

EXTRACT OF DRAFT MINUTES 35  
PLANNING COMMITTEE  
8 NOVEMBER 2016

EXTRAIT DE L'ÉBAUCHE DU  
PROCÈS-VERBAL 35  
COMITÉ DE L'URBANISME  
LE 8 NOVEMBRE 2016

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RESPONSE TO PROVINCIAL CONSULTATION ON ONTARIO MUNICIPAL BOARD  
REFORM

ACS2016-PIE-PGM-0166

CITY WIDE

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## REPORT RECOMMENDATION

That Planning Committee recommend Council:

1. approve the City of Ottawa position set out in Document 1 on the Ontario Municipal Board Reform presented in the Ontario Municipal Board Consultation Document released by the Ministry of Municipal Affairs; and
2. direct the City Solicitor and Clerk and the General Manager, Planning, Infrastructure and Economic Development Department to submit on behalf of Council a letter to the Minister of Municipal Affairs and the Attorney General of Ontario that includes this report and attachments, to express the position of Council on the Ontario Municipal Board consultation.

Messrs. Tim Marc, Senior Legal Counsel, Office of the City Clerk and Solicitor, and John Smit, Acting Manager, Policy Planning, Planning, Infrastructure and Economic Development department responded to questions.

### Motion N<sup>o</sup> PLC 35/6

Moved by Councillor J. Leiper

**WHEREAS the Committee report "Response to Provincial Consultation on Ontario Municipal Board reform" on page 9 reads: "The City also supports**

increasing the standards for submitting an OMB appeal;” and,

WHEREAS the report does not recommend what these standards might be nor the expected outcome of such a change; and,

WHEREAS it is desirable that additional details be provided to provide of an outline of the standards that would be appropriate;

THEREFORE BE IT RESOLVED that the report be modified by deleting on page 9 of the report the following paragraph:

“The City also supports increasing the standards for submitting an OMB appeal. As well, the City would like to see a stronger coordinated effort by Ministries involved in land use policy matters to have provincial staff appear at OMB hearings to provide evidence on provincial policy where these are raised as an issue through OMB appeals to ensure consistency in interpretation and applicability.”

And replacing it with the following:

“The City also supports increasing the standards for submitting an OMB appeal. Often appeals are submitted with a minimum amount of language outlining the concern(s) in question. In order to ensure that full information is available to all affected by the appeal, it is recommended that appeals be required to provide details as to the grounds by which what is proposed or Council’s reasons for refusal fail to comply with planning policy. In addition, it is recommended that the appeal be required to outline the specifics of the relief sought by the appellant.

As well, the City would like to see a stronger coordinated effort by Ministries involved in land use policy matters to have provincial staff appear at OMB hearings to provide evidence on provincial policy where these are raised as an issue through OMB appeals to ensure consistency in interpretation and applicability.”

CARRIED

**Motion N<sup>o</sup> PLC 35/7**

Moved by Councillor J. Leiper

**WHEREAS the Committee report “Response to Provincial Consultation on Ontario Municipal Board Reform” reads on page 11 “It is important that Council be provided the opportunity and ability to give due consideration to such additional policies and how they may or may not affect the original decision rendered by Council;” and,**

**WHEREAS the Province has proposed in its consultation paper to “Require the OMB to send significant new information that arises in a hearing back to the municipal council for re-evaluation of the original decision;” and,**

**WHEREAS Staff advise that in the final version of the report a reference to information was inadvertently deleted;**

**THEREFORE BE IT RESOLVED that the wording**

**“It is important that Council be provided the opportunity and ability to give due consideration to such additional policies and how they may or may not affect the original decision rendered by Council”**

**be replaced with**

**“It is important that Council be provided the opportunity and ability to give due consideration to such additional policies and/ or information and how they may or may not affect the original decision rendered by Council.”**

CARRIED

**Motion N<sup>o</sup> PLC 35/8**

Moved by Councillor J. Leiper

**WHEREAS the Committee report “Response to Provincial Consultation on Ontario Municipal Board Reform” on page 9 reads “Consistent with the City’s position as expressed above, the City agrees with the inclusion of this restriction on appeals.”; and,**

**WHEREAS this wording is in support of a proposal to restrict appeal of municipal Official Plans, amendments to these plans, and Zoning by-laws for**

development that supports provincially-funded transit infrastructure; and,

WHEREAS, to protect the public interest, such restrictions would be appropriate only where it is the municipal implementation of its transit vision;

THEREFORE BE IT RESOLVED that the report be modified to replace, under the heading "City of Ottawa Position on p. 9 the wording

"Consistent with the City's position as expressed above, the City agrees with the inclusion of this restriction on appeals."

with

"Consistent with the City's position as expressed above, the City agrees with the inclusion of this restriction on appeals where the amendments are municipally initiated."

CARRIED

Item 5 of Planning Committee Agenda 35, as amended by Motions N<sup>o</sup> PLC 35/6, 35/7 and 35/8 and set out in full below, was put to Committee.

**That Planning Committee recommend Council:**

1. **approve the City of Ottawa position set out in Document 1, as amended by the changes to Document 1 set out below, on the Ontario Municipal Board Reform presented in the Ontario Municipal Board Consultation Document released by the Ministry of Municipal Affairs:**

a. **that Document 1 (page 9 of the report) be modified by deleting the following paragraph:**

**"The City also supports increasing the standards for submitting an OMB appeal. As well, the City would like to see a stronger coordinated effort by Ministries involved in land use policy matters to have provincial staff appear at OMB hearings to provide evidence on provincial policy where these are raised as an issue through OMB appeals to ensure consistency in interpretation and applicability."**

**and replacing it with the following:**

**“The City also supports increasing the standards for submitting an OMB appeal. Often appeals are submitted with a minimum amount of language outlining the concern(s) in question. In order to ensure that full information is available to all affected by the appeal, it is recommended that appeals be required to provide details as to the grounds by which what is proposed or Council’s reasons for refusal fail to comply with planning policy. In addition, it is recommended that the appeal be required to outline the specifics of the relief sought by the appellant.**

**As well, the City would like to see a stronger coordinated effort by Ministries involved in land use policy matters to have provincial staff appear at OMB hearings to provide evidence on provincial policy where these are raised as an issue through OMB appeals to ensure consistency in interpretation and applicability.”;**

- b. that Document 1 (page 9 of the report), under the heading ‘City of Ottawa Position’ be modified to replace**

**“Consistent with the City’s position as expressed above, the City agrees with the inclusion of this restriction on appeals.”**

**with**

**“Consistent with the City’s position as expressed above, the City agrees with the inclusion of this restriction on appeals where the amendments are municipally initiated.”;**

- c. that Document 1 (page 11 of the report), under the heading ‘City of Ottawa Position’ be modified to replace the wording**

**“It is important that Council be provided the opportunity and ability to give due consideration to such additional policies and how they may or may not affect the original decision rendered by Council”**

**with**

**“It is important that Council be provided the opportunity and ability to give due consideration to such additional policies and/**

**or information and how they may or may not affect the original decision rendered by Council.”; and**

- 2. direct the City Solicitor and Clerk and the General Manager, Planning, Infrastructure and Economic Development Department to submit on behalf of Council a letter to the Minister of Municipal Affairs and the Attorney General of Ontario that includes this report and attachments, to express the position of Council on the Ontario Municipal Board consultation.**

CARRIED with Councillor T. Nussbaum dissenting.