12 December 2016

VIA E-MAIL: OMBReview@ontario.ca

Hon. Bill Mauro, Minister of Municipal Affairs
Hon. Yasir Naqvi, Attorney General
Ontario Municipal Board Review
Ministry of Municipal Affairs, Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto Ontario M5G 2E5

Review of the Ontario Municipal Board ("OMB")

Dear Ministers:

The *Federation of North Toronto Residents' Associations* ("FoNTRA') is an umbrella organization representing over 30 residents' associations in central Toronto engaged in public policy debates on planning and development issues that directly affect our member organizations. FoNTRA commends the Government for releasing a Public Consultation Document that comprehensively and fairly outlines most of the key issues and trade-offs involved in balancing competing interests.

While FoNTRA shares many of the key concerns regarding the current role and operation of the OMB put forward by advocates for the abolishment of the OMB or the removal of Toronto from its jurisdiction, it does not support these initiatives since the broader need for significant provincial planning reform is not being addressed by these moves. Furthermore, FoNTRA sees the right to appeal certain municipal decisions to an independent body as being of paramount importance in a public process that is to respect procedural fairness for all actors. Experience has shown that residents are regularly called upon to defend city policies and regulations when city council and/or planning staff fail to do so.

Two of every five files currently before the OMB emanate from Toronto and FoNTRA's member organizations are directly involved in a large number of them, particularly, the more complex cases. Given this prominent ring-side seat, it seems appropriate to highlight at the outset the central problems with the OMB's present role in Ontario's statutory planning system from the residents' point-of-view: Far too many planning issues end up for final resolution before the OMB and the resources necessary to adequately address this large volume of appeal cases are unevenly distributed between the well-financed, professional development industry and ad hoc residents' organizations, forced to rely on volunteers and proceeds from bake sales. This process continues to be fundamentally inefficient, undemocratic, and inequitable, as has been noted also by other observers.[1] Unless residents' organizations are supported by either the municipality or the developer, the likelihood of success is minimal, as shown in an academic study of OMB appeals between 2000-2006 in Toronto: *"Over the seven-year period, neighbourhood associations participated in seventy-seven appeals, but won only five favourable decisions (three with the City's support, and two with the support of developers.)."*[2]

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[1] Dr. Barry Weller, **Position Paper: Fixing the Ontario Municipal Board – A Strategic Approach for Citizen Groups**, University of Ottawa: May 2004

[2] Aaron A. Moore, **Passing the Buck: The Ontario Municipal Board and Local Politicians in Toronto, 2000-2006**, University of Western Ontario, May 2009

Advocates for the status quo argue that municipalities are incapable of making decisions based on evidence and simply respond to political pressure: *"Need strong, independent Board: independence means independence from undue influence from either government or other participants in the process; administers government policy, whether provincial or municipal; the Province obliges municipalities to make tough decisions that are difficult and unpopular – such as protecting agricultural land and wetlands, intensification, infill and re-development; when municipalities neglect/refuse this duty, it becomes the Board's responsibility to perform this function. Thus, Board decisions are inherently controversial."*[3]

FoNTRA disagrees with this view and has consistently argued over many years that basic systemic issues need to be addressed by the government, as for example, in its submission of 2004: *"FoNTRA's OMB proposals were developed in response to the provincial policy direction to reform this Board. They are based on the four principles of accountability, fairness, legitimacy, and predictability. The rationale for our proposals is:*

A. The current process of appeal to the OMB effectively prohibits the public from becoming constructively involved in major applications. It frequently results in a denial of natural justice and severely limits the public in appealing significant planning decisions because of the costs. Large developers, however, can afford to hire the services of lawyers and other professionals to support their case.

B. As a non-elected body, the OMB has frequently overridden the decision-making role of the democratically elected representatives who form municipal councils. Accountability and legitimacy must be restored to municipal councils and the OMB should not continue to function as the decision making body of first instance.

C. The OMB has increasingly resorted to ad hoc, site-specific decisions that take into account only the proposed development's direct impacts. OMB decisions have too often failed to consider the area and City impacts of major new developments."[4]

Accordingly, FoNTRA's present submission focuses on three key planning reforms designed to address significant imbalances in the current system:

1. **the OMB should act like a genuine appeal body and not second-guess the merits of local political decisions;**
2. **the flow of cases going to the OMB should be drastically reduced by prohibiting privately-initiated Official Plan Amendments ("OPAs") and by re-directing appeals of Minor Variances and Consents to Local Appeal Bodies; and**
3. **the content of Official Plans should be more carefully prescribed in order to secure appropriate policy guidance for amendments to the Zoning Bylaw.**

1. OMB'S JURISDICTION AND POWERS

RECOMMENDATION 1: Appeals should not be limited on matters considered of 'public interest', such as developments supporting public transit.

