

Reader questions intentions of Bill 139

One has to question the Provincial government's motivation with its new legislation, Bill 139, 'Building Better Communities and Conserving Watersheds Act 2017,' wherein it plans to replace the Ontario Municipal Board (OMB) with a new Local Planning Appeal Tribunal (LPAT). Could it actually be more of a public relations gesture to appease the ever growing antagonism towards the OMB by citizens of Ontario than an actual desire to combat inappropriate development and threats to our environment?

Although the government, with great fanfare, has introduced the new legislation, it proposes to continue to allow the OMB to function until Royal Assent, grandfathering all appeals made prior to that. This, and the lack of detail on the workings of the LPAT, is resulting in developers swamping the OMB with appeals.

Could the LPAT be purposely vague? Although the government declares that the new legislation will give communities and municipalities stronger voices, there is no evidence, at least at the moment, that this will be the case. It seems more likely that in 'simplifying' the process, the government is actually streamlining it to the point that options are greatly reduced.

The question has to be asked: How local will the LPAT actually be? Will the tribunal truly have a better understanding of a particular community issue than the current OMB, that presently 'parachutes' an officer in to sit in judgement on something about which the officer is initially quite ignorant?

Although the government intimates that municipalities will have more power, the extent of that power is actually going to be dictated by the community's Official Plan (OP). Once the OP is approved, the LPAT will be a closed door to any protest or concern regarding inappropriate development or issues that may have negative ramifications.

Consequently, whatever parameters are included in the OP and subsequently signed off on by the Council of the day become etched in stone. There will be no avenue open for an individual or a group to protest the OP, at least through the LPAT.

Now, on the surface this seems a democratic process with the elected officials of a community creating an OP customized for that particular community. In reality they are actually signing off on a provincial policy that was created in a cookie cutter manner by the provincial government, refined by the regional government that then tells the municipality what parameters it expects to be incorporated into the OP. Actually, from one perspective it could be viewed as more dictatorial than democratic.

Communities differ greatly and while one initiative may be beneficial for one community it may be less so for another. One particular parameter that comes to mind is the one concerning population growth. If the infrastructure is lacking in a particular community, then expecting it to grow beyond its capabilities could result in both social and structural deficiencies.

At least with the OMB there was a semblance of democracy, admittedly often weighted in the developer's favour, but it did allow for dissension and a means to debate the pros and cons of an issue. The problem with the OMB was that it was greatly influenced by the level of professionalism in the presentation that gave the developer, with an expensive legal team, an unfair advantage over an individual or group of people submitting a more basic legal presentation.

It is vital that council gets it right when it signs off on the OP. And the councillors need to be above reproach as to what is, or more importantly, what is not included within the plan. That's a whole lot of power for such a small group of people to wield.

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