronto was still fighting off all proposals for union with the suburbs and continued to view these schemes as attempts to unburden themselves of their debts at the expense of the city. Toronto's leaders could not — would not — ask their taxpayers to bail out the neighbouring communities.³⁵ Adopting a siege mentality, Toronto's city leaders remained oblivious to all arguments, whether based upon equity, government effectiveness, economies of scale, or even common interest.

In the decade that followed, Toronto's political and business leaders changed their minds about Metropolitan expansion. Their restricted vision of the future was replaced by a profound interest in growth in all of its aspects. This reversal of attitude had more to do with systemic issues than with the acceptance of any arguments put forward by annexation advocates within the provincial bureaucracy, and it was stimulated by the debate over post-war reconstruction and the economic boom that followed.³⁶

Faced with problems similar to the Border Cities on the eve of their tremendous growth in population and industry, Toronto and its surrounding municipalities had resorted to a series of disjointed bilateral agreements, none of which were capable of solving the larger problems of metropolitan growth.³⁷ In 1942 Toronto appointed its first official planning board. A Master Plan, drawn up the following year, was endorsed by City Council in 1944, but planning could do little for Toronto if restricted to its civic boundaries. The political boundaries of the city no longer bore any relation to the social and economic life of the metropolitan Toronto area. The city had almost no vacant lands for new development, and future population and industrial growth would largely have to be accommodated in the adjacent suburbs.

For the first time, a Master Plan looked expansively at the larger issues of housing, land use and transportation. Vast undertakings were proposed — slum clearance, super highways, rapid transit and improved services and amenities — all area undertakings requiring area solutions. The Master Plan emphasized the shared nature of these programs. Planning and public policy, directed to the total urban region, required both a partnership of all the municipalities in the Metro area and the co-operation of all three levels of government.³⁸

The newly elected Conservative Government in Ontario was also thinking along the lines of a closer partnership in pursuit of growth. Premier Drew was optimistic about post-war reconstruction, but he warned that “there must be planning if we are to be ready for the tasks which lie before us.”³⁹ Seizing the initiative, in May 1944 Drew challenged municipal delegates attending his Conference on Planning and Development to join in this new partnership for economic growth. Following the conference, a provincial committee was established to plan the capital infrastructure for future population and economic growth. One result was the creation of a Ministry of Planning and Development in 1944 with wide powers embracing, among other things, municipal planning and the development and siting of industry. In the rush of the post-war years, the government sought to impose some order on expansion, restrain municipalities in their cut-throat competition for the acquisition of plants and encourage decentralization of provincial industry.⁴⁰

Another provincial initiative resulted in important amendments to the OMB Act to deal with problems associated with inter-municipal relations through the creation of elected inter-urban area boards of management having jurisdiction over all functions assigned to them. It was in pursuit of such a scheme that Mimico applied to the OMB in January 1950.⁴¹

A third initiative was the Ontario Planning Act of 1946 which, for the first time, gave appointed Planning Boards the power to prepare official plans for every urban and urbanizing locality in Ontario. In addition, the Act provided

for the definition of planning areas which would include the whole or parts of two or more planning areas. In August 1946 the provincial cabinet designated a metropolitan planning area, appointed a nine man Toronto and Suburban Planning Board and charged it with preparing an official land use plan for Toronto and its twelve suburbs.⁴²

Out of this planning process came one of the key players in the creation of Metro Toronto — Frederick G. Gardiner. As a member of the Toronto and Suburban Planning Board (the Toronto and York Planning Board after 1947), Gardiner experienced the frustration of trying to unify the separate plans of area municipalities. As long as there was autonomy and a lack of central direction, a plan could not work. Major projects had to be negotiated one at a time, and the suburbs begrudged even the small sums necessary to support the board’s operation. Gardiner felt that where existing political institutions and boundaries interfered with growth, they must be eliminated and replaced with more appropriate metropolitan forms. Frustrated by inaction, Gardiner’s earlier concern for local autonomy turned to rejection of the area’s “Balkan” municipalities.⁴³

The Toronto and York Planning Board report of December 5, 1949, made proposals for establishing the area infrastructure needed for growth, but the real question, according to Gardiner, was “how those services can be effectively provided in an area divided into a number of separate autonomous municipalities.” The Planning Board chose to disregard the powers of the OMB to establish an inter-area agency, and instead recommended that political unity be imposed on the metropolitan region by amalgamation of the city proper with its suburbs. Once decided, Gardiner charged ahead; he spurned compromise and opposed any referendum on the issue.⁴⁴

Gardiner promoted the Board’s plan tirelessly, and in the process, convinced Toronto’s City Council. On February 2, 1950, Toronto Council endorsed the Toronto and York Planning Report and agreed to apply to the OMB for full amalgamation of the city with the suburbs.⁴⁵

If Gardiner and the Toronto Council had changed their attitude towards amalgamation, so also had the suburbs. No longer beggars at the back door, by 1944 some of the more affluent suburbs were threatening to secede from the county and go it alone.⁴⁶ With such opposition, Gardiner knew that metropolitan reform could only be carried out by the provincial authorities. A long time Conservative, Gardiner had access to just the right levers of power in the provincial government.