Planning is a synoptic activity where a wide range of issues have to be considered and difficult trade-offs decided. Simply bracketing out certain trendy issues from this often messy process fundamentally distorts the planning outcomes. This may be good politics but it is poor planning. Using 'developments supporting public transit' as an example, the result would be that, for example, applications for OPAs seeking higher densities near subway stations could not be appealed. Supporting an effective public transit system in a relatively low density metropolitan area, however, is more complex. In Toronto, 80% of the growth is currently concentrated in the core and along the Yonge Street corridor, resulting in ridership volumes that can no longer be accommodated and, at the same time, depriving major corridors in peripheral areas of add-on growth needed to create densities that can support an efficient transit network with links to the surrounding region.[5] Supporting public transit is, of course, in the public interest. It calls for a judicious distribution of densities and,

[3] Dennis H. Wood and Bruce Krushelnicki, **Ontario Municipal Board Reform**, Ontario Bar Association, Power Point Presentation, May 2005

[4] Federation of North Toronto Residents' Associations, **Discussion Paper on OMB Reform**, April 2004

[5] John Bossons and Geoff Kettel, **The Toronto Star**, "Yonge St. corridor can't handle more development," 06 July 2016

hence, a requirement for a detailed allocation of densities in all local Official Plans. Such detail is also needed in order to clarify where intensification is desirable and where intensification is inappropriate – guidance needed by many stakeholders, including the OMB, who are often unable to distinguish between stable areas and areas undergoing change.

The major problem with the proposal to limit appeals on matters of public interest is that it neither attains the objective of the proposal nor would allow legitimate appeals of developments that violate other planning concerns. The Province should use its powers of Official Plan approval to ensure that municipal Official Plans adhere to provincial planning directions, with such directions setting out clear requirements for municipal Official Plans, such as distributing population growth so as to support and utilize new transit lines. The role of the OMB on such matters should be limited to reviewing the consistency of Official Plans with provincial planning directions, rather than disallowing appeals.

RECOMMENDATION 2: The OMB should operate like a genuine appeal body that establishes precedents and no longer conducts *de novo* hearings.

In 1977, the Planning Act Review Committee concluded: *"We think it is wrong that in approving municipal planning decisions the Board is frequently called on to substitute its own judgment for the judgment of elected municipal councils or the Minister … Under the system we are proposing, municipalities should have the general power to make final decisions concerning municipal plans, zoning by-laws and subdivisions, subject to the Minister's veto of actions contrary to provincial interests. In this system, the Board should serve only as an appellate body. It should hear appeals from parties who object to a council's decision or who object to a council's failure to reach a decision on an application. In either case, appeals should be restricted to two grounds: that the council's behaviour in reaching or failing to reach a decision was unreasonable or unfair; that in reaching or failing to reach a decision, the council acted on incorrect or inadequate information or advice … If the Board is to serve as an appeal body from council decisions, we believe it should not be hearing matters on a* de novo *basis, as it does today."* [6]

Currently, the OMB acts like a trial court that, in lengthy oral hearings, decides what is 'good planning' based on expert opinion – a concept considered somewhat dubious in most serious planning literature given the political nature of planning which can be defined, for example, as *"the deliberate social or organizational activity of developing an optimal strategy of future action to achieve a desired set of goals, for solving novel problems in complex contexts, and attended by the power and intention to commit resources and to act as necessary to implement the chosen strategy."*[7]

The British scholar and former head of the University of Toronto planning program, Barry Cullingworth wrote in 1978: *"Planning, politics, and law in Ontario have become incredibly confused. Legal concepts of impartiality and 'due process' are being applied to matters of political judgment. Major issues of policy in relation to the unforeseeable future are subjected to adversary processes with the objective (if not 'proving' what the future holds or what the effects of policy will be) of judging impartially what is 'right and proper'. The OMB plays a central role in this confusion*[8] *… The essence of a democratic system of government is that responsibility and accountability for political decisions lie with elected representatives, not with appointed boards."*[9]

FoNTRA made the following suggestion to the government in 2012: *"**The OMB needs to function strictly as an appeal body:** The OMB's role should be restricted to that of an appeal tribunal which does not conduct hearings* de novo *but simply reviews the record of*

