



Vacancy on Markham City Council Arising From the 2025 Federal Election



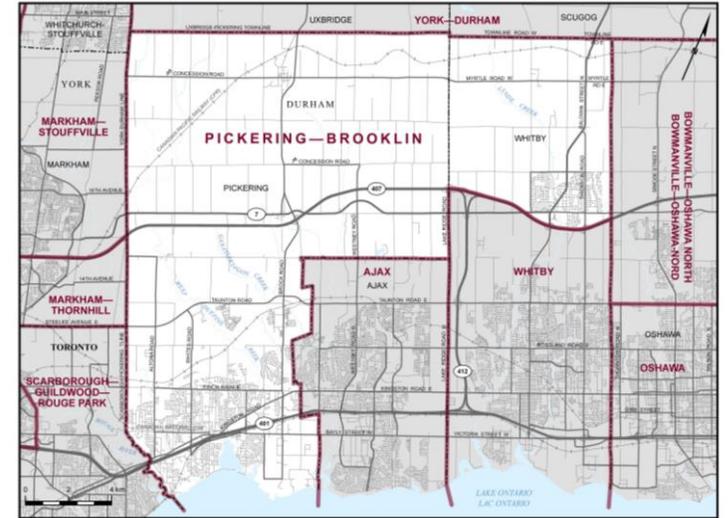
Purpose of Presentation

- To declare the office of Councillor, Ward 7 vacant following the election of Juanita Nathan to Parliament as part of the 2025 Federal election; and,
- To advise Markham City Council of its two options for filling the vacancy (i.e., by appointment or by-election).



Background

- On April 28, 2025, a Federal Election was held in Canada.
- Ward 7 Councillor Juanita Nathan ran for MP (Member of Parliament).
- Members of municipal Council are not required to resign their Council seat in order to run in the Federal election.
- Councillor Nathan was elected MP for Pickering-Brooklin.



Note: Staff are aware of Council vacancies in 5 other Ontario municipalities as a result of the federal election (East Ferris, Guelph, Hamilton, Milton and Toronto).

Legislative Framework

- The **Municipal Act** (the Act) and the **Municipal Elections Act** prescribe rules and impose deadlines with respect to filling a vacancy in the office of a Member of Council.
- In accordance with Act, a Markham City Councillor that has been elected to Parliament is required to vacate their seat on Council (Section 258 (1)(3)).
- A Councillor may resign from office by providing written notice to the Clerk of the municipality (Section 260 (1)).

Legislative Framework (Continued)

- On May 20, 2025, Juanita Nathan notified the City Clerk (in writing) of her resignation from the position of Ward 7 Councillor. The resignation follows the [publication of her election as a Member of Parliament in the Gazette on May 14, 2025.](#)
- In accordance with the Act, Markham City Council is required to declare the Ward 7 seat vacant at its next meeting on May 27, 2025 (Section 262).

Note: If a vacancy occurs on a municipal Council as a result of a death of a Councillor, the declaration may be made at either of Council's next two meetings.

Legislative Framework (Continued)

- Within **60 days** of Markham City Council declaring the Ward 7 seat vacant (**by July 26, 2025**) the City is required to:
 - Fill the seat by appointment.
- **OR**
- Pass a by-law requiring a by-election be held to fill the vacancy (Section 263 (5) of the *Act*).
- The person appointed by Council or elected via by-election will hold office until the end of the current Term of Council (**November 14, 2026**).

Note: If a vacancy occurs within 90 days before Voting Day (July 28, 2026) of a regular election (on October 26, 2026), the City is **NOT** required to fill the vacancy. (Section 263 (5) (3) of the *Act*).

Council Vacancy Policy

- On October 16, 2012, the City of Markham adopted a [Council Vacancy Policy](#) to provide an accountable and transparent process for filling any vacancy that occurs on Council.
- The City Clerk is responsible for the administration and interpretation of the Policy, including advising Council on its application.
- In accordance with the Policy, if a Council vacancy occurs after March 31st in the year immediately prior to a regular election year (i.e., after March 31, 2025), Council will fill the vacancy by appointment.

Note: Nothing in the Policy shall be interpreted as denying Council of its authority to do anything permitted or required under the **Municipal Act**.

