(2)

Hau, Lucy

Subject: Howard Shore's motion to dissolve the OMB

From: Ray Menzies
Sent: March-29-12 2:21 PM
To: Kitteringham, Kimberley
Subject: Howard Shore's motion to dissolve the OMB

I wrote to Mr. Shore and Mr. Kanapathi earlier this morning.

I would like my letter to be officially entered in the town record.

Dear Mr. Shore,

As a resident of Markham, I am appalled and astonished at your motion, seconded my Mr Kanapathi seeking to abolish the Ontario Municipal Board.

As recent events have indicated, City Council very often fails to act in the interests its residents.

The OMB is the **only** low cost option available to citizens to protest decisions made by City Council.

By seeking to eliminate the OMB, what you are in fact, attempting to do, is short circuit democracy by making the only option residents have to appeal Council decisions, costly litigation.

I quote to you the statement by Mississauga South MPP Charles Sousa (August 22, 2011)

*"Many residents have shared with me their concerns about the Ontario Municipal Board (OMB) and some of their recent decisions that affect our local community. Some have even called for the OMB to be abolished and for zoning appeals to become the jurisdiction of the divisional courts. ... The Ontario Municipal Board (OMB) is an arms-length, quasi judicial body that has been a component of the planning system in Ontario since 1897. It's **where Ontarians can go to challenge a municipal or provincial planning decision at little or no cost.** OMB decisions are not final, however. All decisions can be appealed to divisional court."*

For your convenience, I have highlighted the salient point.

You can rest assured that I, along with several other concerned citizens will vigorously fight this underhand attempt at undercutting our democratic rights.

Ray

(c)

(3)

Hau, Lucy

Subject: Tuesday Town meeting OMB

From: Annette Cacorovski
Sent: March-29-12 12:26 PM
To: Kitteringham, Kimberley
Subject: Tuesday Town meeting OMB

Hi Kim,
Please make sure this letter is kept for records.
thank you
Annette Caron
----- Forwarded Message -----
From: Annette Cacorovski
To: "hshore@markham.ca" <hshore@markham.ca>
Cc: "lkanapathi@markham.ca" <lkanapathi@markham.ca>; Campbell Colin <ccampbell@markham.ca>; "cmoretti@markham.ca" <cmoretti@markham.ca>; "jjones@markham.ca" <jjones@markham.ca>; "alan.ho@markham.ca" <alan.ho@markham.ca>; "alexchiu@markham.ca" <alexchiu@markham.ca>; "fscarpitti@markham.ca" <fscarpitti@markham.ca>; "hjaczek.mpp@liberal.ola.org" <hjaczek.mpp@liberal.ola.org>; "dhamilton@markham.ca" <dhamilton@markham.ca>; "jheath@markham.ca" <jheath@markham.ca>; "joeli@markham.ca" <joeli@markham.ca>; "glandon@markham.ca" <glandon@markham.ca>
Sent: Thursday, March 29, 2012 11:33:41 AM
Subject: Tuesday Town meeting OMB

Mr. Shore,

As a resident of Markham, I am disgusted at your motion, seconded my Mr Kanapathi seeking to abolish the Ontario Municipal Board.

The OMB is the **only** low cost option available to citizens to protest decisions made by City Council.

By seeking to eliminate the OMB, what you are in fact, attempting to do, is short circuit democracy by making the only option residents have to appeal Council decisions, costly litigation.Wh***ere Ontarians can go to challenge a municipal or provincial planning decision at little or no cost***

What is your agenda Mr Shore for attempting to abolish our democratic rights.

You Mr Shore need to stay focused on what is right for the residents of this City and not for special interest groups and or builders or bullies..?????

Concerend Markham resident

regards,

Annette Caron

(6)

(4)

Hau, Lucy

Subject: FW: DEFEAT THIS MOTION NOW!

From: Donna
Sent: Thursday, March 29, 2012 09:35 PM
To: Kitteringham, Kimberley; Ho, Alan; Chiu, Alex; Moretti, Carolina; Campbell, Colin; Hamilton, Don; Scarpitti, Frank; Landon, Gord; Shore, Howard; Heath, Jack; Jones, Jim; Li, Joe; Kanapathi, Logan; Burke, Valerie
Cc: Bernie
Subject: DEFEAT THIS MOTION NOW!

