



City wants to limit appeals to OMB

Chris Clay

March 27, 2013

MISSISSAUGA — The City of Mississauga is asking Queen's Park to make it impossible for Council decisions to be appealed to the Ontario Municipal Board in certain cases.

Councillors passed a motion today calling for changes to the Planning Act that would limit the ability to appeal to the OMB over decisions made at the municipal level.

The motion reads that if a municipality has an official plan that's been approved by the Province and the municipality is hitting its density targets as required by Queen's Park and a developer wants to build outside of areas identified in the official plan, they won't be able to appeal the municipality's decision to the OMB.

Ward 1 Councillor Jim Tovey said the request, if implemented, would save municipalities across Ontario "hundreds of millions" of dollars. He feels the OMB does serve a purpose, but a sophisticated and mature city such as Mississauga, with staff well-versed in planning and legal matters, doesn't need it coming in and reversing City decisions.

One of his chief concerns is density. He said the City carefully plans where it wants to increase density and, on occasion, a developer will want to come in and build in areas the municipality hasn't planned for.

"So, we don't have the density numbers for where we planned and spent hundreds of millions of dollars putting in infrastructure (such as roads, sewers and other infrastructure) and now we're going to have to spend hundreds and hundreds of millions of dollars in infrastructure to service growth we didn't account for," said Tovey.

Tovey said, as an example, two proposed projects in his ward are being appealed to the OMB and sewage infrastructure in those areas is "maxed out."

Plus, there's the fury of the community to deal with when a decision gets reversed at the OMB.

Council and City staff were supportive of the motion and it passed unanimously.

The OMB has been a thorn in Ward 2 Councillor Pat Mullin's side for a number of years. She spoke about a 2011 decision by the OMB to allow a 15-storey condominium building to be built in Clarkson, near the Walden Spinney community, and how Council had turned it down originally because it didn't fit with the intent of the official plan.

"What we've heard over the years from residents is that we have an official plan, we have secondary plans, we go through the public meeting process on those ... then the OMB takes over and changes those decisions and parachutes something completely foreign into a community and they ask why," said Mullin. "Why (is this happening) if we have elected officials to make those decisions?"

Last week, Newmarket-Aurora MPP Frank Klees introduced a private member's bill that would leave the final decision in some cases in the hands of local councils and would limit the ability to appeal to the OMB.

"The character of our communities should be decided by the people elected to make those decisions, not by an OMB panel," said Klees in a press release.

Mayor Hazel McCallion, who has concerns about intensification's effect on municipal infrastructure and services, said the OMB likely doesn't even consider those factors when making a decision.

"I think we have got to get a message to the Province that they can't play around with our land use," said McCallion. "This is a step in the right direction for having more control."

The mayor said municipal systems aren't equipped to handle the increased density and suggested it may cost the Region of Peel \$1 billion to look after garbage "caused by increase densities."

This article is for personal use only courtesy of Mississauga.com - a division of Metroland Media Group Ltd.