[6] Planning Act Review Committee, **Report of the Planning Act Review Committee**, Toronto: Ontario Government Bookstore, 1977, p. 81

[7] Ernest R. Alexander, **Approaches to Planning: Introduction to Current Planning Theories, Concepts, and Issues**, New York: Gordon and Breach Science Publishers, 1986, p. 43

[8] J. Barry Cullingworth, **Ontario Planning: Notes on the Comay Report on the Ontario Planning Act,** Toronto: Papers on Planning and Design No. 19, October 1978, p. 33

[9] J. Barry Cullingworth, **Ontario Planning: Notes on the Comay Report on the Ontario Planning Act,** Toronto: Papers on Planning and Design No. 19, October 1978, p. 38

evidence which underlies the decision of the municipal Council. This role would require the OMB to have regard both to the adopted Official Plan and to maintain record keeping procedures at standards comparable to that of the judiciary so that the OMB can be held accountable. Such a more restrictive role would also necessitate stricter requirements for professional qualifications in land use planning of Board members."[10]

Accordingly, with some caveats about the most appropriate standards of review, FoNTRA supports the suggestions made in 2004 by lawyer Michael Melling, a former member of the OMB: *"One option for addressing these concerns would be if the Board were to sit with a jurisdiction akin to that of an appellate court, rather than a trial court. In this model, the Board would hear appeals from municipal planning decisions based on a prescribed standard of review (e.g. "patent unreasonableness", "unreasonableness", "serious error", etc.) and/or a failure of process (e.g. "bad faith", "lack of notice", etc.). This would have two related effects. First, it would restrict the grounds upon which people could appeal to the Board, and thereby reduce the number of appeals, perhaps drastically. Second, for those cases in which appeals were to proceed, it would in most cases substantially reduce their length."*[11] And a third benefit, not mentioned by Mr. Melling, would the opportunity to establish precedents in support of predictability. Appeals to the OMB should be limited to amendments to the zoning by-laws, plans of subdivision, and site plan approvals.

Under this system, municipalities would be compelled to issue their decision on each application within the statutory time limit since a reformed OMB, acting strictly as an appeal agency, no longer would be in a position to conduct *de novo* hearings on the basis that the municipality failed to act. Applications would be deemed approved if no decision is made.

RECOMMENDATION 3: Appeals should be limited by prohibiting amendments to the Official Plan initiated by persons or organizations other than public agencies.

An Official Plan needs to provide a policy framework robust enough to envisage change for at least ten years and detailed enough to offer clear guidance for development control without the need for countless site-specific amendments, as is currently the case in Ontario and, especially, Toronto. FoNTRA disagrees with the position put forward by some prominent stakeholders with an interest in large numbers of complex OMB appeals: *"Implementation of the new efficiencies of land use will primarily be effected by the actions of private landowners bringing forward development proposals and requiring necessary amendments to official plans and zoning by-laws. Based upon the inherent opposition of existing communities to change, as noted above, and the general sympathy of municipal councils to this position, it can be expected that a shift in approach to such development proposals may be resisted by local councils. It is important that there be an independent tribunal to fully canvas the merits of any development proposals and its conformity with the Provincial Policy Statement in a non-partisan setting, where the merits of the proposal can be objectively tested and assessed and a true determination of what is in the public interest, and represents sound land use planning principles, ultimately concluded."*[12]

In 1993, *The Commission on Planning and Development Reform in Ontario*, correctly, noted the following problems: *"One of the most significant problems with current official plans is that they are constantly being amended. They provide little certainty, and the fact they change regularly means they cannot function as guides to the future. Too often, the official plan is merely a complicated device for controlling site-specific development and adds considerable time to the development-review process."*[13]

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[10] Federation of North Toronto Residents' Associations, Letter to Hon. Kathleen Wynne – Minister of Municipal Affairs and Housing, 06 March 2012

[11] Michael Melling, **Opportunities for Reform of the Ontario Municipal Board: Thoughts on the Board's Powers and Their Exercise in the Public Interest,** Toronto: Ontario Bar Association Institute, Municipal Law Section, 2004, p. 8

[12] Municipal Law Section of the Ontario Bar Association, **Submission to the Ministry of Municipal Affairs and Housing**, August 2004

[13] Commission on Planning and Development Reform in Ontario, **New Planning in Ontario – Final Report**, Toronto: Publications Ontario, June 1993, p. 76

The number of appeals going forward to the OMB is excessive and an important contributor to this excess - especially in Toronto - is this confusion of long-term planning with development control where the majority of OPAs are site-specific and treated like amendments to the zoning by-law. Most mature planning systems distinguish between planning tools that prescribe long-term strategic policies for guiding a municipality's physical change in response to social, economic, and environmental needs and development control mechanisms that define detailed site-specific as-of-right development parameters within the umbrella of the municipal plan.

