

Carolyn Marx

Dear Elected Official,

I am sure all of you have had the opportunity to read the press release from the Provincial Government that outlines the proposed changes to the OMB. If you have not here is the link -

<https://news.ontario.ca/mma/en/2017/05/ontarios-proposed-changes-to-the-land-use-planning-appeal-system.html>

It does look like the Province has listened to what elected officials, residents and the building community alike have been saying for years – that meaningful reform of the OMB is needed. The Province has listened, and taken action. The first thing that stands out is that it is proposed that the OMB will be replaced with a Local Planning Appeal body. A new quasi judicial body that would hear “true” appeals of municipal planning decisions. They will not conduct “de novo” hearings as is the case under the current system. Where we are forced to go back to the drawing board with every appeal.

The most extraordinary, and personally gratifying change, at least from my perspective as the Chair of the Municipal Summit on OMB Reform – is that the new Local Planning Appeal body will be extremely limited, and will, “... only be able to overturn a municipal decision if it does not follow provincial policies or municipal plans. This would depart from the current “standard of review” for land use planning appeals, where the Ontario Municipal Board is permitted to overturn a municipal decision whenever it finds that the municipality did not reach the “best” planning decision”.

This is exactly what we – at the Summit on OMB Reform – recommended. Our grassroots gathering of over 100 elected officials, held almost one year ago to the day, recommended that the scope of powers of the OMB be limited. Our recommendation to the Province was that, “The jurisdiction of the OMB should be limited to questions of law or process. Specifically, when considering appeals, require the OMB to uphold any planning decision(s) of Municipal Councils unless said decision(s) is contrary to the processes and rules set out in legislation.” Summit on OMB Reform, May 2016.

And this is exactly what the province has put forward. It is especially gratifying that all our hard work brought real results; affected real and meaningful change. Our collaborative efforts have resulted in the return of authority to local municipalities to determine how they want to see their communities grow within the context of Provincial Policy; That our Official Plans will actually mean something now. This is truly wonderful news. Again, we will all have to read the actual Bill, and not just the synopsis. But from what I have read thus far, I am extremely happy.

Our OMB Reform group will be reconvening, in the next few weeks once the full Bill is released, to discuss it and what the next steps may be with regards to the implications for land use planning at the municipal level. I am looking forward to what lies ahead.

And I want to offer my sincere thanks to the Working Group 17 elected officials as well as the 100s of municipal leaders who worked together to affect real change. It is truly amazing what can be accomplished when we work together on behalf of the communities we serve.

Regards,

Tom Mrakas

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