

COMMENTS TO THE PROVINCE ON THE REVIEW OF THE OMB

Thank you for asking for opinions about the future of the OMB. I hope you have all my previous submissions on file which I sent to Land Use Planning.

My main recommendation is to use written submissions for resolving land use matters.

Another is to have knowledgeable professionals decide matters so evidence can be related to good planning and what is in the public interest.

The powers of the OMB should be based on how far a reform goes.

I am a retired neighbourhood planner who has followed the OMB with great interest, focusing on the Committee of Adjustment applications.

I am particularly concerned with Long Branch which receives the most severance applications of any Toronto neighbourhood.

Even a decade ago (when I was on the Committee of Adjustment) it used to be said that the balance between the citizen who it serves was skewed towards development.

Later it was said that it was it was a Goliath and David situation.

Now the residents and residents associations are not even on the playing field.

Due process is zero, the legal and planning framework and public interest is largely ignored, most development planners evidence borders on fraud, most of the hearing officers are not fit to judge planning particularly urban design.

Developers are having their way and we know from history the enormous costs and responsibilities that have been thrust on Government because they were too timid or corrupted to point development in the right direction.

Gross and increasing inequality, leading to lack of trust in institutions, is a major world issue. Hence the protest votes. Pushback is demonstrated by Brexit.

However the OMB have far exceeded the inequality almost to the point of completeness. This is amazing in a civilised society. It shows how strong and wrong the Establishment can be.

The attached strategy document gives some insights.

I pin my hopes of reform on the new Executive Chair of E. L. T. O. who has initiated strong liaison committees already.

I have worked with Dr Bruce Krushelnicki in the past and believe he is the best possible person to reform the OMB.

There are also major problems of various kinds at the local level and these too form part and parcel of the overall process. See attached process and issues papers.

The Planning Department has already addressed a number of issues by thinking outside the box. Community forums have been initiated but these need to be earlier in the process.

My view is that the system for dealing with severance and variance applications is too adversarial and unsuitable for building successful cities.

Over time and especially recently the OMB have been corralled by development interests.

The Planning Act, the general intent of the Official Plan and Zoning Bylaw and Divisional Court decisions (especially De Gasperis) are routinely given little weight.

Aesthetics is seen as frivolous despite there being 11 pages devoted to urban design in the Official Plan. The Committee of Adjustment are under the impression that appearance is not within their mandate.

Glad to see the Planning Act addition to include aesthetics as a Provincial interest.

A broad general knowledge of planning by adjudicators is needed to put proposals in perspective rather than taking evidence in isolation.

Residents Associations, residents and those with general interest in a fair neighbourhood process (like me) are excluded from the overall process and have to rely on the Planning Department.

Hiring legal and planning staff for smaller applications such as severances and variances is out of the question.

Those concerned with the fine grain texture of the neighbourhood are unable to shape their community despite Official Plan policy and urban design guidelines supporting this.

What annoys the community is that the wealth created by Government in general is being creamed off to the maximum degree by unsophisticated small time developers at the expense of citizen's quality of life.

Even where the Committee of Adjustment and the Planning Department oppose applications, the OMB overrules them 70 percent of the time in Long Branch.

Since Long Branch seems to be the epicentre for severances, there are a lot of people feeling helpless, frustrated and angry.

The outlandish rulings on definitions by the OMB are creating outlandish comments by Planning Departments and outlandish decisions by Committee of Adjustments.

This encourages applicants to push the boundaries. Applications for a semi in detached housing only zoning and a residential proposal for over five times the density have been received within the last month in Long Branch.

As an example, double the density is in applications is starting to be almost routine when 10 percent was the rule of thumb in the past.

So the OMB is radically different from when I finished my terms on the Committee of Adjustment in 2006 and started helping the community on planning issues on a pro bono basis.

Development now is fundamentally worse.

The severance and variance process that best suits all parties (other than the legal profession) would be to replace the intimidating adversarial court-like process with a written representation approach (including cross examination) as used

in England over the last half century. It would be considerably less costly too.

This would not only render a fairer process and better planning but also reduce key player's costs significantly, including the applicant's and the OMB.

Any reduced function of the OMB would be based on how much reform can be achieved.

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