

DATE: April 23, 2003

TO: Mayor McCallion and Members of City Council

FROM: Thomas S. Mokrzycki, Commissioner of Planning and Building

SUBJECT: **GTA Task Force on Ontario Municipal Board (OMB) Reform**
MEETING DATE: May 14, 2003

ORIGIN: Planning and Building Department

BACKGROUND: City Council, on March 26, 2003 referred the attached (Exhibit1) Model Resolution and the "Report of the GTA Task Force on OMB Reform" dated March 7, 2003 to the Planning and Building Department for a report in consultation with Legal Services.

The issue of OMB reform was previously dealt with by City Council on May 8, 2002 when it adopted resolution 0128-2002 attached as Exhibit 2.

COMMENTS: Planning and Building Department staff, in consultation with Legal Services reviewed the Model Resolution and the "Report of the GTA Task Force on OMB Reform" dated March 7, 2003 in the context of Resolution 0128-2002 and the concerns expressed by City Council at its meeting of March 26, 2003. It was concluded that the report and model resolution are generally consistent with the concerns of City Council, particularly with respect to recommending that the role of the OMB should be more of a true appellate body correcting unreasonable planning decisions, rather than having the authority to deal with appeals as if the matter was proceeding entirely anew and enabling the

Board to wholly substitute its own decision for that of the municipal council.

In response to the concerns of City Council regarding conformity to the Provincial Policy Statement, and to reflect those parts of Resolution 0128-2002 which deal with appeal rights, the resolution has been amended to:

- request the *Planning Act* be amended to require that the decisions of the OMB must conform to the Provincial Policy Statement;
- request the *Planning Act* be amended to eliminate appeals of Committee of Adjustment decisions to the OMB and, instead, provide for a right of appeal to City Council, the decision of which is to be final;
- encourage a review by the Province of Ontario of the possible elimination of other appeal rights from City Council decisions on other *Planning Act* applications which do not relate to major planning matters that address Provincial Policy or approval of official plans.

In addition to the foregoing, the recommendation to establish an intervenor funding program is not supported and is reflected in the resolution.

CONCLUSION:

The report titled "Report of the GTA Task Force on Ontario Municipal Board Reform" dated March 7, 2003 and Model Resolution are consistent with Resolution 0128-2002, adopted by City Council on May 8, 2002 and could be adopted, as amended, to incorporate provisions of Resolution 0128-2002 and the concerns expressed by City Council at its meeting on March 26, 2003.

RECOMMENDATION:

That the resolution attached as Exhibit 3 to the report titled "GTA Task Force on Ontario Municipal Board (OMB) Reform" dated April 23, 2003 from the Commissioner of Planning and Building be adopted.

Original Signed By: _____
Thomas S. Mokrzycki
Commissioner of Planning and Building