

Reform-seeking Councillors await recommendations to overhaul OMB

By Brock Weir

Provincial leaders this fall are set to propose changes to legislation around the Ontario Municipal Board for public input.

While it isn't yet known what these recommendations might entail, municipal politicians from around the Golden Horseshoe are clear in their recommendation: significant reforms are needed.

Ahead of the presentation of the draft consultation paper, members of the working group behind this year's Municipal Summit examining Ontario Municipal Board (OMB) reform, along with its processes and powers, are reiterating their over-arching recommendations.

The Summit, which was spearheaded by Aurora Councillors Tom Mrakas and Michael Thompson, was held this past May and, according to the summary report, there was one issue that rose to the top:

“Limit the jurisdiction of the OMB to questions of law or process,” reads the recommendation, “specifically when considering appeals, [and] require the OMB to uphold any planning decisions of Municipal Councils unless said decisions are contrary to the processes and rules set out in legislation.”

It is a recommendation that, had it been put on the table years ago, might have made short work of the OMB appeal facing Highland Gate Redevelopments Inc, the Town and the residents surrounding the former Highland Gate Golf Course.

As it stands now, it is a recommendation Councillor Mrakas says would give communities a greater say in how they develop and the OMB greater time to make a more informed decision on applications.

A particular fact is the 180 day turnaround time for appeals, no matter how complex.

“That is not enough time to come to a very informed decision,” he says. “We would like to see that change but if it comes down to that one overarching theme where, at the end of the day the municipality has the authority to make the final decision, I am sure you pretty much come to that final decision before the 180 days.

“There were a lot of other issues that came up during our municipal summit, including whether the OMB adjudicator should reside within the particular area that the appeal is from so they would have a better understanding of the area. A lot of that stuff goes away if we end up with the ultimate authority because it doesn't matter if the adjudicator is from the area, or if we have the final say. That's why it boils down to that one recommendation.”

If the committee behind the summit, which includes elected representatives from Aurora, Burlington, Cambridge, Georgina, Guelph, Kitchener, Markham, Newmarket, Richmond Hill, Uxbridge, Vaughan, Welland, and Whitby, wait for the legislative proposals to come forward, they are not cooling their heels.

In the weeks ahead, the Aurora Councillors plan on meeting with the Minister of Community Affairs, Progressive Conservative leader Patrick Brown and NDP leader Andrea Horwath to “make sure this is what the municipalities want” and they have the information to make the “necessary conclusions.”

“Municipalities spend quite a lot of time, money and resources developing our official plans to meet the provincial policy and to adhere to it,” says Councillor Mrakas. “Once it is approved by the Province, if there are going to be amendments, we should be the ones who have the ultimate say on whether we want to allow an amendment or not. If it is better for the community and we see a need for it, then we will allow that amendment. If it doesn't better the community, we should be upholding our official plans due to the fact we spent all that money, we did all that work.”

Municipalities, he adds, are not the only ones looking for reform. The Canadian Homebuilders Association, for instance, is seeking changes as well, but for very different reasons. But there too they might have some common ground at wanting clarity at the official plan level.

“We can both agree on the argument and fight should be at the OP (Official Plan) level when we're developing the OP,” says Councillor Mrakas. “Once that gets figured out and approved, then they know what they are allowed and we know what will be allowed to be built and you're not having a constant argument. You're not having to constantly move to appeals and not having to decide if an application should be allowed or not.

“When someone buys a property, they will know that is what you can build. You almost look at it like a labour negotiation. If we deal with the OP, come to an agreement and it gets approved, we have a labour peace for five years.”