The Second Player — Leslie Frost

The promotion of a metropolitan Toronto scheme coincided with the emergence of Leslie Frost as Premier and

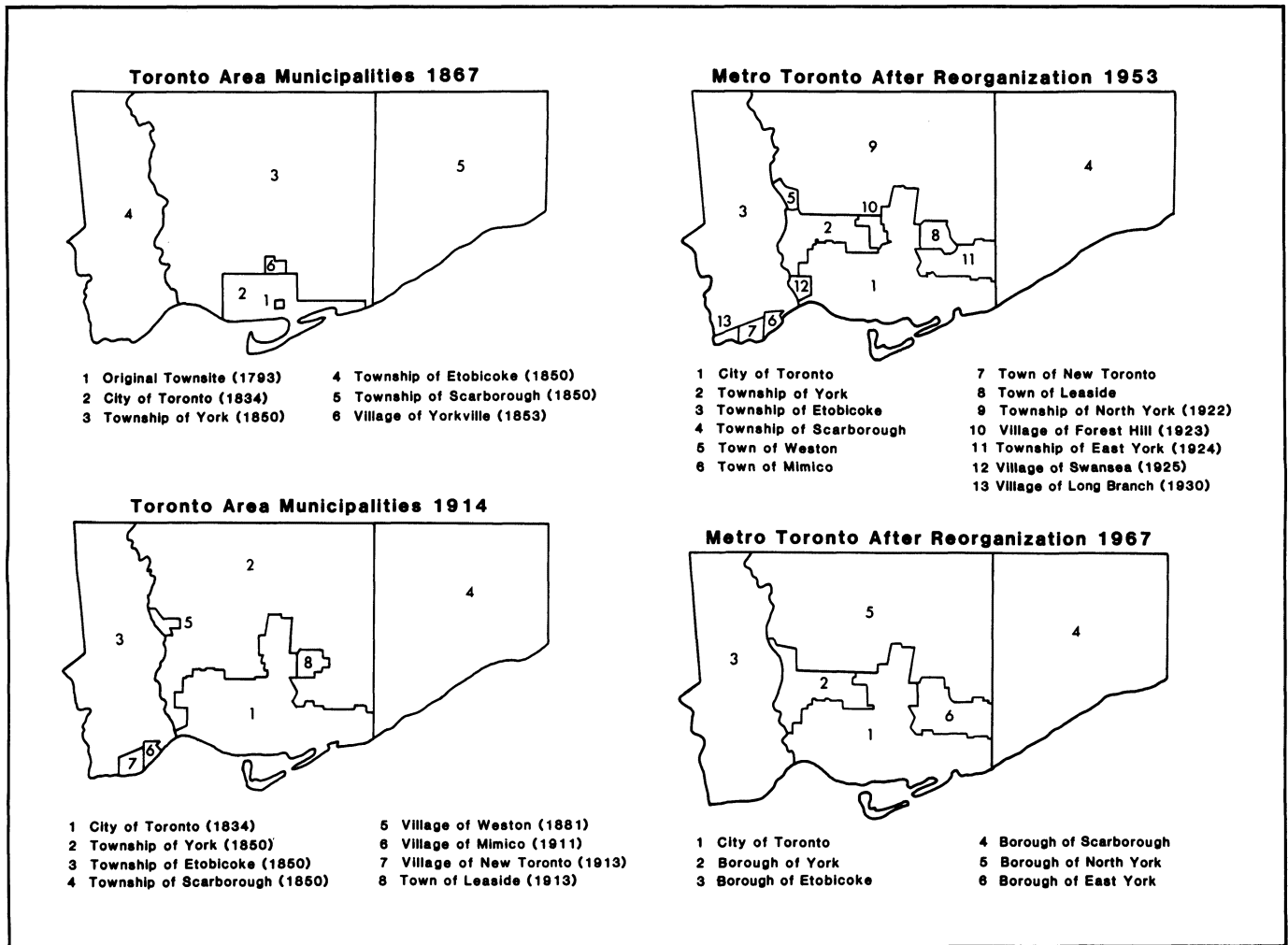


FIGURE 2. Toronto Metropolitan Area, 1867-1967.

