
City Council

Motion without Notice

MM16.9	ACTION			Ward:All
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Attendance at the Ontario Municipal Board - Authority under the Planning Act to Prohibit Uses in an Official Plan - by Councillor Peter Milczyn, seconded by Councillor Adam Vaughan

- * *This Motion has been deemed urgent by the Chair.*
- * *This Motion is not subject to a vote to waive referral.*
- * *This motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Peter Milczyn, seconded by Councillor Adam Vaughan, recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board Motion under OMB Case Nos. PL100058, PL110155 and PL100637 and seek party status for the purpose of putting forth the City of Toronto's position that the Planning Act authorizes municipalities to adopt broad Official Plans, including Official Plans which may prohibit certain uses.
2. City Council authorize the City Solicitor, at her discretion after consultation with the Chief Planner, to appeal any negative decision of the OMB to the Courts, or to participate in such appeal to the Courts if appealed by other parties.

Summary

City of Toronto Planning and Legal staff have recently been advised by the Town of Oakville that there is a challenge to Oakville's Official Plan provisions which prohibit drive-throughs in certain areas of the municipality. The appellant, a drive-through operator, intends to argue a Motion before the Ontario Municipal Board on February 22, 2012 for a determination that municipalities do not have the authority under the Planning Act to prohibit uses through an Official Plan. Since such a finding would significantly inhibit all municipalities in Ontario, including the City of Toronto, in their ability to carry out sound land use planning, this Motion Without Notice seeks authority for the City Solicitor and appropriate City staff to request party status and to attend the OMB Motion regarding Oakville's Official Plan in support of a municipality's broad authority under the Planning Act to adopt Official Plans, including Official Plans that may prohibit certain uses.

City Planning and Legal Services have participated in the preparation of this Motion Without Notice.

This is a time sensitive issue due to the timing of the Ontario Municipal Board Motion on February 22, 2012.

(Submitted to City Council on February 6 and 7, 2012 as MM16.9)