

CONSOLIDATED POLICY MANUAL

DVS-1999-01

ONTARIO MUNICIPAL BOARD HEARINGS

(approved: 01/19/99 amended: 07/20/99 & 05/17/05)

That the Planning, Building and Economic Development Committee will recommend to Council, on a case-by-case basis, the hiring of legal, planning or engineering consultants to represent the municipality at OMB hearings.

That the following municipal policy on staff, legal and consultant representation at Ontario Municipal Board Hearings be approved:

1. That Council of the County of Brant shall send planning staff and/or legal representation and/or consultants to represent the municipality at an Ontario Municipal Board Hearing under the following circumstances:
 - a. When an appeal is filed with the Ontario Municipal Board in opposition to a municipally initiated and approved Official Plan Amendment or Zoning By-law Amendment;
 - b. When Council files an appeal with the Ontario Municipal Board in opposition to a decision of the Committee of Adjustment;
2. The Council of the County of Brant shall send only a member of planning staff to attend an Ontario Municipal Board Hearing on behalf of the Municipality to present information under the following circumstances:
 - a. When an individual or his or her agent files an appeal with the Ontario Municipal Board in opposition to a planning application, which has been approved by Council or the Committee of Adjustment;
 - b. When an applicant files an appeal with the Ontario Municipal Board in opposition to a decision of Council or the Committee of Adjustment to refuse a planning application;
3. Notwithstanding Clauses 1 and 2, the Council of the County of Brant, when it is determined to be in the best interests of the County, may send planning staff and/or legal representation and/or consultants to an Ontario Municipal Board Hearing;
4. However, where the dispute is between neighbours and there appears to be no significant impact on the broader community or planning program of the municipality, the County may elect not to send its Planner and/or legal representation and/or consultants, when there is no discernable benefit to representing the County's interest. Here, a Planner would only attend the Board Hearing if requested by the Board Chair to assist the proceedings or if subpoenaed by one of the parties.

Attachments:

None