



Region of Waterloo

Planning Development and Legislative Services

Legal Services

Date: November 18, 2025

Memorandum

To: Chair Harris and Members of the Strategic Planning and budget Committee

From: Fiona McCrea, Regional Solicitor, Director of Legal Services

Subject: Community Safety and Policing Act, 2019 Provisions Regarding Council Approval of Police Services Board Operating and Capital Estimates

The purpose of this memo is to provide information on the authority of Regional Council in its consideration of the proposed 2026 budget that will be submitted by the Police Services Board to Council for its approval.

Sections 10 and 37(1) of the Community Safety and Policing Act, 2019 (the “Act”) requires a police service board to ensure that adequate and effective policing is provided in the area for which it has policing responsibility in accordance with the needs of the population in the area and having regard for the diversity of the population in the area.

Section 37(2) requires a police service board shall comply with the prescribed standards, if any, with the respect to the exercise of its powers and the performance of its duties under the Act. Standards for adequate and effective policing have been prescribed by Regulation.

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Section 50 of the Act provides as follows:

50 (1) A municipality that maintains a municipal board shall provide the board with sufficient funding to,

(a) comply with this Act and the regulations; and

(b) pay the expenses of the board's operation, other than the remuneration of board members.

Estimates

(2) A municipal board shall submit operating and capital estimates to the municipality that will show, separately, the amounts that will be required to,

(a) comply with this Act and the regulations, including the amounts required to provide the police service with required equipment and facilities, having regard for the various ways that the board can discharge this obligation; and

(b) pay the expenses of the board's operation, other than the remuneration of board members.

Same

(3) The format of the estimates, the period that they cover and the timetable for their submission shall be determined by the municipality.

Budget

(4) Upon reviewing the estimates, the municipality shall establish an overall budget for the municipal board for the purposes described in clauses (1) (a) and (b) and, in doing so, the municipality is not bound to adopt the estimates submitted by the municipal board.

Same

(5) In establishing an overall budget for the municipal board, the municipality does not have the authority to approve or disapprove specific items in the estimates.

Dispute

(6) If the municipal board is not satisfied that the budget established for it by the municipality is sufficient for the purposes described in clauses (1) (a) and (b),

(a) the municipal board and the municipality may jointly apply to the Commission Chair to appoint a conciliation officer to attempt to resolve the matter; or

(b) the municipal board may give the municipality written notice referring the matter to arbitration.

The Act provides for consideration of the various ways that the board can discharge the obligation to provide adequate and effective policing in accordance with the Act and regulations including an agreement with another police service board or the Commissioner to provide the policing functions in the area.

As in the former Police Services Act, the municipality does not have the authority to approve or disapprove specific items in the budget estimates rather the municipality, in reviewing the estimates, shall establish an overall budget for the police service board for purposes of providing sufficient funding to comply with the Act and the regulations, and pay the expenses of the board's operation, other than the remuneration of board members, which budget may be equal to the estimates provided or some lesser or greater overall budget amount.

If the police service board is not satisfied that the overall budget amount approved by the municipality is sufficient for it to meet its obligations under the Act and regulations and to pay the expenses of the board's operation, there are 2 options to resolve the dispute: the board and the municipality may jointly apply for the appointment of a conciliation officer to attempt to resolve the matter or, arbitration.

Section 50(11) of the Act is new and provides:

50(11) If the municipality demonstrates that the municipal board could reasonably have entered into an agreement under section 14 to have policing functions provided in a manner that meets the applicable standards for adequate and effective policing and at a lower cost than is set out in the estimates, the arbitrator shall not find that the budget is insufficient to the extent of the amount that could have been saved by entering into the agreement.

The municipality is obligated to amend the budget for the police service board in accordance with the arbitrator's decision.