SOURCE: Base maps from A. Rose, *Governing Metropolitan Toronto* (Berkeley: University of California Press, 1972), 92-93, with alterations and additions.

head of the Conservative party. Treasurer since 1943, he understood the municipal picture much better than his predecessors, and his ideas on the provincial-municipal relationship were based on hard facts and experience. He had anticipated in his first budget speech both the tremendous growth of the post-war period and the new role of the provincial government in planning for it:

We are building not only for these times, we are planning for a greater population, for industrial expansion, for prosperous farms and for a happy and healthy people. We are laying the sure foundations for a greater and stronger Ontario.⁴⁷

As the man responsible for expenditures, Frost had been largely involved in the planning of all government measures. He witnessed the new era of cooperation between the three levels of government in shared programs.⁴⁸ As well, Frost presided over the tremendous increase in provincial spend-

ing on municipalities which more than doubled since 1943. Increases in provincial grants to municipalities between 1944 and 1951 increased almost \$90 million and municipal spending accounted for nearly 40¢ out of every provincial tax dollar.⁴⁹

While sensitive to criticism by hard pressed municipalities, Frost believed that his government had acted responsibly and he ably defended its record. Admitting that costs of municipal government were increasing, he cited the "vast amounts of provincial subsidies (which) have very substantially contained this and prevented it from getting out of hand."⁵⁰ "By and large," Frost concluded, "I think that the municipal position is pretty satisfactory."⁵¹

It would be Frost's role to undertake two initiatives which would culminate in the so-called "Municipal Session" of 1953 and which would have lasting consequences for the provin-

cial-municipal relationship. One was the establishment of a Provincial-Municipal Committee to review and study municipal problems in the province. The committee was made up of the best minds and resources available, had representation from both provincial and municipal sectors and its interim report documented the past decade of growth and its attendant problems for municipalities.

One of the issues taken up by the committee was boundary readjustments about which they concluded:

This Report has referred above to the expanding economy and the consequent increasing urbanization. As the trend toward urban dwelling has increased, the urban communities have filled up and have spilled over into the adjacent suburban and rural municipalities. This, in turn, has given rise to action on the part of municipalities to readjust their boundaries accordingly. This movement, paralleled by the effects of separations on county finances and by the difficulty of working out an equitable relationship between contributions and benefits for urban communities within the county system, has brought to the fore the whole problem of the adjustment of municipal boundaries. It is essential to make adjustments to meet the needs of the changing population pattern and to readjust the relationships between municipalities jointly responsible for the costs of certain essential services.⁵²

It was this problem which prompted Frost to undertake a second initiative which led to the creation of Metro-Toronto.

The application by Mimico and Toronto to the OMB in early 1950 gave an opportunity for a full hearing of the problems which plagued the area for years. Frost was concerned that since Toronto's "progressive annexation" ended in 1914, nothing had been done to solve area problems. Although housing was ostensibly the reason given for Frost's involvement, he would not allow the opportunity to pass for a restructuring of some sort which would "cut the chains which have been preventing the modern development of this great area."⁵³

Frost was exactly the right man to carry through such a sensitive project. He was politically astute, pragmatic and willing to listen to advice. Frost sought consultation rather than confrontation. "Let's have a chat," a suggestion which often disarmed opposition, was characteristic of his style of leadership. In an attempt to avoid a lengthy public debate or inquiry, Frost met the heads of thirteen municipal governments in closed conference on January 16, 1950. He hoped to give area statesmen an opportunity to settle the issue "out of court," but the differences were too great. Toronto and Mimico demanded amalgamation, the eleven suburbs refused.⁵⁴ Informal negotiations continued until June when the OMB hearings began, but the period of voluntary persuasion had ended.

Third Player — Lorne R. Cumming

Lorne R. Cumming, new Chairman of the OMB, was a perfect foil to the more public, partisan and abrasive Gardiner. Cumming represented the quintessence of the apolitical bureaucrat, a non-partisan liberal who had been plucked from the municipal ranks for his demonstrated ability.⁵⁵ Cumming gave the appearance of impartiality, kept the heat off the government during the critical planning stages and provided a personal link between the Windsor and Toronto Amalgamations.

Cumming began practicing law in Windsor in 1922, eventually joining the law firm of David Croll. He had an intimate knowledge of the events surrounding the amalgamation of the Border Cities and gained first hand experience with the financial and political problems which followed. As City Solicitor after 1943, Cumming added the planning expertise which eventually caught the eye of the Minister of Municipal Affairs, George Dunbar.⁵⁶

Cumming took over a growing agency in the process of re-organization. Enlargement of the OMB Board from five to seven was necessary, Dunbar told the press, "because since the war the scope of the board and its work had increased greatly, particularly with the large number of annexations . . ."⁵⁷ Cumming's first task was to preside over the hearings scheduled to discuss Toronto's application for amalgamation.

Frost praised the hearings as an open forum where all sides could be heard, but too much was at stake for the government to remain an impassive observer. The OMB hearings demonstrated that great differences of opinion existed, and Frost "intimated to the Chairman of the OMB" that "whatever the decision of the Board there could be no doubt that the matter would end up in an appeal to the Legislature." Frost felt it would be tragic, however, if the hearings were permitted to become "simply another blind end" and requested Cumming "without in any way tying the hands of the Government or the Legislature" to make recommendations which "appear to be justified by the evidence no matter what the Board's decision on the questions submitted might be."⁵⁸ Cumming was thus given a free hand to go beyond the applications before the Board and to recommend a Board solution to the problem.