Without Prejudice

Dear Mayor and Councillors,

Mr. Shore, this is an ill-conceived motion. Do you realize that it takes away residents' rights to a fair and democratic process? It also makes Town Council even less transparent than it is already is – unless that is exactly the purpose of your motion. I believe that the current Mayor and Council have more than enough issues with credibility and integrity -- they should have had enough sense to nip this in the bud. On the other hand, perhaps it wasn't even your idea?

Following is an excerpt from your website: http://www.howardshore.ca/References.html

"Driving range development on Leslie Street

I believe the development of a golf driving range on Leslie Street near St. Roberts Catholic School is not in keeping with the surrounding neighbourhood. The pollution, noise, danger to indigenous wildlife and powerful evening lighting will do nothing but threaten the quality of life of the local residents. I would stand shoulder to shoulder with the community challenging this project at the Ontario Municipal Board."

Mr. Shore, please explain to me how a mega-mosque would not be of even more concern to you with all of the issues listed above, plus; under-stated size and number of visitors, uses, frequency, parking shortage, design, height, 'deceased bodies'...???

(9)

This motion just adds to the negative perception residents have of the elected officials in the Town of Markham and it brings intense, negative focus on yourself. After these past several months of scrutiny, do you really think that this is the time and motion that you want associated with yourself?

Mr. Shore, I went onto your petition website today: http://www.ipetitions.com/petition/omb/. I filled in all of my personal information and added comments, some of which I am including here. However, strangely, I am not included in the current list of 28 "Signatures" – some with comments. Even though I did agree to be added. Also, very strange is that of the 28, only favourable comments in support of this motion are included – and no comments are against. I also personally know of people, like myself, who signed with comments against your motion, and they actually saw them posted on your petition site – only to have them later 'disappear'. Tell me, now without any record of my comments, am I included in signing FOR your motion? Hopefully, the Town Clerk will be able to clarify this for me?

So, I am back to the words; credibility and integrity – a common theme occurring throughout Town Council. Why are these good qualities disappearing from our members of council?

Following is a Statement on the OMB by Mississauga South MPP Charles Sousa (August 22, 2011) -- Excerpt: "Many residents have shared with me their concerns about the Ontario Municipal Board (OMB) and some of their recent decisions that affect our local community. Some have even called for the OMB to be abolished and for zoning appeals to become the jurisdiction of the divisional courts ... The Ontario Municipal Board (OMB) is an arms-length, quasi judicial body that has been a component of the planning system in Ontario since 1897. It's where Ontarians can go to challenge a municipal or provincial planning decision at little or no cost. OMB decisions are not final, however. All decisions can be appealed to divisional court."

Mr. Shore, note that this is the most cost-effective route for Markham residents' to fight Municipal decisions. Why don't you (and other members of the Town Council) want residents to have a say? Are you afraid of what else we may learn from attending the OMB hearings?

In fact, after I personally attended two recent OMB hearings, one on the proposed Markham Taoist Temple, I can see why members of the Town Council want the OMB abolished. The Town Council not only appeared biased against the Taoist group, they also looked ridiculous. All of the studies, plans, and consulting showed the Taoists had exceeded requirements, and had received the approval of Town staff. However, Markham Council decided to reject their proposal. The OMB judge, former mayor of Peterborough, was aghast at some of what was testified to. The Town of Markham appeared as backward as the Town of Mayberry – only missing the insightful Andy… And, remember that this is the same group who were rejected on the very same night that council approved the proposed mosque. What a stark contrast between the Taoist plans of lush gardens, serenity, and peace to the Muslim plans of a concrete jungle, an illegal number of people using an illegal-sized structure for a multitude of purposes , noise, and traffic/parking nightmares…

Mr. Shore, six months ago, the Mississauga Council approved this motion -- ONLY TO BE IGNORED BY THE PROVINCIAL GOVERNMENT. Didn't you get that message? This is a useless, waste of taxpayers' time and money. And, NOT in the community's best interests – ONLY in the best interests of those in municipal government, who want to take control over the citizens of the communities they represent. This sounds like totalitarianism…

In addition Mr. Shore, IF you are truly suffering from anxiety and depression, may I suggest that you devote your time, to working on these serious medical issues? However, I must say, that you are the ONLY person I know of, with these types of mental illness, who is a convicted thief and stalker. Using labels of anxiety and depression for your defense, does an injustice to 20 – 25% of the population, who are honest citizens, without criminal behaviours or convictions.

