



November 25, 2011

City Council
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention: Marilyn Toft, Committee Clerk

RE: City Council November 29, 30: PG 9.11 Removing Toronto from the Jurisdiction of the Ontario Municipal Board (OMB) and Asking the Province of Ontario to Abolish the OMB - Motion MM11.7 Referred by City Council on September 21 and 22, 2011

Dear Mayor Ford and Councillors:

We are writing to provide our comments regarding the November 8th Planning and Growth Management Committee (PGM) recommendations to Council, further to the Motion (PG 9.11) brought forward by Councillors Wong-Tam and Matlow.

FoNTRA shares many of the concerns about the Ontario Municipal Board brought forward by the Wong-Tam / Matlow Motion, but we believe that the elimination of the OMB does not deal with a larger problem, which is the need for provincial planning reform.

To ensure due process, we primarily believe that an independent appeals avenue such as the OMB* is still required under certain conditions/situations. FoNTRA recognizes that there's a definite role for the OMB in terms of planning even if a municipality has an Official Plan, "where **no** de novo hearings could be held and where, similar to a court, only the record could be considered." Although it is expensive to go to the OMB, it is much less so than going to Divisional Court.

Also, to uphold rules-based planning, the *Planning Act* should be amended as follows:

- to require the Official Plan (OP) to prescribe building intensities and population densities. This OP amendment would provide guidance for site-specific re-zonings; and site-specific amendments.
- to discourage site-specific Official Plan amendments, outside of the legislated 5-year OP reviews, we would require that **no** Official Plan amendments initiated by individuals be permitted outside of these mandatory comprehensive OP reviews, thereby drastically reducing the number of appeals going forward to the OMB.
- to clarify the relationships of policies under the Provincial Policy Statements (PPS), Provincial Plans, and Official Plans. Further, the conformity of Official Plans with policies under the PPS and any Provincial Plans should be established in a single review/approval process.

We believe that these recommended amendments would significantly improve land-use planning in Toronto and Ontario.

Finally, **FoNTRA supports the formation of a Local Appeal Body** (PG 9.11 items 5, 6 & 7). The City has the authority under the *City of Toronto Act* (2006) and FoNTRA supports the reform of Committees of Adjustment (CofA) process through the formation of a Local Appeal Body (LAB).

FoNTRA has previously submitted recommendations to Councillor Milczyn (Chair of PGM) with regard to the OMB's jurisdiction as an appeal body for Toronto CofA decisions. We recommended the elimination of the OMB jurisdiction for CofA appeals and the establishment of the LAB for CofA appeals, as enabled in the *City of Toronto Act*¹. In this regard, **FoNTRA recommends that the proposed Councillor/Staff committee include citizen representatives such as resident associations.**

In summary, **FoNTRA partially supports the PGM Committee recommendations with respect to the OMB** (based on the Wong-Tam / Matlow Motion), but with certain reservations as outlined above.

Yours truly,

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Cc: FoNTRA Representatives & Other Interested Individuals

* "The **Ontario Municipal Board shall defer to any decision of Toronto Council consistent with its Official Plan** in effect on the date of the decision, **except in instances of demonstrated unfairness, patent unreasonableness, error in law or fact, or material inconsistency with the policy statements of the *Planning Act*** that are in effect on the date of the decision or material non-conformity or conflict with the provincial plans that are in effect on that date."

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of 27 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The 27 residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.

¹ FoNTRA Report: [Recommendations for Improvement to the Functioning of Committees of Adjustment](#) (dated February 18, 2011); submitted to Chair, Planning and Growth Management Committee, on Legal Services Attendance at Ontario Municipal Board Hearings of Appeals of Committee of Adjustment Decisions. [~~October 2011.~~]