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Tory bill to shield cities from OMB appeals advances

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Tory **Frank Klees** wants to protect municipalities' official plans from the Ontario Municipal Board, and he's one step closer after a vote Thursday in the House.

The Newmarket-Aurora MPP last month introduced a bill that would ensure cities can draft official plans protecting natural areas and farmland, or strategic or historic areas, without fear of an appeal at the OMB. It passed second reading on a voice vote Thursday afternoon.

Too often the OMB overrides locally made decisions that take a region's specific needs into account, Klees said at a Thursday morning press conference where he was joined by city councillors from Mississauga and Newmarket. Both cities passed resolutions supporting Bill 41, Preserving Existing Communities Act [http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&billid=2759&detailpage=bills_detail_the_bill], which would amend the Places to Grow Act [http://https://www.placestogrow.ca/index.php?option=com_content&task=view&id=4&itemid=9] and its companion legislation, the Growth Plan for the Greater Horseshoe [http://https://www.placestogrow.ca/index.php?option=com_content&task=view&id=9&itemid=14].

"The disrespect for that [local] process is what is causing the frustration and the increasing tension over the planning process right across the province," Klees said.

"This is not about eliminating the OMB. This is not about taking people's rights away. What it is about is about ensuring that development and growth takes place in an organized and reasonable way and that there is respect within the planning process."

A recent OMB decision against Waterloo Region's official plan has threatened cities' ability to comply [<http://www.qpbriefing.com/2013/04/08/omb-decision-on-waterloo-plan-raises-concerns>] with the legislation, and to decide how and where growth should occur. The region has appealed the decision before a divisional court and the province is seeking to intervene [<http://www.qpbriefing.com/2013/04/15/province-to-join-appeal-of-ombs-waterloo-decision>] in the case.

Klees wants to clarify the affected acts.

"This amendment applies in circumstances where first a municipality has an official plan that has been approved by the province and that official plan conforms to the requirements of the Places to Grow Act with regard to population and intensification numbers," Klees said.

"I also want to point out that official plans come up for review every five years. There's a process for developers to propose changes to official plans and I believe that that process should be respected."

Tensions between cities, developers and the OMB have been ratcheting up unnecessarily "because of the disrespect some are showing for what is the very hard work of municipalities in establishing official plans," he said.

Some cities and regions across Ontario will surely welcome his bill should it pass second reading Thursday afternoon and head to committee.

"We have waited, certainly in the city of Mississauga, many years for OMB reform," councillor **Pat Mullin** told the press conference.

"The core of the issue is about speaking to the municipality's autonomy in determining its future and how it develops," Newmarket councillor **Chris Emanuel** said.

"We should be able to find and determine those local solutions" without the OMB tearing apart official plans that take years to draft and include residents and developers' concerns alike, Emanuel said.

New Democrat MPP **Rosario Marchese**, who has his own bill [http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&intranet=&billid=2737] on the order paper to exempt Toronto from the OMB, welcomed the effort but said it doesn't go far enough.

"The problem I have with the bill the member from Newmarket-Aurora brought forward is that it is limited in scope," Marchese said during the House debate.

While Klees's bill passed on a voice vote, it wasn't expected to. NDP House Leader **Gilles Bisson** rose on a point of order, but Deputy Speaker **Bas Balkissoon** stood by his ruling.

The bill will head to the standing committee on general government.

This could be the first step toward reforming the OMB, since Premier **Kathleen Wynne** recently expressed a willingness to tackle the review board.