For one who ensured he researched at all of his options, to fight for his rights, and actually used the mental illness route, as a better alternative to the traditional court system, I would say that you really have chutzpah! Mr. Shore is allowed rights, but the community he serves does not.

To the Mayor and entire Town Council, can you see how many of the residents, in the Town of Markham, view your actions? Is this what you want us to remember, about your term in office? Think about credibility and integrity --

DEFEAT THIS MOTION NOW!

Sincerely,

Donna Bush

5

Hau, Lucy

Subject: FW: OMB Resolution

From: Shore, Howard
Sent: Friday, March 30, 2012 08:28 AM
To: Kitteringham, Kimberley
Subject: Fw: OMB Resolution

Hi Kimberley,

Please include this correspondence with the Motion on Tuesday.

Many thx

Howard

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

From: Janice Fox
Sent: Thursday, March 29, 2012 07:47 PM
To: Shore, Howard
Subject: OMB Resolution

Hi Howard

I'm 100% behind your proposal to abolish the OMB. It needs to go.....our neighbourhood and many, many others have been negatively impacted by the decisions of body that has zero accountability and far too much power to make decisions that are only in the best interest of developers and other commercial stakeholders, with no regard for the interests of residents.

Janice Fox

6

Hau, Lucy

Subject: FW: Abolishing the OMB

Importance: High

From: Shore, Howard
Sent: Friday, March 30, 2012 08:31 AM
To: Kitteringham, Kimberley
Subject: Fw: Abolishing the OMB

Hi Kimberley,

Please include this correspondence with the Motion on Tuesday.

Many thx

Howard

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

From: D.Slotnick
Sent: Thursday, March 29, 2012 12:42 PM
To: David Slotnick
Subject: Abolishing the OMB

Hi Markham Council,

I would just like to say I am in totally agreement with **abolishing** the OMB. I have seen the effect that it had own our two communities of Markham and Willowdale over the Shops on Steeles re-development project.

I was fortunate to see first hand what effects the OMB can have by sitting on the **SOSWG** for over 2 years.

Currently, I am watching with great interest as my Executive Assistant Karen Cilevitz, whom you all know, is in Pre- OMB hearing to save the Dunlop Lands in Richmond Hill. Her fight for the past five years, should show us all how the OMB needs to be removed. The way it works in **favour** of developer's is totally unfair.

Thanks for reading my email, and I look forward to seeing you all on Tuesday night.

Have a great day.

5

Regards,
David Slotnick

(7)

Hau, Lucy

Subject: FW: Abolishing the OMB, A Matter of Public Record

From: Heath, Jack
Sent: March-29-12 6:33 PM
To: Brahm Satov
Cc: Kitteringham, Kimberley; Mayor, Councillors & C.A.O.
Subject: RE: Abolishing the OMB, A Matter of Public Record

Thanks Brahm. This OMB resolution is getting more and more comment.

Your note is part of the official record if it gets to the Clerk! I have sent it to her.

Jack Heath
Deputy Mayor of Markham & York Region Councillor
905-415-7506 Cell 416-464-5517
jheath@markham.ca

From: Brahm Satov
Sent: March 29, 2012 11:59 AM
To: Heath, Jack; Jones, Jim; Landon, Gord; Li, Joe; Burke, Valerie; Shore, Howard; Hamilton, Don; Lucas, Wendy; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex
Cc: Scarpitti, Frank
Subject: Re: Abolishing the OMB, A Matter of Public Record

Hello Regional and Ward Councillors and Mayor Scarpitti,

I have been told that an E-mail to each of you will become part of the official record, as well as convey how seriously I take this issue. As most of you know a plethora of those in the German Mills Community were 100% against the development of Shop's on Steeles (SOS). We argued that it would intensify an untenable traffic problem in a corridor already targeted as problematic. Moreover, given our sewage situation it could exacerbate an overwhelmed system and should we have another serious storm in the area, the probability of basement flooding would rise. Both of these reasons I believe contributed to many of you supporting our position. Nonetheless, the threat of the OMB still looms over our heads as well as other communities facing similar uncomfortable situations. In my opinion, you are all in a position to balance these development decisions given that you must answer to both the communities that elect you as well as the businesses that support you. The OMB has no such obligation to the community. I ask all of you to please do what you can to abolish the OMB and restore balance.

