

If OMB is killed off, city must grow up

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There is rage in the land against the Ontario Municipal Board.

Unelected and unaccountable, the quasi-judicial body has become the Star Chamber of development in Ontario. It must be abolished.

But before the 110-year-old OMB can be killed, other changes must take place. The truth is that the presence of the board enables city councillors and planning departments to behave irresponsibly. In Toronto, for example, it often seems that neither politicians nor bureaucrats are prepared to make the hard decisions that urban growth necessitates. The OMB is the screen behind which they hide.

"How can you get rid of the OMB," asks downtown councillor Kyle Rae, "when you've got council making such immature decisions? When you've got councillors like Karen Stintz (Eglinton-Lawrence) turning down a seven-storey residential building at Yonge and Lawrence? Only seven councillors voted for that development. The OMB will approve it. How do you stop councillors from behaving like lapdogs for local ratepayers' groups? Planning decisions shouldn't be political."

In Vancouver, where the development approval process is admired across North America, the politicians make the rules but are not involved in applying them. That's left to a nine-member design review committee comprised of volunteer experts who sit for a maximum of two four-year terms. If the committee approves a proposal, it then goes before the three-person development permit board, which says yes or no.

Politicians are not part of the process, except to have established it in the first place.

By contrast, Toronto is a muddle of political interference and bureaucratic ineptitude. But no one worries about this too much because they all know the OMB will be making the decisions regardless.

In fact, the board is now the de facto planning agency in Toronto and the rest of the province. What was set up as an appeal body has taken over the process itself.

Even in the 1800s when the OMB was conceived, this wasn't the intention.

As noted planner Ken Greenberg, who once headed Toronto's urban design department, points out: "We have a truly dysfunctional planning system in this city. And a lot of that has to do with the OMB."

Throughout much of the province the story is the same, with the added fact that many local politicians depend on developers for much, if not most, of their election campaign funding. The former mayor of Hamilton, for example, was charged last year with 41 counts under the Municipal Elections Act for accepting illegal contributions, the vast bulk of them from developers.

Again, OMB supporters would argue that the need for the board is that much greater given the unseemly relationship between local councils and the development industry.

True, but surely political financing changes are more to the point.

Organizations as diverse as the Federation of Urban Neighbourhoods and Large Urban Mayors Caucus of Ontario have come out in favour of OMB reform.

Even development-friendly Hazel McCallion, long-time mayor of Mississauga, has weighed in: "Municipalities should have the primary responsibility for planning decisions in their communities," she has said, "and the OMB's role should be that of an appeal mechanism, not a substitute decision-maker."

Given recent amendments to the City of Toronto Act, however, Toronto now has the capacity to reduce, if not eliminate, the power of the OMB by setting up an appeal board of its own to deal with cases that go before the committee of adjustments. Sounds good in theory, but keep in mind that the proposed body will be subject to intense pressures from bottom-feeding developers and the NIMBY hordes.

In other words, the city would no longer be able to blame the OMB when unpopular decisions are made. It would have to face the heat itself. That wouldn't go down well with many local officials, especially those in elected office. As far as they're concerned, better to have the province be the devil than be forced to play God yourself.

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