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OMB could be replaced by a tribunal

By Bill Rea

The Province is looking at giving municipalities a stronger voice when it comes to development, and Mayor Allan Thompson likes what he sees so far.

He was cautious, however, not to appear too optimistic.

?The devil's in the details,? he remarked.

The Province announced Tuesday it's planning to take action to overhaul the system for dealing with land use planning appeals. A news release, issued by the Ministries of Municipal Affairs and the Attorney General, stated legislation is expected in the coming weeks that, if passed, would see the creation of a local planning appeal tribunal, which would replace the Ontario Municipal Board (OMB).

?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,? the release stated.

One of the proposed changes would see the removal of ?de novo? hearings for most planning appeals. It has been a practice at OMB hearings to treat appeals of land use planning decisions ?de novo,? meaning as if the municipality had made no previous decision.

Thompson said he was pleased to see that provision.

In complex appeal cases, the tribunal would only be able to overturn a municipal decision if it doesn't comply with Provincial policies or the municipal plans. If there are problems with a municipal decision, the tribunal would have to provide the municipality with written reasons why the decision is being overturned. The municipality would have 90 days to make a new decision. If there were to be a problem with the second decision, then the tribunal would have the authority to make a final ruling.

There are also proposals to make appeals of planning decisions more accessible to the public through the creations of a Local Planning Appeal Support Centre. This agency would provide free information and support, and possibly representation, for people who want to take part in the appeal process.

Thompson liked the provisions that would make it easier for the public to get involved.

?Before, it got too costly for people to take part in Board hearings,? he commented.

The Province announced there are also plans to exempt certain land use planning decisions from appeal, including new Officials Plans or major Official Plan updates. As well, there would be mandatory case conferences for complex hearings in an effort to encourage easy settlements.

Thompson said he was encouraged by the information he's seen.

?I think it's allowing good planning to happen,? he observed.

The release from the Province stated these proposals came after extensive public consultations, which started in October. There were more than 1,100 written submissions received on the matter, and 12 town hall meetings attracted more than 700 people across the province.

?They have definitely heard the public's concerns,? Thompson remarked.

The announcement also came as good news for Environmental Defence.

In a release issued Tuesday, the group stated it was pleased to hear of changes that will limit appeals of Official Plans, allow density around transit hubs and support citizen participation.

?These changes to the OMB were long overdue and are essential to creating sustainable communities,? Environmental Defence Executive Director Tim Gray commented. ?This is a win for municipalities and citizens who want to have a say in shaping their communities.?

?The OMB has been a major hurdle in building smart livable cities and stopping sprawl,? Gray added. ?We are hopeful these changes will encourage municipalities and residents to work together to build the smart, prosperous communities we need.?

?We are pleased that the majority of our recommendations were taken into consideration,? he said. ?But we will be looking to the province to ensure that the new legislation also addresses egregious cost awards that punish citizens for participating in OMB hearings.?