Thank you,
B R Satov

(5)

(8)

Hau, Lucy

Subject: FW: CORRECTION: Help Save Your Neighbourhood - Abolishing the OMB

From: Shore, Howard
Sent: Friday, March 30, 2012 08:31 AM
To: Kitteringham, Kimberley
Subject: Fw: CORRECTION: Help Save Your Neighbourhood - Abolishing the OMB

Hi Kimberley,

Please include this correspondence with the Motion on Tuesday.

Many thx

Howard

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

From: Shafiq Sediq
Sent: Wednesday, March 28, 2012 03:35 PM
To: Shore, Howard
Subject: Re: CORRECTION: Help Save Your Neighbourhood - Abolishing the OMB

Hi,

I agree that markham issues must be dealt with in markham and by people who are familiar here and specially living in Markham.

Thanks

Shafiq Sediqzadah

(5)

(9)

Hau, Lucy

Subject: FW: OMB

From: Shore, Howard
Sent: Friday, March 30, 2012 08:32 AM
To: Kitteringham, Kimberley
Subject: Fw: OMB

Hi Kimberley,

Please include this correspondence with the Motion on Tuesday.

Many thx

Howard

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

From: Fred Webber
Sent: Wednesday, March 28, 2012 10:44 AM
To: Shore, Howard
Cc: 'Diner, Alan'
Subject: OMB

Hi Howard. I support your petition to abolish the OMB because:

- Locally elected officials are better able to make planning decisions than a disconnected, uninvolved and unaccountable body such as the OMB
- We have a large, professional planning staff, obviating the need for any further oversight other than by the municipal council
- The OMB is an historical anomaly, created when municipalities were thought to be unsophisticated and thus an outside oversight body could perhaps be justified; this is no longer the case and the need for the OMB has disappeared.
- The OMB is sometimes used by wealthy developers to blackmail local residents and local councils into getting the developments that they want often resulting in developments which are good only for the developer, not what is good for the community
- Local planning staffs and councils normally act in the best interests of the community as a whole which is not always the case with the OMB
- Planning at the local level is already governed by senior level legislation and regulation (provincial, regional) and therefore there is no need for further oversight by an outside body; if there is to be oversight/appeals of local decisions, it should be back up through the governmental heirarchy and only regarding whether local planning regulations comply with governing regulations, not regarding the appropriateness of individual developments

(9)

- The OMB process is unnecessarily expensive and time-consuming.

If the OMB is to be retained, its powers must be severely restrained so that it must defer to local decisions unless those decisions don't comply with governing legislation; this is now the case with many boards and the courts in their oversight of lower decision making bodies(you can get a primer on administrative law from Markham legal staff or give me a call). I will be back in Toronto on April 1st.

(10)

Hau, Lucy

Subject: FW: OMB

From: Shore, Howard
Sent: Friday, March 30, 2012 08:33 AM
To: Kitteringham, Kimberley
Subject: Fw: OMB

Hi Kimberley,

Please include this correspondence with the Motion on Tuesday.

Many thx

Howard

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

From: McAlpine, Reid
Sent: Wednesday, March 28, 2012 10:08 AM
To: Shore, Howard
Cc: Hamilton, Don; mchan.mpp.co@liberal.ola.org <mchan.mpp.co@liberal.ola.org>
Subject: OMB

Dear Councillor Shore,

I received your email regarding the abolition of the OMB. I am among representatives of the Unionville community currently fighting inappropriate development before the OMB. I am in general sympathetic to your cause.

The OMB is antidemocratic, favours those with deep pockets and discounts the voices of local communities. (e.g. what community representatives can afford to be present for 20 day hearings, let alone the cost of legal representation at such a hearing?) Municipalities like Markham and local communities will often accept less than ideal development proposals due to the cost of OMB proceedings and an inability to judge in advance what the outcome of those proceedings might be. The OMB also fails to take account of important but non-quantifiable issues like impacts on life-style. (e.g. Traffic studies look only at road capacity, not the impact on those who live on or near the road.) Many critiques can also be made about the way the OMB operates and the inconsistencies of its rulings. (e.g. In urban areas it favours the views of so-called experts, while in more rural areas expertise is much more broadly defined.)