Both the planning substance and the planning process could be significantly strengthened with only minimal changes to the *Planning Act*, as follows:

1. Official Plans should be required to provide density allocations in order to offer intelligent guidance for site-specific re-zonings; and,
2. privately-initiated amendments to the Official Plan should be prohibited in order to maintain the validity of public policy in between the mandatory global updates.

The number of appeals to the OMB would be substantially reduced since any re-zonings, as required by law, would be in conformity with the adopted Official Plan. FoNTRA recognizes that the development industry often advocates for nebulous and overly permissive Official Plan policies – as currently in force, for example, in Toronto's *Downtown* area, mixed-use *Centres* and *Avenues,* or *Apartment Neighbourhoods* - in order to reduce the need for OPAs: *"To reduce the frequency of amendments, municipal OP policies should not be overly prescriptive or restrictive."*[14] This current lack of detailed policy prescription, combined with obsolete zoning regulations that have not been updated for decades, are the primary cause of most of the recurring development controversies in Toronto.

The need for density prescriptions in Official Plans was acknowledged by the provincial government itself when it rejected the recommendation of the *Planning Act Review Committee* to replace Official Plans with incremental policy statements*: "The government believes that certain planning elements, such as land use, transportation and population density are so interrelated, especially in major urban areas, that policy statements could not really be produced in isolation of each other."*[15]

There is also a need to ensure the regular updating of municipal Official Plans:

1. to reflect changes in provincial planning directions under the Provincial Policy Statetment and the applicable provincial plans; and
2. to reflect a requirement that should be imposed to ensure periodic municipal review of the consistency of Official Plan policies and density specifications with corresponding changes in municipal infrastructure needs and availability.

A concomitant is that appeals to the OMB should be permitted to require a municipality to update its Official Plan where it has not been updated within the statutory time frame and where the current policies do not conform to the above requirements, provided that the role of the OMB should be strictly limited to requiring the municipality to undertake such revisions but not to initiate them on its own: *"The key issue is of course the extent to which extent the OMB has final decision-making authority. On this issue, a range of possible decisions may be envisaged. At a minimum, the Board should be precluded from initiating changes in planning policy."*[16]

RECOMMENDATION 4: During transition periods, both provincial and municipal planning rules in existence at the time of the application should apply.

In Ontario, historic accidents and coincidences have led to the creation of a curious mix of provincial planning legislation, policies, and plans which create uncoordinated layers of

[14] Ontario Home Builders' Association, **Land Use Planning and Appeals System – Response to the Consultation Document**, January 2014, p. 4

[15] **White Paper on The Planning Act,** Toronto: Government of Ontario, May 1979, p.72

[16] John Bossons, **Reforming Planning in Ontario: Strengthening the Municipal Role**, Toronto: Ontario Economic Council, 1978, p. 216

requirements addressing similar or identical issues. The policies and processes arising from the *Planning Act*, *City of Toronto Act, Places to Grow Act*, *Heritage Act*, *Greenbelt Act*, *Provincial Policy Statement,* etc. need to be much better coordinated - if not integrated - in order to offer both municipalities and the public more seamless guidance with coordinated review/approval processes. Since these provincial planning legislation, policies, and plans are constantly updated - and upper-tier and lower-tier Official Plans need to be brought into conformity – a permanent transition period has been created where policies are in an almost constant flux. Therefore, if provincial and municipal planning rules in existence at the time of approval would apply to all development applications, all stakeholders would be left in the dark during lengthy planning and complex development processes**.** Such an approach would be patently unfair and akin to retroactive legislation.

2. CITIZEN PARTICIPATION AND LOCAL PERSPECTIVE

RECOMMENDATION 5: Access to publicly-funded legal and planning resources should be made available to Parties and Participants on a limited basis.

FoNTRA's proposal assumes that the OMB will act as a genuine appeal body without *de novo* hearings and that all appeals of Minor Variances and Consents will be heard by Local Appeal Bodies.

