

A bright spot in the OMB disaster

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It's hard to argue that disaster can be beneficial, but the recent Ontario Municipal Board ruling on the Queen Triangle is certainly revealing. It rudely but helpfully explodes many pretty political myths -- foremost among them that Toronto, thanks to various "Acts" and nebulous reforms, has somehow become autonomous and therefore better able to chart its own future.

In that respect, the impact of the ruling reaches far beyond the Queen West hipsters who opposed the development in question. "To my knowledge, no other major city in North America could have had such a crucial zoning decision overturned in this way," commented Andrew Sancton of the University of Western Ontario, one of the country's leading experts on local government. "And we are supposed to think that the City of Toronto is now a sparkling example of municipal autonomy?"

One needn't know much about the issues at hand, nor even actually read the tedious and pompous ruling, to understand its meaning. What it says is that sound, eminently defensible planning policy applied to an area of high economic and cultural importance, and fully endorsed by council, is just another option on the table at the OMB.

In this case, hearing officer Don Granger deemed the developers' position on virtually every point in dispute more "reasonable" and "appropriate" than the city's position. If he had any reasons, he didn't bother sharing them.

"It really reveals the Achilles heel Toronto has in being governed by this non-elected body that substitutes its very arbitrary decisions for any kind of coherent planning," planner Ken Greenberg said. "All the resources that would otherwise be devoted to planning and design are diverted to these gladiator struggles in a quasi-judicial setting that really isn't about planning at all -- with inevitably poor outcomes."

The Queen Triangle ruling is far from unique, Mr. Greenberg said -- it is simply more outrageous than usual. "And unless something is done to fix this problem, it's hard to imagine that Toronto is going to have better outcomes."

If the decision itself isn't enough to start teeth grinding at Queen's Park, the media-savvy activists who organized opposition to the Queen Triangle proposals will ensure it soon is. Mayor David Miller has yet to respond, but he is likely to be scathing when he does. This joint is set to blow up real good.

That will be the real disaster, with those who support growth and development its most prominent victims. The best of them can only cringe at what the idiot OMB has just done -- disgracing the process and obliterating the policies that are essential to obtain community support for necessary intensification. Thanks to the OMB, the NIMBYs may be proved right.

In the case of the Queen Triangle, the council voted for a reasonable compromise and activists inched toward accepting it as city planners and lawyers fought at the tribunal. In different circumstances, this development could have been a leading example of good planning, with solid local and political support -- a policymaker's dream. But dream it must remain in Toronto, where

council decisions have no independent legal status. As a result, the Queen Triangle will become emblematic of continuing ineptitude, alienation and mediocrity.

Looking for silver linings, Mr. Greenberg is hoping that this outrageous ruling will inspire the mayor and council to "step up and say there is something dreadfully wrong here." And they probably will. But what good will it do? They've said it all before, and nothing has changed. The Liberal provincial government, author of "OMB reform" so obscure you need lawyers to explain it, must also be held responsible.

Premier Dalton McGuinty should immediately quash the ruling and impose council's compromise. Nothing less will succeed in containing this billowing disaster for him, the mayor and the entire city.

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