

December 18, 2016

Ken Petersen
Manager, Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street
Floor 13
Toronto ON
M5G 2E5

Re: 2016 Ontario Municipal Board Review, EBR file 012-7196

Dear Mr. Petersen,

I am pleased to submit, on behalf of Oakvillegreen Conservation Association (OCA), the following comments regarding the need for substantive changes to the Ontario Municipal Board (OMB). Reforms are urgently needed so that forests and wetlands are protected from the pressures of development, appeals of municipal Official Plans and provincial plans are restricted, the most up-to-date planning policies inform land use planning, and full citizen participation is supported.

OCA is a non-profit environmental organization with a 16-year history of protecting and enhancing nature and advocating for natural heritage system planning and conservation. We have engaged thousands of volunteers in tree planting, stewardship and invasive species work. As the stewards of the last few patches of green space left in our city - after developers draw up their plans, and the OMB approves them - we fear gravely the consequences of failing to make substantive changes to the OMB process immediately.

OCA has been involved in several cases at the OMB over the years and we have experienced first hand several problems that need to be fixed now, including:

- a glossing over of environmental conservation concerns regarding natural heritage, especially in greenfield settings (e.g. protection of wetlands, forests, wildlife habitat, agricultural land, groundwater, ecological linkages and connectivity, and First Nations' cultural heritage, etc.)
- the preponderance of municipalities settling with developers even when developments are not in the public interest and contrary to municipal plans developed over years with thoughtful research, studies, legal, planning expertise and public consultation,
- the absolute lack of support for citizen participation and inherent inequities of the system which is weighted heavily in favour of those in the development industry, who have the financial resources, knowledge and experience to skillfully argue their case, and
- decisions being made based on out-of-date planning documents and policies.

As members of the Ontario Greenbelt Alliance (OGA), we are supportive of their submission. A summary of OGA recommendations is included below. In our view, all of these recommendations are critical and should be implemented immediately. The current system is broken and anything less than full implementation of the recommendations below will continue to undermine Ontario's environment, natural heritage, livable communities, and the public interest.

Oakvillegreen Conservation Association Inc.

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Summary of OGA Recommendations:

- 1) All environmental issues involving the Greenbelt, greenfield, agricultural lands, wetlands, woodlands, wildlife habitat, and groundwater should be heard by the Environmental Review Tribunal not the OMB.
- 2) Increased provincial involvement is needed to defend provincial policy and matters of provincial interest in cases where policy is misinterpreted at the municipal level and by the OMB. (Requiring intensification plans and natural heritage mapping in OP's) Restricting appeals of provincial policy will help reduce the number of appeals but policy may still be misinterpreted.
- 3) Provide intervenor funding to support full citizen participation. The OMB rules are tilted in favour of wealthy developers. Our members find it increasingly difficult to be able to participate in OMB hearings where there is a public interest. The province needs to address this imbalance by ensuring members of the public have access to intervenor funding to enable them to fully participate in OMB hearings.
- 4) Reform the OMB to reduce the imbalance favouring developers. Remove Sec. 69 of the Planning Act which allows developer to pay for municipal hearing costs if the municipality supports the developer.
- 5) Restrict appeals of municipal Official Plans and provincial plans. The Board should only be able to overturn council decisions if they violate the municipal official Plan or provincial planning policies.
- 6) Limit cost awards to \$5,000.
- 7) Increase time limits for municipal planning reports to one year from 180 and 120 days, to reduce the number of non-decisions of Council and ensure applications are complete. Having a completed application that has been given a thorough review by planning staff and reviewed by Council will allow the development process to proceed more quickly than having a rushed report that isn't completed and referred to the OMB.
- 8) Planning is a public process. The OMB needs to respect and welcome public participation. The Board should be open and receptive to input from all parties. Procedures and practices need to be more citizen-friendly, use checklists, identify that the objective is to resolve disputes in keeping with provincial and municipal policy.
- 9) Improve accountability and transparency by holding open public OMB hearings. Require all OMB hearings to be video recorded, with video's accessible on the OMB

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website. Hold hearings in venues with access to high speed internet and stream the hearings online in real-time.

- 10) Support shorter hearings by encouraging written submissions for minor variances and severance appeals. Require written submissions for cost awards and motions.
- 11) OMB decisions should be based on the most up to date planning documents, conform to provincial and municipal policy and allow the municipal planning hearing report and minutes to be filed as evidence. OMB Hearings should only occur after all evidence has been submitted for consideration. Any new technical studies or changes to planning applications should be sent back to Council, and hearings adjourned for a minimum of 120 days.
- 12) Review the qualifications of Board members and develop a public complaints process. Require diversity of planning expertise on the Board. Members must have education and experience in land use planning policy, and/or urban design. Move away from reappointing members with only development approvals experience and legal knowledge.
- 13) Change Ontario's Planning Act and regulations to explicitly require full First Nations rights of notice and consultation as a mandatory part of OMB appeals.
- 14) Mediation should not be mandatory, and funding should be made available to citizen's groups for mediation.
- 15) Find a way to support good municipal decision-making without empowering bad planning by forcing citizens to challenge the "reasonableness" of Council decisions. OMB decisions should be based on the most up-to-date planning policy.

Sincerely,

Karen Brock,
President of the Board
Oakvillegreen Conservation Association Inc.

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