



Queen's Park Report

F.U.N. Asks Premier McGuinty to Reform the Ontario Municipal Board

The Federation of Urban Neighbourhoods of Ontario has set the following letter to Premier Dalton McGuinty asking for reform of the Ontario Municipal Board. It is the firm belief of the Federation that land planning decisions in the Province of Ontario must be undertaken by elected representatives, not by appointed boards.

*The Honourable Dalton McGuinty
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1*

April 22, 2008

Dear Premier McGuinty,

The Federation of Urban Neighbourhoods of Ontario is disappointed that the Ontario Municipal Board seems impervious to reform. When Bill 51 was passed, we anticipated that the following amendment to the Planning Act would actually have an impact on the OMB.

Decisions of councils and approval authorities

2.1 When an approval authority or the Municipal Board makes a decision under this Act that relates to a planning matter, it shall have regard to,

(a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and

(b) any supporting information and material that the municipal council or approval authority considered in making the decision described in clause (a). 2006, c. 23, s. 4.

It would appear that the members of the OMB are interpreting "shall have regard to" as "need not have regard to" and continue to overturn sound decisions made by democratically elected municipal councils. It is totally unacceptable that this should continue to happen.

The Federation of Urban Neighbourhoods of Ontario would advocate that the only rationale for the OMB overturning a decision of an elected municipal council would be one of the following:

- The decision of the municipal council contravenes its Official Plan.*
- The decision of the municipal council contravenes a Provincial Policy Statement.*
- The decision of the municipal council contravenes federal or provincial legislation.*

Failing such a circumstance, the Federation of Urban Neighbourhoods of Ontario believes that the decision of an elected municipal council should stand and not be subject to overrule by the non-elected OMB.

The Federation of Urban Neighbourhoods of Ontario also feels that the enormous time and expense wasted by the OMB in appeals of Committee of Adjustment decisions is unjustified. The process of the OMB requiring expert witness and lawyer is very expensive to access, especially by ordinary citizens. An appeal committee established by each municipality would be a far simpler and more knowledgeable solution to address Committee of Adjustment appeals.

If it were felt that such changes in the Ontario Municipal Board could not be undertaken, the Federation of Urban Neighbourhoods of Ontario would recommend that the OMB be abolished and a process of appeal to the Ontario Cabinet only on the three above principles be established. A small group of planners within the Ministry of Municipal Affairs and Housing could be designated to review the appeals and Official Plans of municipalities and make appropriate recommendations to Cabinet.

Yours truly,

*William J. Phillips
President*

Cc: The Hon. Jim Watson, Minister of Municipal Affairs and Housing

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Please e-mail a copy of this Report to anyone that you think might be interested.