



## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

<b>Policy/Program:</b> Council Vacancy Policy	
<b>Administrator:</b> Legislative Services	<b>Approved by:</b> Council
<b>Date Last Reviewed:</b> March 2026	<b>Date Last Revised:</b> March 2026

### 1. Purpose/Policy Statement

The purpose of the Council Vacancy Policy (“Policy”) is to provide for an accountable and transparent process for the filling of Council vacancies which occur during a term of office.

In accordance with the *Municipal Act, S.O. 2001, c.25*, (“Act”) when the seat of a member of Council becomes vacant during the term of office, Council may fill a vacancy by appointing a person who has consented to accept the office if appointed, or requiring that a by-election be held to fill a vacancy in accordance with the *Municipal Elections Act, S.O., 1996, c.32*.

This Policy will provide for a clear, accountable and transparent process for filling vacancies on Council.

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### 2. Application & Scope

This Policy applies to any Council vacancy (as described in Section 259 of the Act) which occurs during the term of office.

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### 3. Definitions

The following definitions apply throughout this Policy:

**“Act”** means the *Municipal Act, S.O. 2001, c. 25*, as amended.

**“Appointment”** means the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council for the remainder of the current Council term.



## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

**"By-election"** means an election, other than a regular election, held to fill a Council vacancy and that is conducted in accordance with Section 65 of the *Municipal Elections Act*.

**"Candidate"** means any individual qualified to be elected to hold office as a member of Council in accordance with the Act.

**"Clerk"** means the Municipal Clerk for the Township or their designate.

**"Council"** means the Council of the Township.

**"Mayor"** means the Head of Council for the Township.

**"Member"** means a member of Council for the Township, including the Mayor and Deputy Mayor.

**"Municipal Elections Act"** means the *Municipal Elections Act, S.O., 1996, c.32*, as amended.

**"Policy"** means this Council Vacancy Policy.

**"Regular Election"** means the year established for a regular municipal election in accordance with the *Municipal Elections Act*.

**"Term of Office"** means the period of time a Council Member is elected to hold office for which they are elected in accordance with the *Municipal Elections Act*.

**"Township"** means the Corporation of the Township of Tay.

**"Vacancy"** means when a seat on Council has become vacant in a manner described in Section 259 of the Act.

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### 4. Declaration of Vacancy

Where a vacancy on Council occurs, in accordance with Section 259 of the Act, Council shall declare the seat vacant at the next regularly scheduled Council meeting, or in the case of the death of a Member, at one of the next two regularly scheduled Council meetings.

Within 60 days of the declaration of vacancy made by Council, Council shall determine whether to fill the vacancy by by-election or by appointment in accordance with the Act, subject to:



## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

- (a) the limitation on filling a vacancy only by appointment if the vacancy occurs after March 31 in the year of a regular election set out in Section 65(2) of the *Municipal Elections Act*; and
- (b) the restriction on filling a vacancy that occurs within 90 days of voting day of a regular election in Section 263(5)3 of the Act.

In making its determination, Council will consider the costs and timelines associated with filling a vacancy by appointment or by by-election.

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### 5. Eligibility Requirements

Any individual filling a vacancy must meet the eligibility requirements of office as outlined in the Act and the *Municipal Elections Act* and as noted below:

- 18 years of age or older;
  - A Canadian citizen;
  - A resident of the Township of Tay, or an owner or tenant of land in the Township or the spouse of such an owner or tenant; and
  - Not prohibited from voting under any other Act or from holding municipal office.
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### 6. Filling Council Vacancy – Method Selection

The Clerk shall prepare a report to Council assessing the merits of various options available to Council and identify other relevant considerations and recommendations for Council's consideration.

A meeting shall be held, where Council will receive the report from the Clerk. At the meeting, Council will consider the recommendations within the report and will deal exclusively with how the vacancy will be filled, without making an appointment of any individual.

If Council determines that the vacancy is to be filled by an appointment, Council shall identify the preferred method of appointment (direct or selection) and direct the Clerk to take the steps necessary to facilitate Council's decision. Council's preferred method of appointment shall have regard to the Clerk's legislative responsibility to qualify individuals for appointment.

If Council determines that the vacancy is to be resolved by a By-election, Council shall direct the Clerk to bring forward a By-law for Council's approval at a time that most effectively facilitates the conduct of a By-election.



## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

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### 7. Filling Council Vacancy - Options

As per Section 263 of the Act, when a Council seat becomes vacant, the Township shall proceed with one of the following options:

- Fill the vacancy by appointment, or
- Require a By-election to be held in accordance with the *Municipal Elections Act*.

#### Option 1: Filling Vacancies by Appointment - **Direct**

##### Vacancy in the Office of the **Mayor or Deputy Mayor**

If a vacancy in the Office of Mayor or Deputy Mayor is to be filled by appointment, Council may choose to fill the vacancy by appointing:

- A current Member; or
- Any qualified individual as outlined in Section 256 of the Act.

##### Vacancy in the Office of a **Councillor**

If a vacancy in the Office of a Councillor is to be filled by appointment, Council may choose to fill the vacancy by appointing any qualified individual as outlined in Section 256 of the Act.

#### Option 2: Filling Vacancies by Appointment - **Selection**

##### Vacancy in the Office of the **Mayor or Deputy Mayor**

If a vacancy in the Office of Mayor or Deputy Mayor is to be filled by appointment, Council may choose to fill the vacancy by appointing:

- A current Member; or
- Any qualified individual as outlined in Section 256 of the Act.