However there are other valid arguments in favour of the OMB. It prevents frivolous NIMBYism. This is a critical issue as density increases throughout the GTA. I think you will find that many of your council colleagues in Markham and elsewhere actually favour some sort third-party body to resolve development issues. It lets them off the hook for many unpopular yet appropriate planning decisions. Local appeals would be very open to political influence, further opening the door to corruption. Developer donations to election campaigns are already a problem.

Arguably this amounts to an argument to further reform the OMB rather than abolish it. I would therefore suggest that the best way forward is to request that the province commission an expert study of the OMB and its alternatives, including international best-practice. Such a study should answer this question: What process leads to the best planning decisions with the most democratic input? Only after that has been written and thoroughly debated should the provinces or municipalities move ahead with any changes.

Best regards,

Reid McAlpine

(11)

Hau, Lucy

Subject: FW: OMB and other issues.

From: Shore, Howard
Sent: Friday, March 30, 2012 08:34 AM
To: Kitteringham, Kimberley
Subject: Fw: OMB and other issues.

Hi Kimberley,

Please include this correspondence with the Motion on Tuesday.

Many thx

Howard

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

From: Jamal, Shanir
Sent: Wednesday, March 28, 2012 09:29 AM
To: Shore, Howard
Subject: OMB and other issues.

Hi Howard,

The elimination of the OMB is a great idea but very untimely. This is what German Mills was looking for when we were fighting the Shoppes on Steeles so we could have eliminated the OMB at that time and then possibly gotten an even smaller complex next door.

It seems during the battle with Shoppes on Steeles, the catholic school board also managed to get their new school through without any of us in the neighbourhood knowing. The school is a monstrosity. So close to the curb, so big across and all the green space is behind it and not viewable as you walk or drive by the school. This doesn't affect me so much but the poor people on Simonston across from the school must be reeling at this.

One last point is with German Mills school. Apparently this has now been raised to the Susan Geller and the superintendent. They have a lice issue and nothing is being done about it. The parents association has offered to come and do free checks or bring in professionals to do checks and eliminate this. Part of the issue is that the principal is off and a new one is in for the time being and is not making a decision.

Sorry for the barrage of complaints but it all came together so I felt compelled to write.

Thanks, Shanir

(C)

(12)

Weatherill, Tannis

Subject: FW: OMB is here to stay

From: gchammas
Sent: Friday, March 30, 2012 03:23 PM
To: Kitteringham, Kimberley; Ho, Alan; Chiu, Alex; Moretti, Carolina; Campbell, Colin; Hamilton, Don; Scarpitti, Frank; Landon, Gord; Shore, Howard; Heath, Jack; Jones, Jim; Li, Joe; Kanapathi, Logan; Burke, Valerie
Subject: OMB is here to stay

Dear Mr Shore, Mr Scarpitty and Markham council members.
I learned that you intend to ask that Markham council bypass OMB and operates independently. Please stop your motion. The majority of Markham residents are very upset with overdevelopments and increased traffic everywhere. The recent uproar and disapproval from residents of Ward 5 about building a huge mosque next to St Brother Andre is a testament of the anger from the residents.
For many years, OMB has been a legal body that keeps the ambitions of municipal politicians in chek. Your request to bypass it, reflect a desire to implement "unwanted" projects without higher scrutini and approval of the residents. One must wonder here, where is the democracy and the will of the residents?
Sincerely,
George Chammas,
Markham, Ward 5

(0)

(13)

Weatherill, Tannis

Subject: FW: Abolishment of the OMB

From: Shore, Howard
Sent: Friday, March 30, 2012 04:09 PM
To: Kitteringham, Kimberley
Subject: Fw: Abolishment of the OMB

Hi Kimberley,

Please include this correspondence with the Motion on Tuesday.

Many thx

Howard

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

From: Karen Gullason
Sent: Friday, March 30, 2012 04:06 PM
To: Shore, Howard
Subject: Abolishment of the OMB

Dear Mr. Shore,

I have just registered my name on the petition to abolish the OMB. I believe that this government agency must be terminated for the following reasons:

It is a waste of taxpayers money.
The OMB is not accountable to voters.
Their decisions have adversely affected my community.
The OMB has allowed developers too much leeway in the past 25 years in the building of Unionville and Markham.

Thank you for sending my your email message and I hope that you are successful in having your proposal adopted by Markham Town Council.

