

Leaders welcome proposed replacement of OMB

By Brock Weir

The Province of Ontario is moving to replace the Ontario Municipal Board with a Planning Appeal Tribunal which could, if passed, give greater weight to local planning decisions.

Reforms were announced Tuesday morning by Bill Mauro, Minister of Municipal Affairs, who said changes were in the best interests of all.

"We want to ensure the land use planning system is working effectively for everyone," said Mauro. "Our proposals would empower communities and municipalities to better determine how their neighbourhoods develop in the future."

That is exactly the kind of change municipalities like Aurora have been striving for.

Locally, reform was spearheaded by Councillors Tom Mrakas and Michael Thompson whose efforts received the weight of Council. Their charge gained momentum and ultimately led to a summit in Markham last year which brought together municipalities from across Ontario to call for action.

Tuesday's announcement was also hailed by local leaders as a step in the right direction.

"I think that the legislation is moving in the right direction, which is to be more mindful of local conditions, something the GTA mayors and chairs have been asking for [for] close to 20 years," said Mayor Geoff Dawe on Tuesday. "The Legislation is due to be tabled prior to the summer recess and the tentative timeline is to see it enacted in the spring of 2018. Of course, the challenge will be in the details found in the regulations, and there will be a lot of discussion about this over the next few months, especially the transition policies."

Indeed, nothing is a done deal yet and there are still many details to be hammered out. However, the Province says the new tribunal "would be mandated to give greater weight to the decisions of local communities, while ensuring that development and growth occurs in a way that is good for Ontario and its future."

"This would be achieved by eliminating lengthy and costly 'de novo' hearings for the majority of planning appeals," said the Ministry in a statement. "The term 'de novo' has been used to describe how the Ontario Municipal Board deals with appeals of municipal land use planning decisions, by considering the same issue that was before the municipality as though no previous decision had been made."

"Ontario would also make planning appeals more accessible to the public by creating the Local Planning Appeal Support Centre, a new agency that would provide free information and support, which may include representation at the tribunal for citizens who want to participate in the appeal process."

Councillor Thompson says the creation of a Local Planning Appeal Support Centre is a "significant addition" for residents.

"Many people have argued that under the current system (OMB) developers had an unfair advantage because most residents, neighbourhood associations and/or ratepayers groups didn't have the resources to challenge a large scale development," he said.

"This change along with the other reforms put forward today would seem to have closed the gap considerably and given Ontarians access to faster, fairer and more affordable hearings."

Eager to see further details over the reform, he added that the details thus far are a "big win" for municipalities.

"Based on today's announcement it would seem that the province was listening and that we will now have a much stronger voice in the planning and development of our community," he said.

Councillor Tom Mrakas also singled out the Local Planning Appeal supports as a big win, calling it the "most extraordinary and personally gratifying change" for him as Chair of the Municipal Summit on OMB Reform.

"This is exactly what we - at the Summit on OMB Reform - recommended," said Councillor Mrakas. "Our grassroots gathering of over 100 elected officials, held almost one year ago to the day, recommended that the scope of powers of the OMB be limited. Our collaborative efforts have resulted in the return of authority to local municipalities to determine how they want to see their communities grow within the context of Provincial Policy; that our Official Plans will actually mean something now. This is truly wonderful news"

If passed, the Legislation would exempt a broader range of decisions from appeal, including those pertaining to new official plans, major official plan updates and issues that support growth "in major transit areas." It will also establish mandatory case conferences for complex hearings to encourage early settlements.

MPP Chris Ballard says he is also looking forward to see the Local Planning Appeal Support Centre come to fruition.

"The first thing citizens unfortunately feel they have to do when an application is put forward is to lawyer up and to spend all sorts

of money on lawyers and planners,? he said, ?and I am really hoping the local planning appeal support centre is going to be able to give advice to our citizens before and during a hearing process so people feel more comfortable and the whole process is more transparent.?