Nor would Frost leave the question up to Cumming and the "evidence" alone. As Colton has shown, although nothing was said in public to tarnish the image of an impartial and detached inquiry, Frost was in regular contact with Cumming throughout his three years of effort. Once Cumming had identified the main options available, he met frequently with Frost and other government officials to discuss the pending report. Several meetings were held at the end of 1952 where cabinet treated the Cumming recommendations in detail. Although the Cumming report was a team

effort, it was Frost who made the final decisions. In several meetings with "Lorne" to discuss the evolving plan, necessary changes were made Frost admitted, "to conform with my thinking."⁵⁹

Frost's thinking was evidently political. Outright annexation would alienate the suburbs and raise political demands for immediate uniformity of service standards. ("City taxes demand city services"). Anything less than amalgamation ran the risk of disappointing the city's political and business establishments. Frost was not particularly concerned about the Liberal opposition, but he realized that sharp divisions existed within his own party. One of his own followers had privately warned him that "Amalgamation will pile up such a cloud of grudge votes against us we will be snowed under at the next election."⁶⁰ Scarborough's Tory Reeve Crockford threatened to go public with his scathing attacks.⁶¹ Most importantly, Frost's own caucus exhibited sharp differences, even though all but one of seventeen Toronto and suburban members were Conservatives. Several sessions in caucus were devoted to winning them over.⁶² Frost clearly recognized the political costs of adopting an extreme position.

Cumming's *Report* was published on January 20, 1953. It was presented as a compromise which conceded the merits of both city and suburbs cases but rejected both, embracing instead the principle of "federation" which promised to salvage the best points of each. Cumming drew upon the precedents of Canadian Confederation, the long experience with County Councils and several proposals for a two-tiered system that had been floated over the previous three decades and during the OMB hearings. A Metropolitan Council would perform a number of strategic functions on a region-wide basis. Existing municipalities would retain their present boundaries and provide residual services. Above all, the Cumming *Report* emphasized government effectiveness. The new Metro authority would provide for the common interest in development and exercise functions considered vitally necessary to the continued growth and development of the entire urban community.⁶³

The Provincial Government was discreetly silent about the Cumming *Report*, perhaps testing public reaction. As late as February 10, *The Globe and Mail* reported that the Government "remained silent" on the Cumming Charter but planned action at the upcoming "Municipal Session" of the Legislature.⁶⁴ During this period Frost hammered out the proposed legislation in caucus (some two weeks of long sessions going over the Cumming Report clause by clause).⁶⁵

Once assured of his party's acquiescence, Frost moved quickly to implement the plan by legislation. On February 25, 1953, Frost moved the first reading of Bill 80.⁶⁶ Throughout the legislative process, the Premier remained in close communication with Cumming and listened to his advice. The Windsor Amalgamation which was carried out by a Liberal Government proved particularly helpful in

countering opposition criticism. Compared to David Croll's hasty and heavy-handed methods in 1935, Frost's patient intervention seemed eminently reasonable and left his critics little opportunity to attack.⁶⁷ By April, it was enacted as the Toronto Metro Act. Under the Act, a metropolitan government assumed the tasks that needed overall regulation: assessment, borrowing, transportation and justice. Other powers were shared: Metro supplied the water, although it was distributed by local authority, and sewage disposal also became a Metro responsibility. Further powers were divided between the two levels: taxation, education, parks, health, welfare, housing and community services had both metropolitan and municipal departments administering them. Fire, police, garbage, traffic and hydro distribution remained with the municipalities.⁶⁸

Bill 80 differed from Cumming's *Report* in only two important ways: 1) the creation of a largely autonomous metro school board and 2) in the composition of the Metro Toronto Council. Frost explained that the Cumming *Report* treated education in a manner different from the traditional methods existing in Ontario for years and would differ from the rest of the province.⁶⁹ Cumming's recommendation for the Metro Council envisioned a nine man assembly, eight named by local councils and the chairman appointed by the provincial government. Frost noted that the government found this recommendation "undemocratic in the sense that the people themselves have not had the power to appoint their representatives." Hence, the legislation substituted a much larger body composed of politicians who would continue to sit on their local councils: twelve heads of Suburban Councils; twelve from Toronto City Council and the twenty-fifth and council chairman, appointed by the provincial government only for the first term. Thereafter, the Metro chairman would be elected by Metro Council itself.⁷⁰ The representative system gave representation to tiny municipalities out of all proportion, but this was part of the political compromise of keeping existing municipalities intact and represented.

Frost adopted the compromise course which offered most of the advantages of amalgamation and none of the disadvantages. He also stressed the tentative nature of the bill and held out hopes of complete amalgamation in the future if experience, the best teacher, dictated such a course. Meanwhile, the suburbs were left with their identities and structures intact. He had achieved what was necessary. The plan embodied in Bill 80 provided for the unification of certain main municipal services which would allow immediate action to enable the whole area to tackle the pressing problems in a united way. "These are the fundamentals," Frost concluded,

and dealing with them will be formidable enough without spreading out and taking in other things which in some cases are desirable, but can wait, if necessary, until the principal services are integrated and assimilated.⁷¹

Metro government for Toronto was no grand design of organizational theorists, it was a political compromise skillfully crafted to incorporate some very well-established local government traditions. Its ensuing success helped to launch a model for local government reform, which in the 1960s and 1970s was to alter the face of local government in Ontario.