##### Vacancy in the Office of a **Councillor**

If a vacancy in the Office of a Councillor is to be filled by appointment, Council may choose to fill the vacancy by appointing any qualified individual as outlined in Section 256 of the Act.

The following process shall be followed when filling a vacancy by Option 2: Filling Vacancies by Appointment – **Selection**:

1. The Clerk shall post a Council Vacancy Notice, in accordance with the Township's Provision of Notice Policy, for a minimum of four (4)



## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

consecutive weeks following Council's decision to fill a vacancy by appointment. The notice shall indicate Council's intention to appoint an individual to fill a vacancy and shall outline the nomination process.

2. A vote to fill a vacancy on Council by appointment shall occur at an open Special Council Meeting.
3. Any individual wishing to be considered for appointment to the vacancy shall complete and sign a Council Vacancy Application Form and a Council Vacancy Declaration of Qualification and submit the forms by the deadline established by the Clerk.
4. At the Special Council meeting, the following shall take place:
  - a) The Chair will make a short statement of the purpose of the meeting and the general order of proceedings to be followed;
  - b) Individuals seeking appointment to the position of Mayor and/or Deputy Mayor who are also current members of Council (nominees) shall declare a pecuniary interest; and
  - c) The Clerk will provide to the Chair a list of the names of those individuals who have indicated, in writing, their interest in being appointed to the vacancy and the Chair will call for a motion from Council in the following form:

"THAT the following individuals, who have signified in writing that they are legally qualified to hold office and consented to accept the office if they are appointed to fill the vacancy, be considered for appointment to fill such vacancy."
  - d) Each of the nominees shall be afforded the opportunity to address Council for a period of not more than ten (10) minutes. The Clerk shall place the names of all nominees in a container and randomly draw the names, which will determine the order of speaking.
  - e) Each member of Council will be permitted one (1) question to each candidate. Candidates will be sequestered in an adjacent room until it is their time to answer the questions posed by Council. Once a candidate has answered the questions, they may remain in the Council Chambers.



## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

- f) Upon hearing all the submissions of the nominees, Council will proceed to vote as follows:
- i. Members will vote by way of public vote;
  - ii. Nominee names shall be displayed on the projection screens in alphabetical order, in the Council Chambers by the Clerk;
  - iii. Members shall vote for one nominee only;
  - iv. The Clerk shall call upon the Members in random order;
  - v. Members shall verbally cast their vote;
  - vi. The Clerk shall tabulate the results;
  - vii. If the nominee receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the nominee or nominees who received the fewest number of votes shall be excluded from further consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the nominee or nominees who receive the fewest number of votes. This process shall be repeated until the nominee receiving the greatest number of votes has also received more than one-half of the votes of the voting Members;
  - viii. Where the votes cast are equal for all the nominees and if:
    1. There are three or more nominees remaining, the Clerk shall by lot select one such nominee to be excluded from the subsequent voting;
    2. Only two nominees remain, the tie shall be broken by selecting a nominee by lot, as conducted by the Clerk.
- g) Upon conclusion of the voting, the Clerk will note the nominee receiving the votes of more than one-half of the number of the voting members of Council or the nominee selected through section (f)(viii)(2).
- h) The appointment of the nominee shall be made by by-law. A by-law confirming the appointment shall be enacted by Council.

### Option 3: Filling Vacancies by By-Election

If a vacancy is to be filled by a By-election it shall be held in accordance with the *Municipal Elections Act*, as amended.

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## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

### 8. Subsequent Vacancies

Should Council's decision on the method used to fill a vacancy result in an immediate vacancy in another office, Council will determine, at the same meeting, the method to fill all subsequent vacancies on Council arising from the initial decision.

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### 9. Roles and Responsibilities

- Members are responsible for the adoption and application of this Policy.
  - The Clerk is responsible for the administration and interpretation of this Policy, including advising Council on its application.
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### 10. Amendments & Circulation

The Township reserves its rights to create, amend, alter, vary and/or revoke all policies at its sole discretion and without notice. This policy will be:

- Distributed to applicable employees within 30 calendar days of implementation/fundamental changes to the policy;
  - Distributed to new, applicable employees within 30 calendar days of the employee commencing employment with the Township;
  - Knowingly available to applicable employees with Township computer access always via an electronic repository; and
  - Reviewed by Human Resources and approved, as applicable, to ensure compliance with legislation and to ensure that it continues to meet the needs of the Township.
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### 11. Approval Authority

By signing below, the official representative validates that the policy has been approved by the appropriate Approval Authority (Council, Chief Administrative Officer).

<b>Approval Authority Official Representative:</b>	Council	<b>Report #: CS-2026-018</b>
<b>Signature:</b>		
<b>Date Signed:</b>	March 25, 2026	



## THE CORPORATION OF THE TOWNSHIP OF TAY CORPORATE POLICY MANUAL

### 12. Revision Record

<b>Rev.</b>	<b>Description of Revision</b>	<b>Admin</b>	<b>Effective</b>	<b>Circulation Date</b>
2	Revision	Legislative Services	2026-03-25	2026-03-31
1	Revision		2019-01-23	
0	Initial Release		2015-08-26	