



HEALTHY COMMUNITIES • SUSTAINABLE COMMUNITIES

May 31, 2013

Ms. Lynda Tanaka
Executive Chair
Environment and Lands Tribunal of Ontario
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5

**RE: PROPOSED PRACTICE DIRECTION – GROWTH PLAN HEARINGS
COMMENTS FROM THE ONTARIO PROFESSIONAL PLANNERS INSTITUTE**

Dear Ms. Tanaka:

The Ontario Professional Planners Institute (OPPI) appreciates the opportunity to comment on the Proposed Practice Direction on the Ontario Municipal Board's hearing process for Official Plan amendments brought forward by municipalities to achieve conformity with the Growth Plan for the Greater Golden Horseshoe. As a key stakeholder in Ontario's planning system, we are pleased to provide our input.

OPPI is the recognized voice of the Province's planning profession. Our almost 4,000 members work in government, private practice, universities, and non-profit agencies in the fields of urban and rural development, urban design, environmental planning, transportation, health, social services, heritage conservation, housing, and economic development. Our Members meet strict practice requirements and are accountable to OPPI and the public to practice ethically and to abide by a Professional Code of Practice. Only Full Members are authorized by the Ontario Professional Planners Institute Act, 1994, to use the title "Registered Professional Planner" (or "RPP").
www.ontarioplanners.ca.

OPPI supports efforts to streamline the Ontario Municipal Board (OMB) process for hearings related to the Growth Plan. We understand that the complex nature of these hearings can pose challenges and, in general, we believe the proposed Practice Directions will help to strengthen the appeals/hearings process by providing greater clarity and certainty to the appeals process.

Proposed Practice Direction #1: OPPI suggests that the language be strengthened to encourage parties to make "best efforts" to incorporate the practice directions into the process, where possible and appropriate.

Proposed Practice Direction #2: OPPI agrees that the municipality should take the lead in setting the framework for the hearing and suggest that this be done with the full support of the Board. The Board should be responsible for identifying parties and participants prior to this meeting and direct the municipality to develop a Draft Procedural Order that includes, to the extent possible, the policies that are not subject to appeal, those that are but that can be approved without a hearing, the remaining issues, the parties and participants, and hearing phasing, etc. We suggest that the identification of parties and participants occur within a well-defined, reasonable timeframe.

Proposed Practice Direction #3: Further and connected to the above, OPPI suggests that consideration be given to including a new practice direction that directly speaks to the scoping of the appeals relating to subsection 17(40). For example, this new direction could state that best reasonable efforts shall be made to scope appeals to enable any uncontested portions of a plan to be brought forward for partial approval as early as possible in the proceeding. To be effective, this scoping should be done without prejudice and be entirely separate from those parts of the plan that remain under appeal.

Proposed Practice Direction #4: OPPI supports the compendium of documents concept and suggest that it be completed early on in the process. This proposed Practice Direction could incorporate a deadline for the production of the compendium of documents. OPPI further suggests that municipalities be encouraged to post this document on-line.

Proposed Practice Directions #5 and #6: OPPI suggests that guidance on the establishment of Master Procedural Orders be provided. The Master Procedural Order should set out the agreed-to phases and sequencing of those phases. Further direction for each phase of the hearing (e.g. detailed work plans, hearing dates) could be established through subsequent Procedural Orders that fit within the Master Procedural Order. Once established, the Master Procedural Order should not be changed without the consent of the parties. This could help avoid unnecessary discussions on the sequencing of appeals.

With respect to proposed Practice Direction #6, we support the provision of alternative policy text and policies and suggest that they be disclosed before opening statements (e.g. three working days in advance).

Proposed Practice Direction #8: OPPI suggests that additional flexibility be provided to structure the work-plan, depending on the context and issues. Appeals, for example, could be grouped by theme or policy.

Proposed Practice Direction #10: OPPI supports this concept and notes that procedural orders will need to provide clear direction as to how these panels are to function.

Proposed Practice Direction #11: OPPI suggests that some flexibility should be allowed, at the discretion of the Board member, as some hearings may have multiple issues which cannot reasonably be distilled into 15 pages. Over the next several years, a number of municipalities in the Greater Golden Horseshoe will update their Zoning By-laws to reflect updated Official Plans. Consideration should also be given to drafting specific Practice Directions for Growth Plan related updates to municipal Zoning By-laws.

In addition to our comments on the draft, OPPI encourages an increase in the number of OMB Board members and the commensurate case management and training to address the high volume and increased complexity of cases so that hearing delays can be avoided.

Thank you again for the opportunity to comment. We look forward to meeting with you to discuss these thoughts. In the meantime, please feel free to contact me at (416)668-8469 or by email at policy@ontarioplanners.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Ryan', followed by a horizontal line extending to the right.

Loretta Ryan, MCIP, RPP
Director, Public Affairs
Ontario Professional Planners Institute

Copy:

Mary Lou Tanner, MCIP, RPP, President
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