



RESOLUTION 0172-2011
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on June 22, 2011

0172-2011 Moved by: Pat Mullin

Seconded by: Jim Tovey

WHEREAS municipal councils are democratically elected bodies;

AND WHEREAS municipal councillors are the elected officials closest to the people and have the broadest appreciation of the issues that impact their communities;

AND WHEREAS municipal councillors have the obligation to make decisions on planning matters in the best interests of their community at large;

AND WHEREAS municipal councillors make decisions on planning matters based on personal knowledge of the community and its potential that go beyond the confines of the Planning Act, such as strategic plans;

AND WHEREAS the Planning Act treats appeals of municipal planning decisions to the Ontario Municipal Board (the OMB) as de novo hearings and allows the OMB to substitute its decisions for those taken by democratically-elected councillors;

AND WHEREAS the Provincial government's attempt to give weight to municipal councillors decisions by amending the Planning Act and instructing that the OMB "shall have regard to" decisions made by municipal councils has proven to be so general that the OMB's decisions are not being influenced by this amendment;

AND WHEREAS the Ontario Divisional Court held in the decision *Minto Communities Inc. V Ottawa (City)* that the OMB's powers on appeal of municipal planning decisions have not been altered by the requirement that it consider municipal decisions;

AND WHEREAS the Ontario Divisional Court stated that a "more clear and specific expression of legislative intent" would be required to change the traditional role and practices of the OMB;

AND WHEREAS the current OMB hearing process is too formal, too expensive, too time consuming and too legalistic to facilitate wide-ranging citizen participation and is therefore unfair to the local residents as well as the community at large;

AND WHEREAS it is manifestly undemocratic for an appointed board such as the OMB to substitute its opinions for the considered judgement of elected councillors on matters affecting municipalities in which the councillors will continue to live and in which the OMB has no ongoing presence;

AND WHEREAS it would be more appropriate in matters of law to have legal disputes referred to the courts;

AND WHEREAS certain planning matters respecting land severance applications and minor variances are heard by the municipal Committee of Adjustment and are subject to appeal to the OMB;

NOW THEREFORE be it resolved:

1. That the Minister of Municipal Affairs and Housing be requested to amend the Planning Act to abolish the OMB and to provide that decisions of municipal councils are only appealable to the courts on questions of law.
2. That the MMAH be requested to amend the Planning Act to provide that appeals of decisions of the Committee of Adjustment be appealable to municipal councils and that municipalities be authorized to conduct hearings on such appeals through a Committee of Council, if deemed appropriate to do so by the municipality.
3. That copies of this resolution be sent to the Minister of Municipal Affairs and Housing, all local members of Provincial Parliament and local area municipalities and AMO.
4. That the MMAH be requested to hold public consultations regarding these requests.

A recorded vote was called with the following results:

	YES	NO
Mayor H. McCallion	X	
Councillor J. Tovey	X	
Councillor P. Mullin	X	
Councillor C. Fonseca	X	
Councillor F. Dale	X	
Councillor R. Starr	X	
Councillor N. Iannicca	X	
Councillor K. Mahoney	X	
Councillor P. Saito	X	
Councillor S. McFadden	X	
Councillor G. Carlson	X	

Recorded Vote

Carried – (Unanimously)