

Council calls on Province to dissolve Land Tribunal

In a bid to address the housing crisis and put more planning powers back into the hands of local municipalities, Aurora Council has formally called upon the Province of Ontario to dissolve the Ontario Land Tribunal.

Council unanimously approved the motion brought forward by Mayor Tom Mrakas last week.

In his motion, Mayor Mrakas, who has been a long-time advocate for land planning reform, said more weight needs to be given to municipalities' Official Plans that are ultimately approved by the Province.

“As we are aware, municipal councils are required to create an Official Plan (OP) that meets Provincial planning goals, including growth and intensification targets,” said Mayor Mrakas. “We are required to demonstrate that our Plan, our vision for our community, conforms with the Province's overarching planning goals. We are required to get approval for that Plan and are legislatively required to adhere to that Plan. To get to that approval stage, a municipality has to go through exhaustive, administrative and consultative processes designed to ensure that everyone has a say in the final Plan. This process will take literally years.”

At the end of the process, what he said is delivered is a “plan that serves the dual purpose of meeting the Province's planning goals and policy statements,” but that can come into question when applications to build in communities like Aurora are appealed to the Tribunal (OLT).

“The role of the OLT is to decide whose vision of a community takes precedence by presiding over a process where often the vision of a single applicant with a goal of maximizing profit for a single location has the same weight as that of a municipality's Provincially-approved overarching community plan.

“Our current OP requires 25 per cent of all units to be affordable. Are they being built? No, they are not. They won't as long as the OLT has the power to ignore local municipal planning decisions. The existing planning appeals process mandates that municipalities follow their plan, but allows applicants to ignore it entirely. Any decision of Council that fails to follow our process can be appealed in a court of law. I ask, why are planning decisions any different? Why are applicants allowed to appeal a Council planning decision simply because they don't like it? At the end of the day, we have to ask ourselves, “Do we, as a Council, a corporation and a community, agree that we should have the authority to uphold our community vision, as expressed in our Official Plan, that we should have the final say in whether to grant or deny an application that seeks to change that vision, or do we agree that an unelected, unaccountable, unappealable third party should decide?”

“Profit-driven planning doesn't build our community; it builds someone else's bottom line.”

This was a view shared by residents and Council members alike who agreed it is “time for a change.”

Last week's meeting saw two delegates speak in favour of just such a wave of change before other members of Council had the opportunity to weigh in.

Mark Winfield, a Professor of Urban & Environmental Change at York University, said there are “serious problems” around the role of the OLT and Councils need to have the power to make their own decision on the “form, shape and pace of developments through transparent rules and an evidence-based planning process.”

“It needs to bring specific expertise to the table as opposed to giving developers all they ask for, which seems to be what the OLT's rules become,” said Winfield. “If we don't go to abolition, then certainly major reform in the process [needs to be] completed to ensure Councils are given reasonable timeframes to consider developmental proposals.”

Aurora resident Janet Matthews echoed some of these viewpoints, stating the OLT has "outlived its usefulness."

"Our skilled town planners are paid through tax dollars, our elected Mayor and Councillors receive salaries from our tax dollars, and then the OLT is paid for with more of our tax dollars - our own tax dollars are used to overturn plans and decisions made by our elected representatives, paid for with our tax dollars," she said. "As a taxpayer, this nonsense really ticks me off and it should tick you off, too."

Speaking in favour of the motion, Councillor Wendy Gaertner said it was an "important" move, citing the work then-Councillor Mrakas and Councillor Michael Thompson did to reform the former Ontario Municipal Board in Ontario's previous Liberal government. While she said she was supportive, she said more work needed to be done to ensure any reform or abolition of the OLT dovetails with work to ensure housing is attainable.

"I will be supporting this motion but I will also be bringing forward another motion to do [what our delegate said] so we can ensure multi-unit family housing in Aurora and hopefully help all those people who are in what some people call 'the missing middle' to find places to live that are good places to live and maybe move people out of basement apartments," she said.

Councillor John Gallo agreed that the planning of municipalities should be left to elected officials and a town or city's OP.

"That is not to say that Official Plans can't be changed because sometimes they are out of date, things change, and councils may have a different opinion that isn't in line with Official Plans," she said. "I don't think we should be so strict that we don't give ourselves the opportunity to bend where we need to bend. This is not suggesting we don't do that."

"I am in agreement with the motion. It is one step and there needs to be other things that happen after this."

Added Councillor Thompson: "Let us have the final say in how the community gets built and trust us with the tools, in terms of policies and standards, and the intensification targets that need to be met, and we will figure out how best to do it within our community and that is what we here in Aurora, as well as in other municipalities, have been arguing for many, many years - that we are better equipped to make those decisions than an unelected body that may or may not even know who Aurora is."

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