



**The Annex Residents' Association**

**HARBORD VILLAGE  
RESIDENTS' ASSOCIATION**  
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Seaton Village  
Residents' Association



19 December 2016

Ontario Municipal Board Review

Ministry of Municipal Affairs

Provincial Planning Policy Branch

777 Bay Street, 13<sup>th</sup> Floor

Toronto, ON M5G 2E5

Re: OMB Review, 2016

Dear Sirs/Mesdames:

We are a group of Residents' Associations located in the north end of the City of Toronto's Ward 20.

We are the representatives for the neighbourhoods known as The Annex, Harbord Village, Seaton Village, and Huron-Sussex. Ward 20 is among the busiest development areas in Toronto. A very large portion of all new development activity in Toronto occurs in Ward 20 stretching from the CPR rail line to the waterfront. Currently there are 27 appeals (representing 1200 potential storeys of development) before the OMB just for Ward 20. So, we are privy to, Party to and Participants in many matters that end up at the OMB. It is from this vantage point that we make our comments for your consideration.

We cannot answer all the questions posed in your public consultation document as we are not involved in all aspects of the OMB world. But we can give our perspective as involved citizens in the day to day business of reviewing and mediating development issues from the community's viewpoint. It should be said that none of our associations is anti-development: we simply look for and applaud "appropriate" development that will serve the City and enhance our communities.

Further, we have reviewed the draft documents from the Chief Planner and Executive Director of the Toronto Planning Department and their comprehensive response to your Consultation seems sensible.

It is opined by many that the roles and responsibilities of the OMB should be drastically changed. This may or may not occur, but in the meantime business has to continue in the City and we feel a strong requirement to advance ideas that could help break the development log jam that is essentially swamping the City Planning department and forcing the OMB to deal with too many development appeals.

Thus our suggestions cannot simply be for changes at the OMB. The City and the OMB advance in lock step, so that if the City is unable to act then the OMB must react. As a result, many developers simply

wait out the City and go directly to the OMB for consideration. This results in an unnecessary overload on the OMB and a cascade of additional involvement and expense at the City and community level.

Our objective, in simplest terms is:

***To recommend actions that can reduce and limit the number of planning matters destined for OMB appeals.***

So, as a starting point, for our response it seems that the essential problem is:

***Too few Municipal and OMB resources to manage and administer the many planning/development applications in Toronto.***

\*Perhaps the most important issue to be resolved is the adoption of the new Official Plan for Toronto. The present uncertainty and contradictions between the old plan and the proposed new plan is the cause of many unnecessary re-zoning disputes and appeals. This will increasingly become an issue for our neighbourhoods once the TOCore Secondary Plan is finalized and approved by City Council. It will almost certainly be appealed by many groups to the OMB.

\*Finally, we now have the creation of a Local Appeal Board (LAB) to handle all Committee of Adjustment (CofA) appeals in Toronto. To ensure certainty for applicants we need a clear definition of which matters should be the prerogative of the CofA. Currently, an anonymous adjudication entity "Preliminary Plan Review" determines which matters should be heard at the CofA.

\*Dis-allow appeals from the LAB to the OMB. For the Toronto LAB to succeed, applicants must understand that it is not yet another step to an OMB appeal.

\* Encourage all re-zoning applications to be subject to pre-application community review. Our Ward's current and previous Councilors have done so, and our Residents' Associations have successfully managed to work with applicants to amend applications that would otherwise have likely ended up at OMB.

\*Increase application processing timeframes as suggested in the City recommendation #28. Recommend that the Minister of Municipal Affairs extend application processing timeframes in the Planning Act before "failure to proceed" appeals can be made for applications, in order to provide for more opportunities for mediation and reduce the potential number of "failure to proceed" based appeals, as follows:

- a. official plan amendments be increased from 180 days to 240 days;
- b. zoning by-law amendments be increased from 120 days to 180 days; and
- c. zoning by-law amendments that run concurrently with an official plan amendment be increased from 180 days to 240 days."

\*Dispense with *De Novo* hearings. Such hearings obviate the inputs in municipal decisions and take up too much time and resources, requiring local community groups to re-invest time and financial resources (planning and legal fees). Municipal decisions should be the guiding principles.

\*Make mediation a mandatory first step in the OMB appeal process. i.e. make the OMB process a two-step process. This is critical to community groups: a potential mediated resolution at far lower costs than a formal hearing needs to become a first step in all appeals.

\* Where feasible, hire professional mediators rather than other professionals as Panel members, and train them in planning issues. Train all other Panel members in professional mediation.

\*Provide greater transparency (video) at OMB hearings and produce transcripts and issue videos publicly.

\*It is vital to find ways of increasing planning resource staffing levels at the City of Toronto

\*Put onus for financing Resident Associations' Party status on the appellant (professional fees), including mediations, regardless of income levels in affected areas.

\* Promote multi-member panel reviews when applications directly affect more than one neighborhood (Residents' Association).

\*Reinstate appeals of OMB decisions to an Ontario Parliamentary Committee that includes the riding's MPP. The right to appeal to Cabinet was removed by the Harris Government. We are very familiar with the importance of this right to appeal, given that Cabinet cancelled the Spadina Expressway which would have decimated our neighbourhoods. Instead of Cabinet appeals, we recommend that a Parliamentary Committee be established to hear appeals and that the local MPP for each appeal become a rotating member of this Committee.

\* Re-instate circulation of appeals to other Government of Ontario Ministries and agencies for possible expert opinions at mediations and hearings. This was also cancelled by the Harris Government. We believe that expert opinions of Ministries and agencies beyond the Ministry of Municipal Affairs could be valuable and should be re-instated.

We thank you for the opportunity to participate in this OMB Review and remain committed to improving the planning and development process in Ontario.

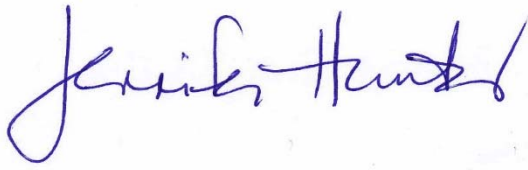
Yours sincerely,

A handwritten signature in brown ink, appearing to read 'David Harrison', with a stylized flourish at the end.

David Harrison, Chair, Annex Residents' Association

[signature on file]

Gus Sinclair, Chair, Harbord Village Residents' Association



Jennifer Hunter, Chair, Seaton Village Residents' Association

[signature on file]

Julie Mathien

Co-President,

Huron-Sussex Residents' Organization

Cc:

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