CONCLUSIONS

This paper was written to explore and analyze two apparently contradictory tendencies. First, a desire by the Province of Ontario to sustain the concept of local self-government by making provisions for more viable structures of local government. Second, the development of the province's own institutional mechanisms for promoting change in municipal governing structures and monitoring municipal administration of financial resources. The approach has been unashamedly historical since it is felt that drawing an arbitrary line from which to study the initiation of a policy may conceal the roots of that policy.⁷² Alone, the two cases which detail provincial intervention did not shape provincial policies, but they were on the cutting edge and did test out the application of new policy instruments for the first time.

At the beginning of the period under discussion, municipalities recognized problems and through a process of sometimes unilateral and sometimes multilateral bargaining amongst themselves and the provincial legislature helped to shape new policies. These policies required provincial endorsement through acts of the legislature, but in most cases the originator was not the province but the municipalities or their surrogates — local representatives in the legislature. The development of the Essex Border Utilities Commission was such a policy and such locally initiated policies for metropolitan administration enjoyed a limited success.

Municipally originated solutions depended on a consensus amongst the units involved. This appeared to be successful as long as the process was a win-win situation (or in Lowi's terminology a distributive policy). However, if it was perceived as a win-lose situation (Lowi's redistributing policy), then local consensus was unlikely and the result would be stalemate until the province defined a solution.⁷³

During the 1920s the administrative and informational capabilities of the Ontario government had developed very slowly. The Bureau of Municipal Affairs, an office in the department of the Attorney General, had a very minor information-gathering capability. The ORMB had limited powers over municipal planning and finance. This embryonic administrative mechanism for dealing with local government was strained to its limits by the almost complete collapse of the institutions of local government in the Border Cities. The Conservative government of Henry augmented the powers of the Ontario Municipal Board as a financial watchdog but played for time rather than take drastic polit-

ical action which would appear to overturn the cherished ideal of local self-government.

It took a fresh political mandate of the newly elected Liberals and the leadership of a politician fully familiar with the problems of the Border Cities to devise and push through a decisive policy initiative.

It would be too much to say that a Department of Municipal Affairs and a strengthened OMB were set up solely for Windsor's problems; but these institutions gained considerable experience dealing with the Border Cities problem and established a pattern for future use. Judging by the spate of annexations and amalgamations approved by the OMB in the 1940s and 1950s a process had been found to create enlarged and more viable units of urban government without the fundamental political obstacle which had seemed to exist in Walkerville. The Department of Municipal Affairs, and the later Department of Planning and Urban Development provided a small administrative capability and a considerable information base which was used to transform provincial-municipal financial relations. Much of the data was later used to analyze the problems of Metropolitan Toronto.

Although the Ontario Municipal Board had the authority and the strategies to solve the problems facing metropolitan Toronto, the political dimensions of this case posed a threat to the provincial government of Leslie Frost. An innovative compromise which preserved the identity of the constituent components of metro and limited the overwhelming influence of the City of Toronto undercut the opposition. It meant, however, that municipal and urban matters had moved to centre stage as it took all of the Premier's prestige and political craftsmanship to shape the legislation and ensure its passage. Although these events fostered the growth of provincial machinery for supervising municipalities and brought about a sustained and profound interest by the government in municipal policy, the municipalities could have ended up in a much weaker position if left to their own devices.

The argument for metropolitan integration is that it does harness the economic resources of the whole area to revitalize the area's infrastructure and thus create the incentive for continued economic growth. This, rather than a desire to subvert municipal autonomy, was the motive behind provincial intervention. Municipal autonomy was threatened by inherent deficiencies of the existing pattern of municipal structures when the fragmentation of resources and decision-making made it appear to local elites and to the government of Ontario that the area's economic progress was being hampered.

In reviewing the developments of Ontario Municipal policy since the 1920s it can be clearly seen that an interventionist role was stimulated by the financial straits in which

municipalities found themselves during the depression. Having established mechanisms to assure financial viability, these same mechanisms were utilized to promote metropolitan integration and to review the planning process.

The concept of local autonomy which emerged in Ontario was one which did not allow for complete local self-determination of political boundaries. It was a concept which implicitly assumed that without an effective area-wide decision-making process and some redistributive mechanism for applying resources to solve metropolitan problems, local autonomy was not worth very much. This view is in marked contrast to the approach taken by state governments in the United States.

Finally, it can be argued that without this early foundation work which helped establish a self-confident bureaucratic structure in a department of municipal affairs, the later, more significant, widespread restructuring of local government in the sixties and early seventies might have been more difficult. Metro's success in dealing with its infrastructure problems created an initially favourable view of regional government.⁷⁴ The later reforms were approached in the same way, by pragmatic compromise and not as a result of some grand design. Regional and local grass roots suspicions in Ontario were too powerful to allow for a Redcliffe-Maud type general solution as occurred in England.⁷⁵ Ontario demonstrated that local populism, while not strong enough to stop a powerful centralized cabinet from shaping local government policy, was, and probably still is, a deterrent against schemes which are purely of central bureaucratic origin.

