

Toronto's towering struggle and the OMB



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Have you ever wondered how long it takes to build the condo that you or your friend lives in?

To survey land, hook up water and power services, and secure all of the approvals needed along the way, that condo you live in probably took at least 10 years from start to finish.

Of course, most of that time wasn't spent on construction — it was spent sitting through the arduous stages of approvals.

The approvals process is inefficient, uncertain and fraught with risk. Builders and developers don't make the rules. Nor does the Ontario Municipal Board (OMB), the independent provincial tribunal that some people blame for a wave of tow-

ers sweeping across the province.

The Ontario government does through provincial land use planning policy, mainly the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe (2006).

The OMB hears appeals of decisions by municipal councils. Sometimes it also hears appeals against a council's refusal or neglect to make a decision (can you hear us, City of Toronto?).

It doesn't control planning and zoning. Yet some people believe this provincial body is a puppet, rubber stamping high-rises at the whim of any builder. That is simply not true.

Within the Greater Golden

Horseshoe — a huge area that goes beyond Toronto, the Niagara Region, Barrie and Peterborough — provincial policy prescribes increased residential density and protects food-growing areas and green space.

The density requirement is meant to reduce urban sprawl and recognizes that we have a growing population that must be accommodated — every year, about 100,000 people come to this region, which has about 26% of Canada's population.

If a municipality does not deal with a development proposal in a timely manner, an applicant — maybe a builder, maybe a homebuyer — may appeal to the OMB. The OMB must approve the application if it is consistent with provincial policy and maintains the intent of the municipality's Official Plan.

The OMB has a 100-year history in Ontario and has played a key role in the province's development, from railroads to condominiums. Most of the tower projects that successfully appealed to the OMB resulted from the refusal or neglect of a municipal council to make a decision.

Some of its more important rulings include the development of the Distillery Historic District, the Shops at Don Mills and the Kings (the King-Spadina and King-Parliament reinvestment areas). What would Toronto look like without these decisions?

However, OMB decisions lead to anger and resentment at times — you can't please everybody. But this process is considered the most transparent, impartial decision mechanism the province has come up with. According to a former OMB judge who has issued hundreds of decisions, the OMB rules in favour of the municipality "in the majority of cases, perhaps even the vast majority."

Despite this, some people want to have their cake and eat it too: they want to protect green space and food lands, but don't want to bring more people into their neighborhood — not in my backyard (NIMBY). That pressure may have taken effect: approvals are taking longer every year.

Growing delays cost the City of Toronto well over \$100 million per year in potential revenues from the taxes of tall resi-



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dential buildings, according to reports, as municipal tax revenue is delayed. Delays and uncertainty exacerbate housing supply shortages. Who ultimately suffers? New-home buyers.

While the OMB keeps things moving and keeps people working, there are those who would encourage its demise. I say we should strengthen it. We need a

system which prioritizes housing supply and affordability. We need to get past NIMBY-ism.

— Richard Lyall, president of the Residential Construction Council of Ontario (RESCON), has represented the residential construction industry in Ontario since 1991. Go to rescon.com for more information.