

Ontario Municipal Board Reform

There is probably no publicly appointed body, at any level of government that infuriates Toronto ratepayers more than the Ontario Municipal Board (OMB).

Over the past decade, the OMB has routinely exercised its considerable oversight powers to reject, reverse or amend planning decisions made by democratically elected councils all across Ontario. It almost always results in outcomes that threaten the stability of stable residential neighbourhoods while indulging the development industry's seemingly insatiable appetite for increased heights and densities.

Last year, when the province announced it would be undertaking stakeholder consultations on OMB reform, Councillor Cliff Jenkins established a working group made of like-minded city councillors and representatives of the Federation of North Toronto Residents' Associations (FONTRA) in order to address the issue with a clear, concise and unified voice. Together this group developed a set of recommendations aimed at strengthening input and decision-making powers at the local level, while substantially reducing the OMB's scope of influence in municipal planning matters. Proposals centered around two key principles:

- ***Municipal councils should become the focus for development decision-making and have significant autonomy over local planning matters;***
- ***The OMB should be an advisory body only; its oversight powers should be substantially reduced.***

In December 2005, the provincial government put forward its prescriptions for change in two pieces of legislation (Bill 51 and Bill 53). While more detailed information (including the regulations) is forthcoming, there were some minor changes proposed in the legislation with respect to the OMB:

- Committee of Adjustment appeals would be heard by a local citizen review panel rather than by the OMB; (details regarding composition, scope, operating procedures and financing are to be provided by regulation presumably after approval in the Legislature);
- The six-month time frame within which the City is required to rule on a planning application would begin when the final supplementary report is issued by City staff rather than when the applicants plans are first submitted;
- The City would be required to update its Official Plan every five years and its Zoning By-law every three years;
- Participation in OMB hearing process would be limited strictly to those who took part in the process at municipal council (except where the OMB wishes to grant an exemption);
- Evidence presented at the OMB hearing would be limited strictly to evidence that was presented at City Council; (except where the OMB finds the evidence could not have reasonably been presented previously.);
- The OMB would now be required to "have regard to" a municipality's previous decision on any planning application under appeal.

However well-intentioned, the bulk of the proposed reforms do little to address the fundamental objectives of strengthening local input and decision making power, while substantially reducing the OMB's scope of influence in municipal planning matters. Thus, the most significant aspects of OMB reform are not addressed in Bill 51. In addition:

- Bill 51 entrenches the OMB's position as the ultimate decision maker:
- The proposed changes appear to have little or no emphasis on economic environmental assessment; and allow the OMB to continue to hear development appeals in isolation from the surrounding area and the precedent-setting implications locally and citywide;
- The stipulation that the OMB must "have regard to the previous decision of municipal council" is an insignificant change to the OMB/municipal council relationship. The OMB should be limited to deciding whether any proposed development is "consistent with" both the municipal Official Plan and the Provincial Policy Statement;
- Administrative reforms to the OMB itself are not contained in Bill 51, including improvements to the appointment of OMB members, increased tenure, remuneration and training for OMB members.

There is an opportunity for this government to make the changes necessary to improve the legislation. For more information or to get involved, please contact Councillor Cliff Jenkins at 416 395-6408 or visit [www. cliffjenkins.com](http://www.cliffjenkins.com) (link)