



Ontario
Professional
Planners
Institute

Institut des
planificateurs
professionnels
de l'Ontario

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December 10, 2002

Mr. David J. Johnson
Chair
Ontario Municipal Board
655 Bay Street
15th Floor
Toronto, ON M5G 1E5

Dear Mr. Johnson:

On behalf of the Ontario Professional Planners Institute, please find attached our comments regarding *Your Guide to the Ontario Municipal Board*.

Thank you for the opportunity to provide input. If you have any questions about the submission, please do not hesitate to contact me at 416-483-1873, ext. 26.

Sincerely,

Loretta Ryan, MCIP, RPP
Manager
Policy & Communications
Ontario Professional Planners Institute

Copy: Marilyn Eger, Vice-Chair, OMB
Gail Taylor, Chief Executive Officer, OMB
Joanne Hayes, Senior Case Manager, Planning, OMB

Dennis Jacobs, President, OPPI
Jeff Celentano, Director, Policy Development, OPPI
Martin Rendl, Central District Representative, OPPI
Wendy Nott, OPPI



Ontario Professional Planners Institute
Comments on *Your Guide to the Ontario Municipal Board*
December 9, 2002

The Ontario Municipal Board's initiative to revise *Your Guide to the Ontario Municipal Board* was well received by the members of the Ontario Professional Planners Institute. The following summarizes matters of content or organization of the Guide that the Board could consider during its review of the document.

TARGET AUDIENCE:

Identify the Guide's target audience and then revise the document (in both its structure and content) to respond appropriately.

- The Guide is best aimed at meeting the needs of people having some familiarity with the process and complete novices. Within this context, the current Guide may not adequately serve its target audience.
- The Guide should be revised using layperson/user-friendly language.
- The current guide reads as though an 'insider' wrote it.

THE GUIDE'S STRUCTURE:

The guide should have a Table of Contents.

THE GUIDE'S CONTENT:

There are several topic areas that should be given consideration during the Guide's review.

- The Guide should generally describe what the Ontario Municipal Board is and the types of matters it deals with.
- Legalistic or specialized terms should be avoided.

For example, the Board is described as 'an independent and impartial adjudicative tribunal'. While this description is accurate, it may not mean much to the layperson and it would be helpful to have a further explanation. An example would be – "The OMB functions similar to a court."

- The Guide should have a section outlining the role of staff at the OMB and, in particular, the role of the planning case managers should be explained.
- The Guide should note that you can look at a file at the municipal office and the Board office.
- Where appropriate, definitions or directions on how to access information from other Provincial sources would be useful. These references could be through links from the Board's web site or in an appendix for the written copy.

For example: "What are official plans; zoning by-laws; plans of subdivision; consents to convey land; minor variances from local by-laws; development charges; aggregate licences; compensation for expropriated land; and applications for gravel pit licences?" This information could be connected to MAH or MNR materials.

- Explanations as to who can file and appeal and how it is done should be expanded.
- The Guide is skewed toward people filing an appeal, and assumes some knowledge of the process. The current Guide talks about how to file an appeal but not much about what to do if someone else has filed. The Guide should let people know how to find out if an appeal has been filed on an application they are concerned about.
- The public needs to understand the difference between party and participant status.
- When discussing the retention of professionals, the Guide could consider addressing the benefits of retaining a lawyer, planner or other professionals.

The section could be expanded to address a variety of professionals and include examples of who they are and what they do. The Guide may be inadvertently reinforcing the perception that the process is increasingly becoming 'lawyer' driven by omitting information on the role of other professionals.

The section could also outline what is expected of a lawyer, planner or other professional.

For any professionals, there should be information on how to go about getting professional assistance. Many people do not know how to hire a lawyer or a planner. For example, the OPPI web site has information on how to hire a planner.

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- The lack of understanding about the procedures at a hearing was identified as a key issue The Guide should provide a more

complete explanation of the conduct of a hearing¹. Information on procedures is very important for novices and those proceeding without representation.

Many Board members are good at this role and take the time to explain the process to novice participants while others do not provide as much information. A lack of knowledge of procedures can lead to the perception that there is bias or result in an increased level of animosity during the community meeting portion of a hearing.

Various means of addressing this issue were suggested:

- A laypersons' version of the Rules of Procedures could be created or included in the Guide.
 - Having the board member speak at the beginning of a hearing using a standard list as a base to which they may add depending upon the circumstances or this could be used at the beginning of a prehearing.
 - Using this list as a handout at the prehearing/hearing could make it serve as a written set of rules of conduct.
 - It might also be helpful to provide observers with an outline/agenda for the day.
- The prehearing meeting may be the best place to address the rules of procedure.

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See Craig MacFarlane "Land Use Planning: Practice, Procedure and Policy", Chapter 9, (1998) as an example.

- Preparing exhibits can be time consuming and costly. This section should clearly state why it might be important to have exhibits and the Board's requirements for exhibits.
- There needs to be a clearer understanding of what constitutes evidence as some groups bring newspaper articles, petitions or make inappropriate criticisms of staff or councillors. The rules for giving evidence should be clearly laid out.
- Many people do not understand the difference between negotiation, mediation and arbitration. This should be clearly set out. Consider inclusion of the Board's "Rules for the Conduct of the Mediation", or a version thereof.
- The description of Motions could be enhanced through inclusion of examples.
- There should be a link to the Board's Procedural Rules.

WEB SITE:

The web site version of the Guide should make better use of links.

- For example, on page one, rather than telling a reader that Procedural Rules are available on the OMB web site, a direct link would be more useful and user-friendly.
- There should be direct links to the Ministry of Municipal Affairs and Housing and the print version should have a 'further sources' section.
- This decision database is a really good resource and needs to be better promoted.
- There seems to be some problems with the key word search parameters for finding decisions. An example was given of 1240 Bay Street in Toronto. When these parameters were entered many decisions were listed, including sites in Ottawa.

- The information returned on a search should include the date of an order, as on cases where there have been several orders, the user has no way of knowing which of the decisions is the most recent.
- There should be a link to the Planning Act.
- The second paragraph should state clearly that the online version is free.