Council Vacancy Policy

- In accordance with the Policy, Council has the following appointment options (Section 5.3 of the Policy):
 - a) Appoint an unsuccessful candidate for the Ward 7 seat in the most recent regular election (i.e., the 2022 Municipal Election);

OR

 - b) Appoint any other qualified person (i.e., an eligible Markham voter).
- Markham City Council must complete the appointment to fill the vacant Ward 7 Councillor seat on or before **July 26, 2025**.

Council Vacancy Policy

- Between 2000 – 2024, the following vacancies on Markham City Council that were filled through an appointment process:
 1. Ward 3 Councillor Joseph Virgilio appointed to the vacant Office of Regional Councillor ([September 15, 2009 Council](#)).
 2. Khalid Usman appointed to the vacant Office of Ward 7 Councillor ([June 26, 2018 Council](#)).

Council Vacancy Policy

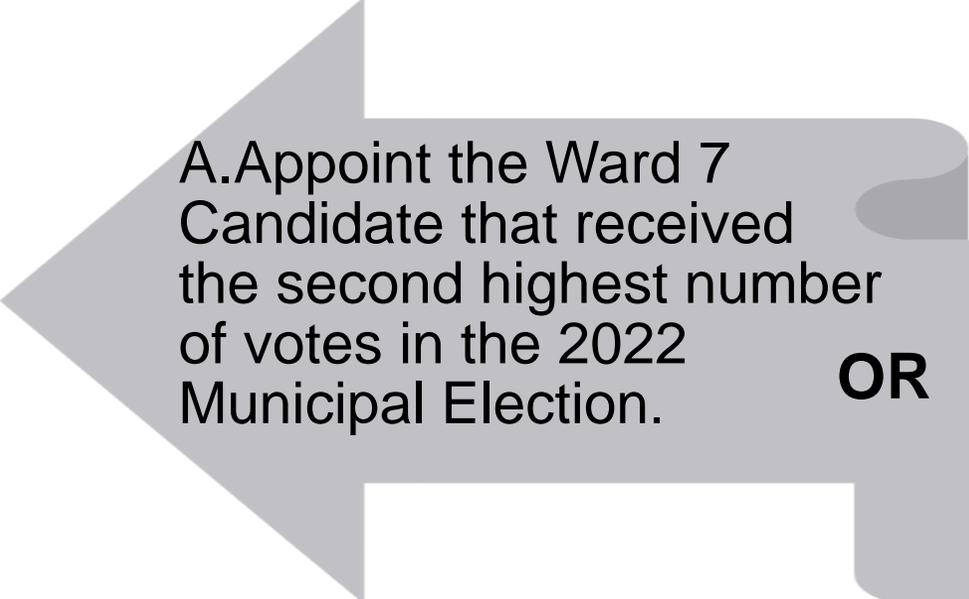
- Council must adopt a resolution indicating its preferred appointment process at the meeting where the vacancy is declared (May 27, 2025) or at its next meeting (June 24, 2025) (Council Vacancy Policy, Section 5).
- The City Clerk will facilitate the chosen appointment process.



Option A: Appointment of an Unsuccessful Candidate from the 2022 Municipal Election

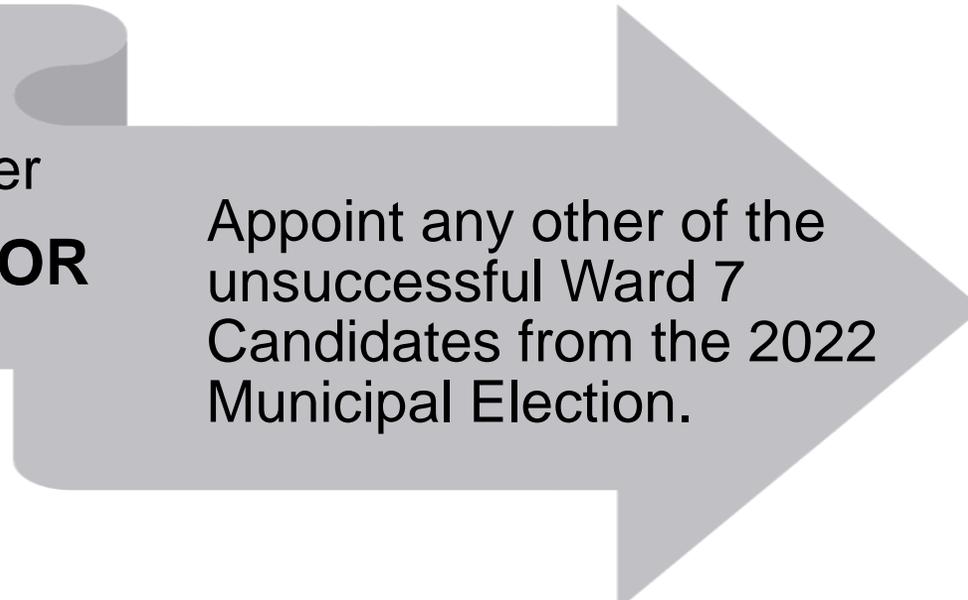
The procedure to appoint a former Candidate to fill a vacancy is outlined in **Appendix B** of the Policy.

