

Toronto Star

Ford government restores OMB rules for development disputes

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The Ontario government is turning back the clock on how development disputes are decided in the province; it's reverting to the old Ontario Municipal Board (OMB) rules under the newer Local Planning Appeal Tribunal's (LPAT) name.

It is a move being applauded by developers but cast as a devastating reversal by some civic officials, who say it undermines local communities' concerns and municipal planning authority.

The LPAT changes are part of a sweeping piece of legislation tabled in the legislature by Municipal Affairs and Housing Minister Steve Clark, who said it would bring more housing to market sooner, create a more diverse mix of homes and boost supply to make shelter more affordable.

The omnibus More Homes, More Choice Act would affect 13 Ontario laws from the Environmental Protection and Endangered Species acts to the Ontario Heritage and Planning acts.

"This bill will go a long way to provide people hope that they will have the right type of housing at a price they can afford," Clark said at a press conference at a Habitat for Humanity stacked townhome building site in Scarborough.

The government gave few details on how the new rules around planning and development would be implemented and Clark did not provide a hard target for the number or kind of homes he expects to be built. But he said his government will continue to consult with municipalities around how the changes are implemented. Comments on the bill officially close June 1.

"Our success is going to be shovels in the ground. This is a continual priority of our government," Clark said.

If it becomes law, the bill would increase opportunities for people to live closer to employment and transit, speed up and streamline development approvals and address the shortage of missing "middle" homes, or small apartment buildings and townhouses, which provide an alternative to detached houses and highrises, the minister said.

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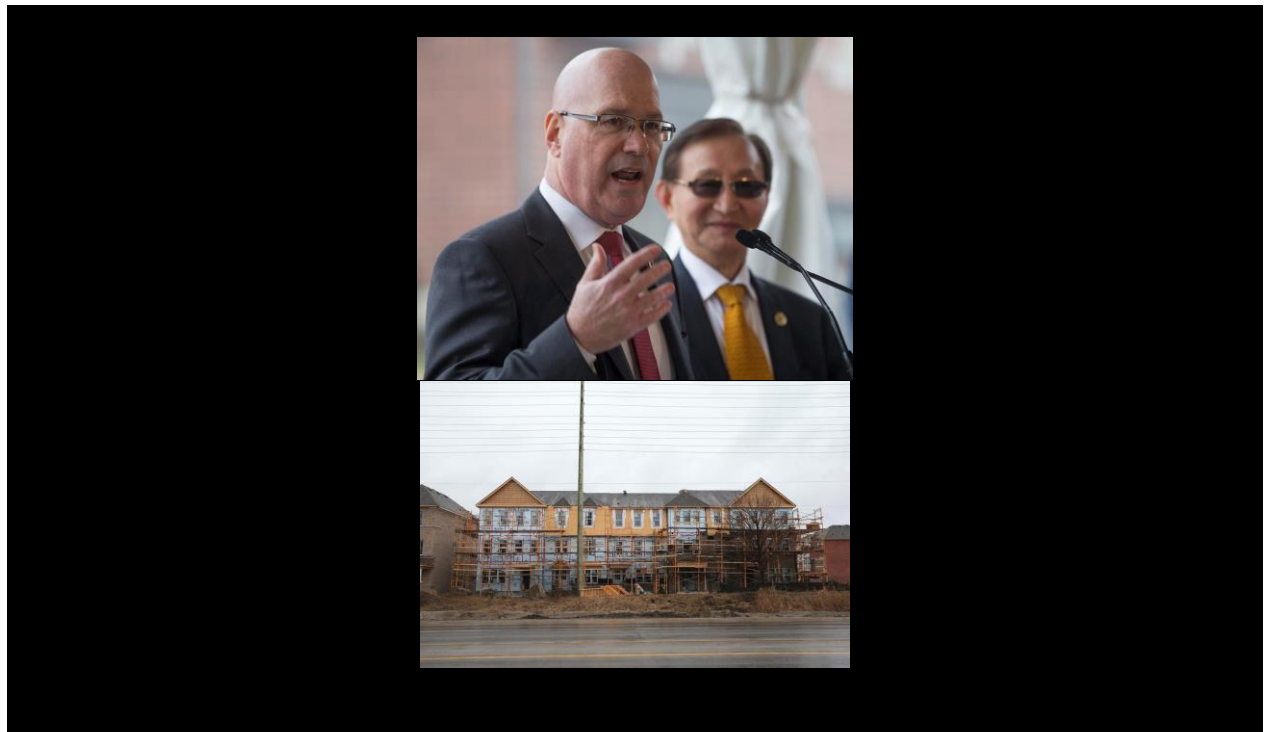
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Toronto councillors whose wards are being challenged by unprecedented growth decried the shift back to the OMB, which was killed by the former Liberal government after much criticism that it undermined municipal authority.

"Today's announcement by the Ford government is a giveaway of the development and planning process to the development industry," said Councillor Josh Matlow (Ward 12, St. Paul's), who represents the fastest-growing part of the Yonge-Eglinton area and fought for years to kill the OMB.



"They've gone back to a free-for-all for developers."

He said it will be taxpayers who will subsidize growth-related infrastructure needed in those communities, including parks, schools and other amenities.

Clark said he is aware of municipal concerns around the old OMB rules and he is mindful of municipal autonomy, but claimed the new LPAT system, just over a year old and still in the early stages of hearings on appeals, is not moving fast enough.

"There are 100,000 (housing) units that are stuck before the tribunal. I believe the processes we have put in place will unlock that backlog. We can't continue to have a system where you're waiting 24 or 36 months for a hearing. We need to do better," Clark said.

Have your say

How do you feel about the province restoring the OMB rules?

- I'm in favour of it. It will bring more housing to the market.
- I don't think we should have gone back to this system.
- I'm in favour of speeding up housing, but I want a different set of regulations than the OMB system.

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He acknowledged creating a third layer of appeals, which would exist until legacy appeals are dealt with, will create additional challenges for an unknown amount of time.

Mayor John Tory welcomed the government's commitments to speeding up the supply of rentals. But he said he was concerned about the LPAT and development charges in Thursday's announcement.

"It would not necessarily be a step forward to go back to the old OMB ways," said a statement from Tory, who was in Vancouver with the Federation of Canadian Municipalities. "Those old ways needed reform precisely because the OMB-type system was not working well for cities or neighbourhoods, so we should take great care in any next set of changes."

Tory expressed concern over new development charge rules, stressing that "growth pay for growth," so that property-tax payers aren't footing the bill for infrastructure attached to new development.

The province is proposing to amalgamate rules that allow municipalities to charge developers for community benefits (known as Section 37 funds) and parkland into a single new "community benefits charge" that would also include municipal costs for "soft services" such as libraries and community centres. How that charge would apply in Toronto would be subject to a strategy agreed to by council.

Other members of council called the LPAT changes a boon for developers, too.

"The reason I and others fought for OMB reforms is that that body was heavy-handed and heavily favoured developers — people with the greatest dollars — so they can force developments they want on neighbourhoods," said Kristyn Wong-Tam (Ward 13, Toronto Centre).

Councillor John Filion (Ward 18, Willowdale) said "Christmas came early" for the industry.

"This is clearly a set of rules designed to give the land speculators and developers everything they could possibly want in the guise of creating more affordable housing. If they didn't write (the changes) themselves, they certainly could have," Filion said.