Notes

1. John Stuart Mill, *Representative Government* (1861).
2. A fairly conventional view of the decline and fall of local government is that presented by C.R. Tindal and S. Nobes Tindal, *Local Government in Canada*, 2nd edition (Toronto: McGraw-Hill Ryerson, 1984). They say "Our assessment of the present system of local government in Canada must conclude on a somewhat negative note. As we have seen Canadian local governments are not effectively fulfilling either of their basic representative of administrative roles." The book suggests that provincial actions in directing local government may have contributed to this weakness. See also, John H. Taylor, "Urban Autonomy in Canada: Its Evolution and Decline," in *The Canadian City: Essays in Social and Urban History*, ed. Alan F.J. Artibise and Gilbert A. Stelter (Ottawa: Carleton University Press, 1984), 478-500. This pioneering paper reviews in a comprehensive way the factors affecting the independent decision-making role of the city between the 1920s and the 1960s and concludes that municipal governments have become virtually impotent.
3. S. Morley Wickett, "City Government in Canada" (1902), in *Saving the Canadian City: The First Phase 1880-1920*, ed. Paul E. Rutherford (Toronto: University of Toronto Press, 1974), 287-302.
4. An Act respecting the Essex Border Utilities Commission (EBUC) and the Township of Sandwich East 1916, 6 Geo V. c. 98 (Ontario).
5. An Act to make better provision for keeping and auditing Municipal and School Accounts 1897, 60 Vic, c. 48 (Ontario).
6. The Railway and Municipal Board Act 1906, 6 Ed VII, c. 31 (Ontario).
7. Taylor, "Urban Autonomy," 478-79.
8. Bora Laskin, "The Ontario Municipal Board" (Master's thesis, Harvard University, 1937), 112-16.
9. For Windsor - Province of Ontario, Office of the Attorney-General, Report of the Director of the Bureau of Municipal Affairs, Toronto 25 September 1928, 19 pp. (Ellis Report); Supplement, 15 January 1921, 21 pp. For Toronto - Timothy J. Colton, *Big Daddy: Frederick G. Gardiner and the Building of Metropolitan Toronto* (Toronto: University of Toronto Press, 1980), 52-73.
10. Map from G. Peter Nixon and Maurice A. Campbell, *Four Cities: Studies in Urban and Regional Planning* (Toronto: McClelland and Stewart Ltd., 1971).
11. J. Clark Keith, *The Windsor Utilities Commission and Its Antecedent Commission*, 1955. Also see the J. Clark Keith Papers, University of Windsor Archives (scrapbooks, speeches, reports, planning papers, correspondence).
12. J. Clark Keith, A Preliminary Planning Report to the EBUC with Existing Conditions in the Essex Border District, 15 July 1922; and A Planning Report to the EBUC Dealing with Some Urban and Suburban Problems in the Essex Border District, 27 March 1924. Keith Papers, University of Windsor Archives.
13. *Border Cities Star*, 14 December 1926; 4 January 1927.
14. Transcript of talks with business and municipal leaders, *Border Cities Star*, 28 April 1928.
15. Province of Ontario, Department of Municipal Affairs, *Report of the Royal Commission on Border Cities Amalgamation (Coughlin Report)*, (Toronto, T.E. Bowman, April 1935).
16. The Ontario Municipal Board Act 1932, 22 Geo V, c. 27 (Ontario).
17. *Coughlin Report*.
18. Riverside, *Report of the Committee of Supervisors* (1933).
19. An Act to Establish the Department of Affairs 1935, 25 Geo V, c. 16.
20. Laskin, "The Ontario Municipal Board," 112-15.
21. "Walkerville Votes 'NO,'" *The News* (Walkerville), 13 December 1934.
22. Petition to Premier Hepburn from Walkerville Property Owners Association 1936. Municipal Archives, Windsor Public Library, unclassified Clerk's Records, RG 2, Amalgamation of the Border Cities: 1935-36, Correspondence and Reports to the Commission of Inquiry.
23. PAO, Memorandum to Attorney General W.H. Price from H.L. Cummins, Law Clerk for Municipal and Private Bills, 31 October 1931.
24. *Ibid.*, 17.
25. *Ibid.*, 18.
26. *Coughlin Report*, 31, "Constitution, Duties and Powers of the Windsor Finance Commission."
27. Petition to Premier Hepburn from Mayor and Council of the new City of Windsor, 14 January 1936. Municipal Archives, Windsor Public Library, unclassified Clerk's Records, RG 2, Amalgamation of the Border Cities: 1935-36, Correspondence and Reports to the Commission of Inquiry. Also see, Windsor Amalgamated Council Minutes, 2 July 1935 to 30 June 1937, vol. 1. Council minutes are peppered with resolutions and angry statements.
28. On 11 April 1935, Cross sent telegrams to the Mayors of the four municipalities announcing that he would introduce the City of Windsor Amalgamation Act in the Legislature on that day. He requested that the Mayors meet with him in Toronto on the morning of the 12th. It was not known that the Royal Commission (*Coughlin Report*) had completed its paper nor had the officials of the four municipalities involved been informed of the substance of the *Report*. Mr. Croll proposed to table the entire *Report* in the legislature. The Windsor Finance Commission would be appointed by the government. *Windsor Daily Star*, 11 April 1935. When the Mayors met in Toronto they made three recommendations to Croll: that the electorate of each separate municipality must approve the bill; that the bill should not be passed until the *Coughlin Report* was made available for study by the councils; and that the set up of the Finance commission should

