The Overhaul Of The OMB

May 16, 2017

On May 16, 2017, the Ministry of Municipal Affairs and the Ministry of Attorney General announced legislation that is intended to introduce sweeping changes to the land use planning system in Ontario. In particular, the legislation will seek to replace the Ontario Municipal Board with a "Local Planning Appeal Tribunal". Additional changes include the following:

- the elimination of *de novo* hearings for the majority of planning appeals and changing the standard of review on appeal. The tribunal will only be able to overturn a municipal decision if it does not follow provincial policies or municipal plans. In those cases, the matter would first be returned to the municipalities for consideration, although the tribunal would retain the authority to make a final decision;
- limiting evidence to written materials in the majority of cases thereby removing direct examination and cross-examinations;
- allowing municipalities to prohibit appeals to developments approved within 500 metres of a major transit station (GO Transit, subways, light rail transit);
- the implementation of mandatory case management including the option for mediation;
- exempting major land use planning decisions from appeal (i.e. disallowing appeals from Provincial approvals of official plans and official plan updates, including approvals of conformity exercises to provincial plans) and sheltering secondary plans from appeals for a period of two years, subject to the municipality’s discretion;
- the creation of a "Local Planning Appeal Support Centre" to provide free legal and planning advice and potential representation at the tribunal for people who wish to participate in the appeal process; and
- the creation of a new website where tribunal decisions will be posted for public viewing along with plain language summaries for each decision.

We will continue to monitor this major development to Ontario's land use planning system and provide further updates once the proposed legislation is released by the Province later this month.

Additional Information

- Ministry of Municipal Affairs News Release: Giving Communities a Stronger Voice in Development
- Ministry of Municipal Affairs Backgrounder: Ontario's Proposed Changes to the Land Use Planning Appeal System
- Proposed Hearing Process for Appeal of Municipal Decision on Official Plan/Zoning

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