



Development Proposals and the Ontario Municipal Board (OMB)

For those who disagree about the specifics of any land development proposal, the Ontario Municipal Board (OMB) is the last resort for landowners, developers, residents, and municipal Planning Departments.

With respect to the referred **1844 Bloor Street West development**, the City of Toronto's Etobicoke York Community Council voted in favour of holding additional consultations with area residents, in an attempt to find consensus.

Daniels Corporation, the developer retained by the owner of the lands, responded to Community Council's decision by **appealing to the OMB**, in the hopes of moving forward with its proposal without additional consultation with the community as to the height and massing of the development.

In reviewing these facts, one might be inclined to believe that a City councillor, or a representative of the Community Council, in recognizing resident opposition to Daniels' proposal, would assign its own or engage third-party legal counsel, to fight on behalf of residents at the OMB.

In fact, a City councillor recognizing opposed residents might recommend to Community Council that City staff be released to speak against the proposal at the OMB.

At this date, however, it is clear that neither the local councillor nor other councillors have requested that either of these moves be made.

Even less encouraging, the local councillor's promise of a Working Group to address issues in a proactive manner has been delivered as a developer-run forum - with the developer disregarding any attempts to address resident concerns regarding height and massing, and the local councillor unable and/or unwilling to facilitate.

As residents opposed to a currently referred development proposal, we must re-engage on all three of the following tacks:

1. choose our future status at the OMB as participants or as a separate and distinct party
2. privately seek local and third-party councillor support for strong City legal representation in support of the Community Council decision
3. publicly seek local and third-party councillor support for an Avenue Study specific to this stretch of Bloor

Status at the OMB – Participant vs. Party:

As “**participants**” to this OMB case, any number of residents may make written submissions – or oral submissions as deemed acceptable by the OMB Member acting as adjudicator – though residents are generally not considered to be “expert witnesses”, and are usually not called by representatives of the parties (developer, City, any other organization wishing party status) to testify.

Participants do not engage with parties in any OMB case-related meetings between parties, prior to pre-hearings or hearings.

As a “**party**” to this OMB case, we would be eligible to participate in pre-hearing arbitration sessions. However, our costs would escalate substantially, to cover the lowest possible level – legal representation – and subject matter experts necessary.

The cost for an initial review of case files is estimated at **\$3,000**.

Performing this initial review would give the HPRA's 1844 Bloor Development Committee and local residents the ability to assess our next best steps.

City Legal Representation:

The City will need to assign legal staff to the case, though **if not pressured by residents**, the City may not prioritize the talent or resources necessary for more than a token opposition.

In short, the City is far more likely to do more than the bare minimum if we keep a bright light shining on their effort (or lack of same).

Avenue Study:

It goes without saying that the best leverage we'll ever get in arguing that the City perform an Avenue Study along this particularly sensitive stretch of Bloor, is **now** – when there is no currently valid application to build a 14 storey building.

We cannot wait for the OMB hearings to begin before putting this on the table for a very public discussion.

Jeff Derksen

Chair, High Park Residents' Association (HPRA)