- be altered so that a representative of the creditors should be appointed as one member, the Mayor would be the second, and the third member would be elected locally. *Windsor Daily Star*, 13 April 1935. Croll paid little attention to the Mayors' requests. The second reading of the bill was passed unchanged and without comment on April 15. *Windsor Daily Star*, 16 April 1935. On April 17, the City of Windsor Amalgamation Act passed without amendment and without discussion (last day of legislative session), *Windsor Daily Star*, 18 April 1935.
29. Suggested Borough System of Government for the City of Greater Windsor proposed by the Walkerville Property Owners' Association. Municipal Archives, Windsor Public Library, unclassified Clerk's Records, RG 2, Amalgamation of the Border Cities: 1935-36, Correspondence and Reports to the Commission of Inquiry.
 30. *Windsor Daily Star*, 28 November 1936; 9-10 December 1936.
 31. During 1935-36, The Windsor Finance Commission worked diligently on refunding plans to reorganize the amalgamated city's debts. Immediately prior to the dissolution, the debts of these municipalities including arrears of interest accrued to December 1935, and certain minor adjustments amounted to more than 40 million dollars. It was proposed to fund and refund the principal of the aforesaid debt of the amalgamated municipalities, amounting to \$34,686,555.18 by creating debentures of the new city to the same principal amount and by issuing such debentures to or for the creditors of the Amalgamated Municipalities in discharge of all liability to them for such a principal. W.L. McKinnon in his report recommended that the terms of the bonds be shortened from 60 years to 30 years to be paid at 4% annually. W.L. McKinnon Report, RG 3AV/-1/6 1936, Municipal Archives, Windsor Public Library. On 10 April 1937, an order was made by the OMB concerning the Funding and Refunding of the Debts of the Amalgamated Municipalities, and by such an order did provide the sum of \$203,687, out of which the expenses incurred in connection with the negotiations and preparation submission and carrying out of the plan should be made. Funding and Refunding Plan, RG 3AV/-1/10, Municipal Archives, Windsor Public Library.
 32. "Walkerville Prepares for Court Battle," *The News* (Walkerville), 7 May 1946.
 33. *Windsor Daily Star*, May 1938.
 34. *Ibid.*, 8 May 1939.
 35. PAO, RG 6, 11-6, Box 27, 1929-53, Municipalities: Annexations, for various clippings from the Toronto *Telegram*, *Star* and *Globe*. For example: Mayor McBride's Inaugural Address, 14 January 1929 from City Council Minutes, 1929, App. C. p.2 (copy) - "at various times requests have been made for annexation to the City of additional outlying areas. Past experience has demonstrated that such a policy entails immensely increased expenditures without recompense, and consequently delays the attainment of pressing improvements essential to the success and well-being of the municipality and its residents. My view is that the City limits should be extended only when justified by the true interest of the urban community." Commissioner of Works Harris, 1 December 1931, Toronto *Telegram* - "If all areas seeking annexation were little Forest Hills, it would be great - but not the case." He counselled against annexation on the grounds that 1) the city's vacant lands must be filled up first; and 2) that annexation leads to higher tax rates and working men are unable to pay such taxes. Finally, see Toronto *Star*, 2 March 1937: "less than a quarter of one square mile has been added to the city's area since 1914. But Toronto cannot justly be asked to incorporate and annex unless the Province has cooperated with the Satellite municipalities which are in financial difficulties so as to put their finances on a sound basis. The city cannot be expected to shoulder a load of debt charges for which there is no adequate revenue attainable in those territories."
 36. Colton, *Big Daddy*, Chapter 3: "The Metropolitan Experiment," 52-73. A masterful account of the creation of Metro Toronto which leaves little more to be said. Other standard works include Frank Smallwood, *Metro Toronto: A Decade Later* (Toronto: Bureau of Municipal Research, 1963); Harold Kaplan, *Urban Political Systems: A Functional Analysis of Metro Toronto* (New York: Columbia University Press, 1967); and Albert Rose, *Governing Metropolitan Toronto: A Social and Political Analysis, 1953-1971* (Berkeley: University of California Press, 1972). As well, Lorne Cummings' OMB Report and Premier Frost's speech introducing Bill 80 in the Legislature are honest and straight forward.
 37. Ontario Municipal Board (OMB), Decisions and Recommendations to the Board (Toronto, 20 January 1953), 20.
 38. City Planning Board of Toronto, The Master Plan for the City and Environs (Toronto, December 1943); Colton, *Big Daddy*, 58-9.
 39. Radio Address published as "The Conservative Platform of the Progressive-Conservative Party," approved in General Meeting at Toronto, 3 July 1943. Quoted in Schull, *Ontario Since 1967* (Toronto: McClelland and Stewart, 1978), 314. See also, *Subject to Approval: A Review of Municipal Planning in Ontario* (Toronto: Ontario Economic Council, 1972), 117-18.
 40. Schull, *Ontario Since 1867*, 314-15; *Subject to Approval*, 155; Ministry of Planning and Development Act, 1944.
 41. Ontario Municipal Board Act amendments, 1946.
 42. Ontario Planning Act 1946; *Subject to Approval*, 1-3, 155-56; Colton, *Big Daddy*, 61.
 43. Colton, *Big Daddy*, 63-4; Toronto and York Planning Board Report, 1 December 1949.
 44. Rose, *Governing Metro Toronto*, 20.
 45. Colton, *Big Daddy*, 63-4; Toronto *Star*, 2 February 1950.
 46. *The Globe and Mail*, 5 February 1944.
 47. D.R. Richmond, *The Economic Transformation of Ontario, 1945-1973*, pamphlet (Toronto: Ontario Economic Council, 1974), quoted in Schull, *Ontario Since 1867*, 313.
 48. See Chart in Provincial-Municipal Relations Committee, *Interim Report* (1953). Table 2 "a study of the operation of local government requires a general understanding of the three spheres of government in Canada. Such a study emphasizes the numerous inter-relationships of all three," 10.
 49. *Ibid.*, 32, Table 8: Provincial Payments to Municipalities and Local Boards and Agencies, 1943-54. Payments increased some 600%.
 50. PAO, RG 3 Prime Minister's Department, Frost, General Correspondence, E-16-A Box 114, file 1996: General Correspondence. Paul Hickey, Supervisor, Municipal Audit and Accounting, to W.A. Orr, Deputy Minister of Municipal Affairs Department, 13 December 1951 - Re: Request for information on Provincial Subsidies. Frost to Dunbar, 16 July 1952, and Dunbar to Frost 21 July 1952. Frost wanted Dunbar to stress to the public the "enormous things that we are doing for the municipalities."
 51. *Ibid.*
 52. Provincial-Municipal Relations Committee, *Interim Report* (1953), 38-9.
 53. PAO, Frost's Introductory Speech for Bill 80, 25 February 1953, Draft Copy.
 54. *Ibid.*, L.M. Frost Papers, Frost to Gardiner, 6 January 1950 and Gardiner to Frost, 10 January 1950.
 55. Lorne Cumming file, *Windsor Star*.
 56. *Windsor Star*, 9 February 1950.
 57. *Ibid.*
 58. PAO, Frost's Introductory Speech.
 59. Trent University Archives, L.M. Frost Papers, Frost to Gardiner, 24 August 1970. See Colton's evidence, *Big Daddy*, 195.
 60. PAO, R.H. McGregor to Frost, L.M. Frost Papers, received 4 December 1950.
 61. PAO, O.E. Crockford to Frost, L.M. Frost Papers, 10 January 1950.
 62. See agenda.
 63. Decisions and Recommendations of the Board (Toronto, 20 January 1953). Cumming's Report; Colton, *Big Daddy*, 70.
 64. *The Globe and Mail*, 10 February 1953.
 65. See agenda.
 66. Frost's Introductory Speech.