FoNTRA supports the use of intervener funding for OMB appeals through which unrepresented parties could obtain legal representation and required experts on a clearly defined basis. Funding could be awarded by an OMB-panel unrelated to the case to be heard on the following basis: the matter under appeal is of significant public interest; proper representation of this interest would substantially improve the hearing process; the person(s) obtaining the funding has insufficient financial resources and has made reasonable efforts to secure funding from alternative sources; and, evidence of appropriate financial controls for the spending of the awarded funds is part of the funding proposal.

For the less complex hearings on Minor Variances and Consents before Local Appeal Bodies, different kind of resources should be made available to parties or participants with modest means. The LAB should maintain a master list of lawyers, planners, and other appropriate experts available for free 30-minute telephone consultations per party and per case, to be authorized and arranged through a LAB citizen liaison office.

3. CLEAR AND PREDICTABLE DECISION-MAKING

RECOMMENDATION 6: In order to reduce personal biases and overreach, all appeals to the OMB should be heard by 3-member panels of qualified professionals.

In a very recent decision by the Divisional Court, the OMB was taken to task for attempting to exercise an authority it does not have: *"In my view, the interpretation of s.42(4) [of the Planning Act], implicitly adopted by the OMB, is unreasonable on the face of the plain wording of s.42. I say implicitly because the interpretation is adopted without any visible foundation or analysis. … In particular, it reads into the very general language of s.43 a specific authority that appears, on its face, to be inconsistent with the intent of ss.42(1) and (3). It effectively abrogates the role that the Legislature clearly intended municipalities would perform and instead bestows that role onto itself. And in doing so, the OMB finds authority to establish a maximum rate [for the conveyance of parkland] that is different form the maximum provided by the Legislature in the statute."*[17]

Such a flagrant overreach, probably, would less likely occur, were decisions arrived at collectively by 3-member panels. Decisions would also become more predictable if members with qualifications in different disciplines were involved in all decisions. FoNTRA supports the suggestions made by the Pembina Institute for a reform of the appointment process,

[17] Richmond Hill (Town) v. Elginbay Corporation, 2016 ONSC 5560

as follows: *"The OMB appointments process should be reformed following the model established by former Attorney-General Ian Scott regarding provincial court appointments. In particular, there should be an open call for qualified applicants when there are openings on the board, as is the case with provincial court judges. A non-partisan, lay advisory committee should be established to review applications and present a short list of qualified candidates for the Attorney-General to choose from."*[18]

4. MODERN PROCEDURES AND FASTER DECISIONS

RECOMMENDATION 7: Appeals of Minor Variances or Consents should be heard by Local Appeal Bodies operated by Upper Tier or Single Tier Municipalities.

Again, in order to drastically reduce the flow of appeals going to the OMB, all appeals of Minor Variances and Consents should be heard by Local Appeal Bodies ("LAB") established by single tier municipalities, regional municipalities, counties, and/or districts, where a better understanding of the particular local conditions exists than at the OMB. Accordingly, there is a need for provincial action to mandate the establishment of LABs by all regional municipalities.

RECOMMENDATION 8: Procedures for Appeals of Minor Variances and Consents heard by Local Appeal Bodies should differ from those used by the OMB

According to the *City of Toronto Act,* the LAB has all the powers and duties of the OMB. If the role of the OMB is fundamentally changed, as proposed in this submission, the rules and procedures of the LAB need to be adapted to better suit the more limited subject matters and local conditions. In Toronto, where large urban areas were developed prior to the enactment of the first zoning by-law in 1954, the need for minor variances is widespread. Accordingly, FoNTRA's member organizations are confronted with numerous minor variance applications and cognizant of the need for more legislative clarity.

FoNTRA urges the government to clarify Section 45 of the *Planning Act* and to permit upper tier and single tier municipalities to define LAB procedures appropriate to their needs. As part of the *Provincial Working Group on the Planning Act* related to minor variances, with FoNTRA's participation, the representatives of residents associations submitted the following recommendations to serve as basis for any changes:

"1. The "four tests" in Section 45(1) of the Planning Act (as affirmed by the de Gasperis decision in 2003) should remain as the foundation for legislated tests for minor variance.

2. The Ontario Government should consider amending Section 45(1) with revised language for clarity as recommended in the 2006 CORRA/FoNTRA submission to the Ontario government:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by- law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, grant a variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, provided that the variance application meets each of the following tests:

1) it is minor in size, nature, importance and impact;
2) it is desirable for the appropriate development or use of the land, building or structure in relation to the broad public and planning interest;
3) upon analysis, the general intent and purpose of the by-law are found to be maintained; and
4) the variance conforms with any official plan in effect on the date of application.

