



February 26, 2007

Kevin Whitaker
Agency Cluster Facilitator
Agency Cluster Project
M1-52 MacDonald Block
900 Bay Street
Toronto, ON M7A 1N3

Re: Review of five Provincial Tribunals: Assessment Review Board ("ARB"); Board of Negotiation ("BON"), which is currently managed within the OMB; Conservation Review Board ("CRB"), Environmental Review Tribunal ("ERT"); and the Ontario Municipal Board ("OMB").

Dear Mr. Whitaker:

As you are aware, a variety of formal (i.e. consolidated hearings) and informal relationships already exist between the above noted Tribunals. As noted in your meeting with representatives from OPPI, the purpose of the Agency Cluster Review is to consider opportunities for enhanced service and coordination between and among these Tribunals. It is important to note that the objective is not to integrate these Tribunals into one omnibus Tribunal; but rather to consider administrative improvements to the structure and/or processes used by these bodies and to explore the potential benefits of administrative sharing on such matters as technology, administrative/ professional staff and physical space.

All five Tribunals address appeals in the areas of land use, property assessment and development approvals. While there is commonality in the topic areas of these Tribunals, the five Tribunals are responsible to three different Ministries (Attorney General for the OMB, BON and ARB; Environment for the ERT; and, Culture for the CRB). With regards to the OMB, this reporting structure is important as it ensures an appropriate relationship between the OMB and various Ministries responsible for the legislation under which the Board adjudicates.

The Interim Report identifies sixteen (16) "Options for Change. It is interesting to note that several of the options¹ reflect OPPI's 2002 recommendations²

¹ Options 5, 6, 7, 8, 9, 11, 12, 14, 15

² The report also acknowledges that recruitment and retention of experienced members remains a concern, which was also a matter previously raised by OPPI. The recent membership turnover at the OMB may again be reflective of this concern. Copies of this and other reports are available in the 'Current Planning Issues' section at: www.ontarioplanners.on.ca

regarding the OMB and/or are matters in which the OMB has made significant advancements such as:

- Public outreach (including the establishment of a Citizen Liaison Office and web-site improvements);
- Ongoing Member training (including mediation and facilitation training);
- Establishing standards for decision writing and review to ensure consistency;
- Defining of job descriptions which then allows for improved recruitment and a consistency of ongoing performance review);
- Promotion of mediation; and,
- Case management and hearing scheduling.

OPPI continues to support ongoing implementation of these administrative options.

Where appropriate to the content of their respective areas of jurisdiction, these administrative matters could be consolidated into a common technology or administrative format. However, such consolidation should not result in delays or deferrals of ongoing or planned improvements to the OMB as a result of the need to bring other Tribunals to up to the OMB's existing levels of practice.

OPPI supports the Agency Cluster Facilitator's Options regarding:

- Employing full-time adjudicators³ (unless a Board member with specialist expertise is required to address a limited number of hearings);
- Adoption of a common 'Code of Conduct'
- Standardized general 'Rules of Practice and Procedure';
- Case assignment through the Board Chair/Vice-Chairs; and,
- Establishment of a common Community Advisory Committee⁴ (being a group of individuals that regularly use the services of the Tribunals).

Should consolidation of websites occur, such re-design should ensure the ease of recognition and access to each individual Tribunal.

In OPPI's experience, there is little overlap between the content of the Tribunals' hearings to require physical co-location of these Tribunals. Therefore, OPPI has no comment on the Facilitator's option regarding such co-location, as it is not sufficiently familiar with the potential efficiencies arising from the physical integration of these Tribunals' professional, administrative and support staff and systems.

³ With respect to the OMB, members are primarily full-time.

⁴ Through liaison with such organizations as OPPI and the Ontario Bar Association, the OMB already maintains this regular contact with those organizations that interact with the Board most frequently. However, the community advisory committee would represent a further outreach opportunity and potentially allow for integrated discussions between various stakeholders.

Thank you for this opportunity to provide input and comments on the review. We would be pleased to further discuss this submission with you. Please feel free to contact Loretta Ryan, MCIP, RPP, Manager, Policy and Communications at (416) 483-1873, ext. 226 or by e-mail at policy@ontarioplanners.on.ca, to set up a meeting or if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Daly". The signature is fluid and cursive, with the first name "Gregory" being larger and more prominent than the last name "Daly".

Gregory Daly, MCIP, RPP
Chair, Policy Development
Ontario Professional Planners Institute

cc: Gary Davidson, FCIP, RPP, President, OPPI
Loretta Ryan, MCIP, RPP, Manager, Policy and Communications, OPPI