67. The Windsor Case - legacy (will elaborate). *PAO*, RG 3, Box 36, File 2, Frost Papers, Bill 80, 1st and 2nd Reading. Lorne Cumming to Frost, 12 March 1953, two memoranda on Windsor Amalgamation, 1934-1935; also appended Premier's scribbled notes.
68. The Municipality of Metropolitan Toronto Act, 1953.
69. Frost's Introductory Speech.
70. *Ibid.*
71. *Ibid.*
72. Donald Higgins, "The Process of Reorganizing Local Government in Canada," *Canadian Journal of Political Science* XIX (June 1986): 219-42.
73. Theodore Lowi as summarized by V. Seymour Wilson, *Canadian Public Policy and Administration: Theory and Environment* (Toronto: McGraw-Hill Ryerson, 1981), 173-74.
74. Ontario, L.J. Smith, Chairman, *The Ontario Committee on Taxation Report*, Vol. II (Toronto, 1967). This *Report* concluded that the objectives of access to government and equity of services and taxation could not be attained with the then existing structure of local government. They favoured the immediate and wholesale restructuring were adopted and much of this concept followed the ideas of Metro Toronto.
75. G.B. *Reform of Local Government in England*, Cmnd. 4276, Redcliffe-Maud, Chairman (London: HMSO, 1970).