

# OMB changes could usher in new planning era

*Municipal board used as leverage by developers*

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For a long time, the final say in how your hometown is planned has been out of the hands of local politicians.

But that may be changing.

The Ontario Municipal Board (OMB), unknown to most citizens, is unique in Canada. It has served as an appeals board, ensuring decisions by municipalities fall in line with provincial planning guidelines.

But Bill 51, which came into effect Jan. 1, introduced a series of reforms aimed at making it more considerate to all.

Until now, the OMB has had the final word on local development

issues and has even come to be regarded as a Star Chamber, full of unelected board members willing to approve the plans developers have had rejected by councils.

Municipalities, environmentalists and private citizens have expressed frustrations as, one after another, decisions have been taken out of their hands.

While the new legislation doesn't get rid of the OMB, it has somewhat de-fanged it.

Under the new rules:

- The OMB is instructed to "have regard" of any decision made by council and to only review the evidence already presented to them, unless new evidence is deemed crucial;

- Municipalities must update their official plans every five years;

- Developers can no longer appeal to the OMB until after council has been satisfied they have

**'It puts us in a better place. But we have to put ourselves in a position to take advantage.'**

Dave Barrow  
Richmond Hill mayor

been presented with any evidence they feel they need; and;

- Council can now dictate matters of design, scale and appearance in considering applications.

Despite the progress, concerns have been raised about the ability of citizens and public interest groups to be involved because no funding has been earmarked for them and because the OMB will only look at evidence already pre-

sented to council.

A letter to the province from the Sierra Legal Defence Fund warned: "Some of the amendments ... would not only make effective participation more difficult but may mean a total block to participation".

Environmental Defence Canada have been involved in numerous local cases, including a recent decision to approve development in the North Leslie area of Richmond Hill.

They also warned the absence of special funding, "places community and public interest groups at a serious disadvantage at OMB hearings compared to the significant financial resources of developers."

So strong is the OMB's hold that municipalities are sometimes forced to compromise on developments out of fear that a board decision will be even worse.

That is what happened in Toronto, where the city reluctantly agreed

to allow towers of 51 and 37 storeys in height, worried the OMB would approve the original proposed heights of 54 and 47 storeys.

"Fear of the OMB is not a major factor we use in evaluating applications," said Ron Blake, manager of development for Markham's west district.

He said the town tries to work with applicants and it is too early to see how the new planning regime will pan out.

In Richmond Hill, however, that fear has been more prevalent and OMB appeals have become so common the town's offices have a room set aside for them.

Mayor Dave Barrow said the reforms will usher in a new era and allow the town's planning department to dictate policy, instead of trying to keep up with, and process a never-ending series of developments.

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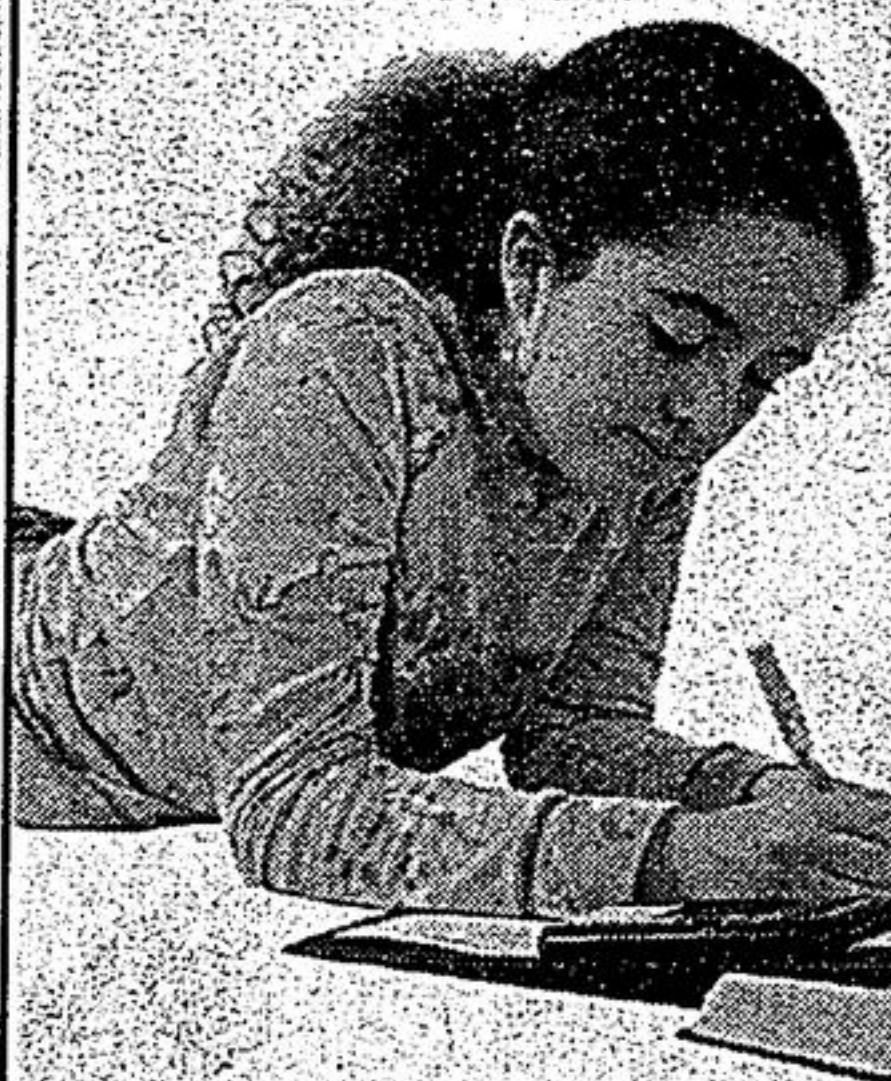
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