Best regards,

Karen Gullason

(14)

Weatherill, Tannis

Subject: FW: BILD Letter to Markham Council - Motion to Abolish the OMB - April 2nd

From: Bavington, Kitty
Sent: Monday, April 02, 2012 9:38 AM
To: Danielle Chin; Weatherill, Tannis
Cc: Paula Tenuta; Michael Pozzebon; Kitteringham, Kimberley; Hau, Lucy; Shore, Howard
Subject: RE: BILD Letter to Markham Council - Motion to Abolish the OMB - April 2nd

Thank you, we will distribute your correspondence.

Kitty Bavington
Council/Committee Coordinator
Town of Markham
101 Town Center Blvd.,
Markham ON. L3R 9W3

905-477-7000 x 3695
kbavington@markham.ca

From: Danielle Chin
Sent: April-02-12 9:23 AM
To: Bavington, Kitty
Cc: Paula Tenuta; Michael Pozzebon
Subject: BILD Letter to Markham Council - Motion to Abolish the OMB - April 2nd
Importance: High

Dear Ms. Bavington,

Please refer to the attached letter from BILD in advance of tomorrow's Council meeting, agenda Motion 7. (2) Removing the Town of Markham from the jurisdiction of the Ontario Municipal Board and asking the Province of Ontario to Abolish the Ontario Municipal Board (OMB).

We trust that you will distribute this letter to the members of Community Council for their review.
If you have any concerns with this action, please let me know.

Thank you,
Danielle

Danielle Chin MCIP, RPP
Municipal Government Advisor
BILD - Building a Greater GTA
Building Industry and Land Development Association
Direct Phone/Fax: 416.391.1997 |

BILD

April 2, 2012

Mayor Frank Scarpitti and Members of Council
Town of Markham
101 Town Centre Blvd.
Markham Ontario
L3R 9W3

Dear Mayor Frank Scarpitti and Members of Council,

Re: April 3rd Town of Markham Council Meeting
Motion 7. (2) Removing the Town of Markham from the jurisdiction of the Ontario Municipal Board and asking the Province of Ontario to Abolish the Ontario Municipal Board (OMB)

The Building Industry and Land Development Association is in receipt of the recommendations for *Motion 7. (2) Removing the Town of Markham from the jurisdiction of the Ontario Municipal Board and asking the Province of Ontario to Abolish the Ontario Municipal Board* and we offer the following comments for your consideration at the April 3rd Town Council meeting.

In principle, BILD strongly supports the necessity of the OMB, by providing an impartial adjucative tribunal, further removed from local political pressures. The recommendations of this motion are especially alarming, as we understanding that the costs to the taxpayers would significantly increase with the abolishment of the OMB, and yet we understand that the financial implications of this decision on the Town of Markham have not been identified.

We would like to highlight that other local municipalities have tabled similar recommendations, and produced background reports that outlines the financial implications of this decision. Furthermore, it is worth noting that in some cases, local municipal staff have advised their Council that the cost of a local appeal body would be exponentially higher to administrate. It is essential that individual Council members fully understand and consider the financial and administrative burden that they may be applying to their ratepayers. Especially, in the absence of any true consultation with the building and land development industry, as interested and greatly affected stakeholders.

BILD strongly encourages Town Council to dismiss the recommendations of this motion an effort to maintain administrative justice and not increase the cost of doing business and living in the Town of Markham.

We trust that you will take these comments into consideration. If you have any questions or concerns, please don't hesitate to contact the undersigned.

Sincerely,

Danielle Chin MCIP RPP
Municipal Government Advisor

CC: *Michael Pozzebon, BILD York Chapter Chair*
Paula Tenuta, Vice President, Policy & Government Relations, BILD
BILD York Chapter Members

(15)

Weatherill, Tannis

Subject: FW: OMB Motion-to-Abolish

From: Kitteringham, Kimberley
Sent: Monday, April 02, 2012 2:21 PM
To: Weatherill, Tannis
Cc: Bavington, Kitty; Hau, Lucy
Subject: FW: OMB Motion-to-Abolish

For Council addendum.