[18] The Pembina Institute, **Comments on Planning Act Reform and Implementation Tools And Ontario Municipal Board Reform,** August 2014

For greater certainty, where the four tests are met, the committee retains residual discretion as to whether or not to approve the variance."[19]

5. ALTERNATIVE DISPUTE RESOLUTION AND FEWER HEARINGS

RECOMMENDATION 9: Mediation processes should be available strictly on a voluntary basis in cases where all stakeholders agree to such an approach.

"If ADR prior to the matter being referred to the OMB is successful, it could achieve what some of the public have been seeking – a process that is less confrontational and that delivers solutions that are more cost-effective, more collaborative and lead to better ongoing relationships. Maybe we don't need to reform the OMB but simply reform the way we think about addressing issues and take advantage of this dispute-resolution opportunity provided by the province."[20]

FoNTRA believes that such proposals as increasing the use of mediation, expanding the role of the Citizen Liaison Office; or making intervener funding widely available fail to address the underlying structural problems with the current appeal process.

There may be situations and circumstances where ADR may be useful, particularly in disputes about minor variances. However, engaging in this approach should be strictly voluntary and never imposed, as the OMB seems to suggest, when explaining how ADR is used in the Growth Plan Hearing Process: *"The Board may schedule a mediation following a mediation assessment. A party may request a mediation assessment by letter to the Associate Chair. The Associate Chair will schedule the mediation assessment to be conducted in his discretion. In the mediation assessment, the Board will look at: the likelihood of settlement that will reduce the number of issues in the hearing, the number of hearing days and witnesses; what issues will be the subject of mediation; and, the structure of the mediation including what parties will participate, and the timing, duration and location of the mediation sessions."*[21]

CONCLUDING REMARKS

Ontario's existing planning system, where most important planning decisions are now in the hands of appointed and unaccountable referees with an overt bias for 'expert opinions', is seriously flawed. FoNTRA, therefore, sees the need for much more fundamental changes than some of those proposed by the current Executive Chair of ELTO to the *Standing Committee on Government Agencies* a year ago: *"The other criticisms, which are that it takes too long, that it costs too much, that it's unfair because the developer has all the money and they have none—the asymmetry of representation, if I can put it that way, before the board is a difficult thing to deal with. That's about hearing management, and that's where we can have a much more effective role as hearing officers and as managers of hearing officers. I think we have to become much more activist as hearing officers: not just sitting back and letting a hearing take what it takes, but making sure the hearing happens in an expeditious way, making sure that decisions are issued promptly, making sure that people who are unrepresented are given the benefit of the doubt in a sense—not being unfair, but offering them opportunities for explanation, because they don't have legal representation; giving them what they don't have, which is the opportunity to defend their position and put it in its very best light before the board."*[22]

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[19] Provincial Working Group on the Planning Act: Minor Variances, **Residents' Associations Recommendations for Improvement**, Toronto, 07 August 2015

[20] Lynda Townsend, "Alternative Dispute Resolution: An Alternative to an OMB Hearing?" in **Toronto Builder**, Spring 2016, p. 21

[21] OMB Information Sheet 13, 2013

[22] Dr. Bruce Krushelnicki, **Interview for Intended Appointment**, Standing Committee on Government Agencies, 24 November 2015

FoNTRA's nine recommendations above are designed to re-establish a statutory planning process where all stakeholders have a fair chance to be heard and to influence the planning outcomes. Given the political nature of planning, the focus of this effort has to be on restoring the local political arena as the proper place where these processes are to occur and where the legitimacy resides to make responsible decisions. Societal planning is fundamentally concerned with values and the democratic allocation of public resources – issues where adjudicators and experts offer now privileged insights.

Planning can significantly affect the lives of large numbers of people and organizations which, due to different value systems, may hold different views about how the built environment should be developed or the natural environment protected. Therefore, planning is far too important to be left to 'planning experts' and unaccountable officials. FoNTRA, by its nature, is particularly concerned with securing an appropriate role for residents in these public processes. While a need for appeal of unreasonable political decisions will always exist, such appeals should be the exception, not the rule, and the conditions for them strictly circumscribed.

FoNTRA looks forward to the government's comprehensive response to this pressing need for fundamental OMB reform.

Sincerely Yours,
Federation of North Toronto Residents' Associations

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