TORONTO

MM23.5

NOTICE OF MOTION

City Council Request the Province of Ontario to Abolish the Ontario Municipal Board

Moved by: **Councillor Walker**

Seconded by: **Councillor Jenkins**

SUMMARY:

There is no government agency so consistently reviled by residents of the City of Toronto as the un-elected Ontario Municipal Board (OMB). Every neighbourhood in this City has been affected by an OMB decision made against the City's wishes. From Committee of Adjustment minor variance appeals to major Official Plan and Zoning By-law Amendments, the OMB is increasingly dictating how our City is planned and adversely affecting our residents throughout the process. The City of Toronto ought to be free of the OMB.

The OMB is ruling against the City more than it ever has before. The magnitude and frequency of the amendments to Zoning By-laws and the Official Plan is increasing (though under the new Official Plan the need for amendments is inherently reduced by the vague malleability of the document). This is not only due to the Provincial Policy Statement and Places to Grow Act's push of 'Intensification' (the requirement that our City must aggressively build to accommodate a million more residents in 20 years time) – it's the Ontario Municipal Board. The City of Toronto could adhere to that Provincial Policy Statement adequately without the OMB, if Council only had the autonomy to tell applicants (developers) when and where they can develop, and by staying principled and consistent to our Official Plan and Zoning By-laws while ensuring adequate infrastructure planning able to accommodate this growth.

The OMB ought to be abolished for at least the City of Toronto, which has a large and sophisticated multi-million dollar Planning Division administration supporting it. By comparison, the second-guessing OMB has only a few staff members to support its decisions.

The existence of the OMB reduces Planning decisions to a bargaining exercise between what a developer proposes and what concessions City Council feels are necessary to ensure the developer does not go to the OMB. Provincial planning documents are used to justify almost any size of development, almost anywhere. Speculation on properties is on the rise because there is a pattern of developing to double, triple and quadruple what the Zoning By-law allows. It adds up to a loss of control over the growth, stability and the health of our neighbourhoods. To stop this pattern, accountability for planning decisions must rest solely with elected officials.

Residents feel the impact of these new developments incrementally diminishing their quality of life. Residents want Council's planning decisions to matter and be final. Residents know that planning decisions must not be made ad hoc or in isolation from the existing context of the development site's neighbourhood. The accumulated effect of developments on our

quality of life and our infrastructure over time must be paramount. Residents know that our infrastructure (transit, schools, community centres, roads, water system, etc.) built years ago cannot sustain us today, let alone in the future.

Furthermore, residents have spent millions of after-tax dollars on unsuccessful OMB appeals in the last ten years. Unlike the developer applicant who incorporates the cost of an appeal into the project cost, residents must fund-raise in the neighbourhood to support an appeal at the OMB. This is the most glaring example of the uneven playing field at the OMB. A residents' group should not have to spend $100,000.00 to essentially defend, in most cases, the City's position at the OMB.

The Ontario Municipal Board drains the City's resources by occupying our Planning (OMB appeals occupied nearly 2000 staff hours/280 staff days in 2006 and even more in 2007) and Legal Divisions and City Council debate, not to mention our residents' and ratepayers' resources. The OMB puts our focus toward hopeless legal battles over a building that will have a part in shaping our City for the next 50-100 years. In 2005, the City won only 34% of appeal cases at the OMB.

OMB decisions have more impact on our City's long-term sustainability than any other force. The OMB's decisions affect the way our City breathes, moves and lives for the next 50-100 years. City Council needs to stand up against the existence of the Ontario Municipal Board once and for all.

There is nothing democratic about the OMB and the citizens of Toronto want us to remove its shadow from our planning decisions. We, the Members of City Council, as the citizens' local representatives, must do all we can to pressure the Provincial government to remove the OMB's detrimental influence on the growth of Toronto and its neighbourhoods.

RECOMMENDATION:

1. That City Council immediately and aggressively request the Province of Ontario to remove the City of Toronto from the jurisdiction of the Ontario Municipal Board, thereby allowing appeals of City of Toronto planning decisions only through the Divisional Court or the Provincial Cabinet.

July 15, 2008

According to Chapter 27, Council Procedures:

Notice given	(v)
Fiscal Impact Statement provided	
Should have Fiscal Impact Statement prior to debate Requires two-thirds to waive requirement if Council wishes to debate	*
Should be referred to Executive Committee Requires two-thirds vote to consider at this meeting	(v)
Motion Recommendations are Urgent	

* Deputy City Manager and Chief Financial Officer