Kimberley Kitteringham | Town Clerk | Legislative Services | Town of Markham
Anthony Roman Centre | 101 Town Centre Boulevard, Markham, ON L3R 9W3
Phone: 905-475-4729
Fax: 905-479-7771
www.markham.ca

From: Brian Chadderton
Sent: April-02-12 1:25 PM
To: Kitteringham, Kimberley
Cc: Scarpitti, Frank; Heath, Jack; Jones, Jim; Landon, Gord; Li, Joe; Burke, Valerie; Shore, Howard; Hamilton, Don; Moretti, Carolina; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex; 'Donna Chadderton'
Subject: OMB Motion-to-Abolish

Dear Mr. Kitteringham,

This is to advise you that as a ratepayer in the Town of Markham, I support the motion before Council to abolish the Ontario Municipal Board (OMB).

The existence and current practices of this non-elected board violates my democratic rights by removing from me the option of holding my elected representatives accountable to planning decisions that directly affect my quality of life.

I am of the opinion that all matters relating to planning decisions and related disputes related to planning legislation can be effectively and fairly dealt with through our existing justice system in the same fashion that all matters of the interpretation of laws and regulations are currently handled for other areas of jurisprudence.

According to the OMB's website, this board was initially created in the very early part of the last century, with its current title revised in the 1930's. Decades ago, this board was deemed necessary to support the planning activities of townships and municipalities that could not afford to maintain staffs of professional planners. This situation has long since changed, with all such municipal entities well-staffed with planning professionals totally conversant not only with provincial planning legislation and regulations but also with an intimate knowledge of local issues and ratepayer concerns. These planning professionals hold their positions at the discretion of our duly elected representatives, as is envisioned in our democratic society.

The OMB is a violation of the democratic principles which Canadians hold dear and are, indeed, enshrined in our ethos. Its existence is also an affront to the representatives whom we elect to public office and who have the right and responsibility to make the fair and sometimes difficult decisions to ensure the equitable development of the communities in which we live.

Yours truly,
Brian Chadderton

(5)

(16)

Weatherill, Tannis

Subject: FW: OMB Motion

From: Kitteringham, Kimberley
Sent: Monday, April 02, 2012 4:30 PM
To: Weatherill, Tannis
Cc: Bavington, Kitty; Hau, Lucy
Subject: FW: OMB Motion

For Addendum.

Kimberley Kitteringham | Town Clerk | Legislative Services | Town of Markham
Anthony Roman Centre | 101 Town Centre Boulevard, Markham, ON L3R 9W3
Phone: 905-475-4729
Fax: 905-479-7771
www.markham.ca

From: eileen liasi
Sent: April-02-12 4:29 PM
To: Kitteringham, Kimberley; Campbell, Colin; Shore, Howard; Landon, Gord; Burke, Valerie; Hamilton, Don; Jones, Jim; Scarpitti, Frank; Kanapathi, Logan; Heath, Jack; Moretti, Carolina; Chiu, Alex; Ho, Alan; Li, Joe
Subject: OMB Motion

Dear Councillor,

The German Mills Residents Association (GMRA) strongly supports the motion to be considered by Council on April 03, 2012 to remove the Town of Markham from the jurisdiction of the Ontario Municipal Board and to ask the Province of Ontario to abolish the OMB.
So much of what is contained in this motion and it's preamble applies to the experience our residents on the working group went through with the development process of the Shops On Steeles (SOS) application at Don Mills and Steeles. The same OMB law firm was present at the first public meeting as was present at the OMB Hearing. Residents were told numerous times that the developer could go to the OMB at any time; it was like a black cloud constantly looming over us and we were told the application was indeed appealed to the OMB less than a month after the residents' group presented their recommendations to Markham Council in an informative, well-researched and convincing alternative development proposal in front of a packed Council Chamber which overflowed into the Canada Room.
There was a lengthy process which dragged on for years, first with the residents' working group and then with the Mayor, Councillor and Development Services staff but very little progress occurred on a wide range of planning concerns with either group. GMRA's chances at the OMB we were told were so low that there was no other alternative than to reach, extremely reluctantly, a settlement with the developer rather than chance a much worse fate at the OMB, and it was us, not the developer, not the Town, who were left to face the wrath of the community. The result was a very poorly planned site with residential towers placed the farthest distance possible from future mass transit stops, which will only encourage people to use cars. This is just one example of the many ways this site was badly planned. Did the OMB member notice it? Did he notice any of the other planning issues which were equally out of line with provincial, regional and municipal policies? If he did, he

(9)

didn't mention it in his decision. Our experience taught us that the OMB is not the way to go to achieve well planned redevelopment and intensification in Markham for large projects.

