



Ontario Association of Architects

December 20, 2016

Ontario Municipal Board Review
Ministry of Municipal Affairs
Provincial Planning Policy Branch
777 Bay Street (13th floor)
Toronto, ON M5G 2E5

To whom it may concern:

The Ontario Association of Architects (OAA) commends the Ministry of Municipal Affairs for initiating a review of the effectiveness of the Ontario Municipal Board (OMB) to ensure that it is appropriate, open and fair. The OAA believes that Ontario should continue to maintain an independent appeal tribunal to resolve land use disputes and wishes to be an active partner as the Ministry continues to examine and implement changes to the OMB.

As you may be aware, the OAA is the licensing body and professional association for Ontario's architects established under the *Architects Act* to regulate the practice of architecture "*in order that the public interest may be served and protected.*" The OAA has a membership that comprises nearly 4,000 licensed architects and 1,500 intern architects; and more than 1,750 practices. As part of its regulatory mandate, the Association provides a wide range of services to its members and the public.

The OAA's historical position on the OMB has acknowledged that the tribunal plays an important role in the land use planning system and should not be abolished. Rather the OAA has supported improvements to the OMB to improve its effectiveness and efficiency.

This review has sparked a number of timely considerations for the profession and the OAA recently hosted a member roundtable to gather information about opportunities to improve the OMB. As architects play a critical role in the land use planning system, many OAA members have extensive experience appearing before the OMB.

Participants at the roundtable were predominantly identified by their colleagues as having extensive experience with the OMB. The roundtable facilitated discussion and feedback on the best way to improve the OMB. The OAA has also gathered feedback from individual members of the profession. Findings from the roundtable are detailed below.

Positive Aspects of the Current System

Participants identified several positive aspects of the current system. All but one participant supported the OAA position that the OMB should be maintained. The positive aspects listed were as follows:

- It offers a final decision.
- It is removed from the political sphere.
- It provides adequate time to make a case in front of the board.
- It issues decisions which consider multi-disciplinary factors.
- It encourages compromise between parties.
- It relies on expert opinions.
- It allows for analysis of policy from first principles.

Improvements on the Current System

There was some consensus around important reforms that would enable the system to function better. These recommendations included:

- There is a need to significantly increase the number of adjudicators, particularly from the architecture, planning, urban design and heritage fields.
- There is a need to increase the resources to support adjudicators.
- While the current adjudicators were regarded as competent, additional training would be of benefit to ensure the highest calibre of participants. This was viewed as important given that so much weight is put on the decision of a single individual.
- There should be a heightened focus on mediation as a way to resolve disputes.
- Efforts should be made to make the process less adversarial.
- While this already happens to some extent, there is an opportunity to further reduce duplication in testimony. One such idea is to enshrine the caucusing of experts to expeditiously determine agreed upon facts.
- While there was agreement that all participants should be required to have some skin in the game, consideration should be given towards reducing costs associated with appearing at the OMB.
- While time appeared on the positive aspects list, many participants did feel that the delay before a case is heard should be reduced. Some also expressed concern about the length of time to receive the decision with one participant saying they were still waiting after a number of years. There was a sense that this concern would solve itself if there were more adjudicators who had access to increased resources.
- There should be some consideration to making pre-hearings a mandatory component of the process.
- Increased resources to enable better management of policy and plans by municipalities

Of the recommendations, there was agreement that mediation should be given prominent consideration in this review. There was also a sense that the OMB needs to better inform the public about what it does, given there appears to be a lot of misperceptions and misrepresentations. There was a sense that the OMB has an image problem.

While this isn't being considered, the participants also stressed that in the future, no moves should be made to erode or eliminate the OMB unless a fully-fledged plan for something to replace it is put forward.

The OAA hopes to ensure that the industry is well represented throughout the consultation process and looks forward to working closely with Ministry officials to ensure the best interests of Ontarians are served.

Sincerely,



Toon Dreessen, Architect
OAA, FRAIC, AIA, LEED AP
President

cc. The Honourable Bill Mauro, Minister of Municipal Affairs