

Full picture needed on OMB hearings, says Councillor

By Brock Weir

Aurora residents will soon have a fuller picture of the Town's activities at the Ontario Municipal Board.

Council has approved key components of a motion from Councillor Harold Kim asking for a report on appeals heard at the OMB involving Aurora since December 2006, but stopped short of the full details the Councillor was hoping to receive.

Although Council approved compiling a report on OMB statistics ? a process staff estimate might take as much as four months ? they stopped short of approving a second clause outlining the contents of the report which the Councillor proposed be included, but not be limited to number of units involved and, perhaps most contentious, the total amount of money spent by the Town.

For Councillor Kim, it was all about trying to make an informed decision at the Council table.

“We all know the more information we have the more informed decisions we make and often when we discuss issues here at Council we ask for comparators and comparisons and look for trends,” he said. “A lot of times trends really help us extrapolate and make informed decisions based on what's happened in the past and where we think that path may go in the future.

“In our two and a half years through this term we have faced a lot of planning issues and issues that have gone to the OMB and it has become more and more a hot temperature topic. I think it is important that we know the breakdown of various issues that have gone to the OMB for an appeal.”

A broad look at OMB appeals over a 10 year period could help elected officials spot trends on decisions and allow them to make further decisions in full context and appreciate the full “financial ramifications” of an appeal.

The motion was not without its share of detractors, first among them was Councillor Tom Mrakas who said he had difficulty understanding the intent of the motion as most of the information, aside from financials, is already listed on the OMB website.

“I understand we want to be informed, but I don't understand how this information is going to change our decision-making when it comes to development applications,” said Councillor Mrakas. “I don't base my decisions on what the OMB is going to do or how much it is going to cost. At the end of the day, an appeal, if you look back over those 10 years, I think there is only one time a municipality actually appealed a judgement. All the other times it is a developer, a builder or a resident appealing a decision and we're either having to go and spend money defending a decision that we made as a Council to uphold our official plan.

“I don't think how much we spent defending our official plan because someone else appealed a decision we made is going to change how we make our decisions. I don't understand how this is going to inform our decision making.”

A similar view was offered by Councillor Michael Thompson ahead of the Province's announcement of possible OMB reforms which could see the Board replaced with a tribunal. He said ongoing efforts towards that reform could result in that very different mechanism sooner rather than later.

“It is always good for us to have additional statistics and data to help us make an informed decision,” he said, adding OMB experts he has spoken to have often cited inconsistency as one of the hallmarks of a Board decision. “We try to do that with a lot of the things we do and that is why in the budget process we keep pushing for KPIs and numerical metrics to help us make decisions. However, you do struggle with the value of information that would come back to us. It has always been my perception that it is hard to compare one scenario to another. While the OMB may still exist it could be very different in the days and months ahead.”

Among those supporting maximum information were Councillors John Abel and Paul Pirri, the latter of whom said any information is beneficial and he had yet to hear a compelling reason arguing against it.

“If the only thing that isn't readily available is the expense that has gone out I see no harm in us getting that financial figure,” said Councillor Pirri. “If we're talking about reforming the OMB I think there is no easier way to demonstrate how hurtful the OMB it is than demonstrating how much municipalities have to spend to defend themselves.”

Concluding his motion, Councillor Kim said Council members and municipal staff alike are “public servants” and 1,000 members of the public shouldn't have to go onto the website to compile the information.

“It is important to have the information that \$250,000 was spent on this small issue, or \$500,000 was spent on that ? when there are real numbers attached to something it gives people pause.”