In **Option A**, Council has the option to:



A.Appoint the Ward 7 Candidate that received the second highest number of votes in the 2022 Municipal Election.

OR



Appoint any other of the unsuccessful Ward 7 Candidates from the 2022 Municipal Election.

Option A (Continued)

- Unsuccessful Ward 7 Candidates from the 2022 Municipal Election (listed in order of votes received):
 - Nimisha Patel (2,648)
 - Shahzad Habib (1,955)
 - Neetu Gupta (1,292)
- To be considered for this appointment, a 2022 Ward 7 Candidate must still be an **eligible*** Markham voter and must not otherwise be disqualified from holding office.

*An eligible Markham voter is a Canadian citizen; &, at least 18 years of age; & a resident of Markham, or an owner or tenant of land in Markham, or the spouse of such owner or tenant; & not legally prohibited from voting; & not disqualified by any legislation from holding office.

Option A (Continued)

- If Council chooses to appoint from the pool of unsuccessful Ward 7 Candidates from the 2022 Municipal Election, those individuals will be required to submit a written expression of interest to the City Clerk. |
- The City Clerk shall examine all expressions of interest received from Candidates by an established deadline to ensure the eligibility of the Candidate.
- The City Clerk will certify a List of Candidates eligible for appointment and their names will be provided to Council as part of a Council Appointment Meeting. Candidates that do not meet the eligibility requirements will be notified in writing by the City Clerk.



Option B: Appoint an Eligible Markham Voter

- The procedure to appoint an eligible voter to fill a vacancy is outlined in **Appendix C** of the Policy.
- In Option B, Council will fill the Ward 7 vacancy by appointment of an eligible Markham voter. Council will determine the appointment process.



Option B (Continued)

- To be considered for this appointment, a candidate must be an eligible Markham voter and must not otherwise be disqualified from holding office.
- It is the Candidate's sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the City Clerk as part of the appointment process.

Option B (Continued)

- Notice of Council's decision to appoint an eligible Markham voter will be:
 - a) Posted on the City's website & social media channels; &
 - b) Provided to ratepayer & community organizations.

- Notice will identify:
 - a) The eligibility requirements to fill the Ward 7 vacancy; &
 - b) Any application requirements established by City Clerk, including but not limited to:
 - i. Consent of Nominee Form or written expressions of interest;
 - ii. Statement of Qualification Form;
 - iii. Declaration of Eligibility; &
 - iv. Deadline for submissions (usually 2 weeks).

Option B (Continued)

- An Information Meeting may be organized by the City Clerk during the application period.
- All interested eligible voters must complete the application requirements established by the City Clerk.
- Following the submission deadline, the City Clerk will certify the eligible candidates and provide notice to Candidates of the date/time for the Council Appointment Meeting. This meeting will be conducted in accordance with the **Council Vacancy Policy**.

Next Steps

- 1) Council to pass a resolution to declare the Ward 7 seat on Markham City Council vacant.
- 2) Council to determine which appointment process it wishes to pursue.



Recommendations

- 1) That the presentation entitled “Vacancy on Markham City Council Arising From 2025 Federal Election” be received; and,
- 2) That, in accordance with the Municipal Act, Markham City Council declare the Ward 7 local Councillor seat vacant; and,
- 3) That Council provide direction on the appointment process to fill the vacancy of the Ward 7 Councillor seat; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to these resolutions.



Questions?