



NOTICE OF MOTION**Councillor Tom Mrakas**

Date: December 8, 2015
To: Mayor and Members of Council
From: Councillor Mrakas
Re: Ontario Municipal Board Jurisdiction

WHEREAS the Town of Aurora spends an incredible amount of resources and taxpayer money developing an Official Plan; and

WHEREAS the Town's Official Plan is ultimately approved by the Province; and

WHEREAS it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the Town of Aurora Official Plan; and

WHEREAS it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the Town of Aurora Official Plan; and

WHEREAS planning decisions may be appealed to the Ontario Municipal Board ("OMB"), an unelected, appointed body that is not accountable to the residents of Aurora; and

WHEREAS appeals of OMB decisions are limited to questions of law, not the findings of facts in a case; and

WHEREAS all decisions—save planning decisions—made by Municipal Council are similarly only subject to appeal by judicial review and such appeals are limited to questions of law;

NOW THEREFORE BE IT HEREBY RESOLVED THAT Aurora Town Council requests the Government of Ontario to limit the jurisdiction of the OMB to questions of law or process; and

BE IT FURTHER RESOLVED THAT that the Government of Ontario be requested to require the OMB to uphold any planning decisions of Municipal Councils unless they are contrary to the processes and rules set out in legislation; and

BE IT FURTHER RESOLVED THAT a copy of this Motion be sent to the Honourable Kathleen Wynne, Premier of Ontario, the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, the Honourable Patrick Brown, Leader of the Progressive Conservative Party, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

BE IT FURTHER RESOLVED THAT a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.