

May 3, 2017

Clerk & Members
Planning & Growth Management Committee

Re: Prioritizing the Scheduling of OMB Cases Related to Toronto

I am requesting your support for the following recommendations on the prioritization at the OMB of the City of Toronto's legal and planning policy foundation documents:

1. City Council request the Ontario Municipal Board to prioritize the scheduling of OMB cases related to the adoption of the City of Toronto's legal and planning policy foundation documents such as municipally initiated official plan amendments and comprehensive zoning by-laws to advance the resolution of these outstanding matters.
2. City Council forward this item to the Minister of Municipal Affairs and the Attorney General of Ontario.

Background

On March 29, 2017, City Council passed Toronto Municipal Code Chapter 142 creating the Toronto Local Appeal Body with an effective date of May 3, 2017. Accordingly, commencing May 3, 2017, appeals of Toronto Committee of Adjustment decisions (which do not include an associated appealed site plan application), will be heard by the Toronto Local Appeal Body (TLAB) instead of the Ontario Municipal Board (OMB). Decisions appealed before May 3, 2017 will continue to be heard by the Ontario Municipal Board.

As a result of the establishment of the TLAB the number of appeals heard by the OMB will be reduced. A review of the OMB published statistics reveal that between 2014 and 2016 the OMB received a yearly average of 566 minor variance appealed files. Over the same period, on average 321 minor variance appeals originated yearly from the City of Toronto. Files involving the City accounted for approximately 57% of the OMB's minor variance hearings. It is anticipated that with the establishment of the TLAB the Board's capacity to schedule and hear other types of appeals in a more timely manner will occur.

Under its current workload while the OMB continues to manage and adjudicate complex matters in a number of areas it has been the experience of City staff that comprehensive municipal documents, which set the foundational groundwork for how the City can and should grow, can take years to be heard. For example, the City's Comprehensive Zoning By-law (By-law 569-2013), approved by Council in May 2013 and appealed by a number of parties is having its first hearing in June of 2017. The Development Permit System's Official Plan policies (OPA 258), also before the Ontario Municipal Board is scheduled to be heard in January 2018 and the Employment Lands Review (OPA 231) recently had its first hearing of matters adjudicated in April 2017. Other policy matters more recently before the Ontario Municipal have yet to have hearing dates set such as the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies (OPA 320).

These matters set the policy framework for how the City is to grow and the policies to direct this growth. As such it is important to have these matters heard on a timely basis. The lack of timely hearings on significant policy matters places the City in a position of having to address a variety of policy regimes when considering development applications resulting in multiple legal and policy frameworks under which matters are considered. This also results in a patchwork of approvals that has the cumulative effect of destabilizing key new policies that are waiting to be heard and decided upon.

In light of the increased capacity that the OMB will have resulting from the creation of the TLAB, it is requested that the province review its existing schedule of comprehensive municipal documents and prioritize policy appeals that have impacts on communities.

Your support for this request would be appreciated.

Sincerely,

David Shiner
Councillor, Ward 24 - Willowdale
Chair, Planning & Growth Management