We elect our councillors to make decisions in the best interests of residents and the Town. To have many of the Town's most important decisions taken out of your hands negates the most important role of council. You were elected to make those decisions, not OMB adjudicators. Those decisions should be your responsibility. What does voting for this motion say about you as a councillor? It says you are willing to accept the responsibility of the office to which you were elected, to accept accountability for the difficult decisions you make as a Council and opposed to having those decisions taken out of your hands and put into the hands of a stranger who works and judges without the advice of the team of professionals available to a municipality. What does voting against the motion say about you as a councillor? It says you are willing to have the difficult decisions and the accountability for those decisions taken out of your hands and placed instead into the hands of someone who is remote and unknown to residents. It's the easy way out. Now it's not you who residents will hold to account, it's the OMB who is to blame. It's called accountability. Don't play politics, do the right thing.

Municipalities can and do make mistakes, so we do agree with a local appeals process, but not with the current OMB model.

The German Mills Residents Association.

(17)

Weatherill, Tannis

Subject: FW: OMB motion correspondence

From: Kitteringham, Kimberley
Sent: Tuesday, April 03, 2012 11:10 AM
To: Weatherill, Tannis
Cc: Bavington, Kitty
Subject: FW: OMB motion correspondence

Kimberley Kitteringham | Town Clerk | Legislative Services | Town of Markham
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From: Shore, Howard
Sent: April-03-12 10:30 AM
To: Kitteringham, Kimberley
Subject: OMB motion correspondence

"While I don't claim to know the history of the OMB. It was once explained to me that they were supposed to protect the individual from the excesses and mistakes of the local municipal governments.

The problem seems to be, that they have become a law onto themselves, and for whatever trick of fate, the individuals they seem to end up protecting are the individuals called incorporated companies. That's why most of you have no standing at OMB hearings. The OMVR is a Limited Liability corporation, so we do have standing at the OMB, and in the distant past used that standing to attend and fight various developers, and occasionally the Town.

This puts a tremendous burden on a small organization with very shallow pockets. If ratepayers associations had standing, and the process did not require lawyers, the voice of the affected people might be heard more clearly. Having said that, it's obvious that its not that hard to form an association to fight a single issue, and not for the most salubrious of motives. Despite that, I believe the OMB is unfixable. They will defend their role to the death. Any 'reforms' will be undermined by decades of having it their way.

When the devil is in the drivers seat, it doesn't matter where you want to go. Your destination's out of your control.

Cheers,

Keith Thirgood
President, Old Markham Village Ratepayers Inc."

(6)(6)

"Dear Howard and Valerie:

I strongly support your motion and have signed the on-line petition.

Thank you for bringing this forward.

Regards,

Fred Leitner, M.D., C.C.F.P.

"Thank you for getting that information.
Sorry for the delay in replying. We were on vacation.
Saturday construction work on the golf driving range has ceased. It is very peaceful on Saturdays (for now.)
I have signed the online petition for the dismantling of the OMB. They have been useless for our community.
Traffic during rush hour is horrendous and will only get worse due to the OMB's decisions in our area.
Thanks again.
Rachael Pasternak"

Howard I. Shore
Councillor, Markham-Thornhill Ward 2
The Corporation of the Town of Markham
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Follow me on:


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Weatherill, Tannis

Subject: FW: AWRA Deputation Regarding Motion to Abolish OMB

From: Kitteringham, Kimberley
Sent: Tuesday, April 03, 2012 4:04 PM
To: Weatherill, Tannis
Subject: FW: AWRA Deputation Regarding Motion to Abolish OMB

Please include this last one - thanks

Kimberley Kitteringham | Town Clerk | Legislative Services | Town of Markham
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From: Aileen-Willowbrook RA
Sent: April-03-12 4:03 PM
To: Ho, Alan; Chiu, Alex; Moretti, Carolina; Campbell, Colin; Hamilton, Don; Scarpitti, Frank; Landon, Gord; Shore, Howard; Heath, Jack; Jones, Jim; Li, Joe; Kanapathi, Logan; Burke, Valerie
Cc: Kitteringham, Kimberley
Subject: AWRA Deputation Regarding Motion to Abolish OMB

Dear Mayor Scarpitti, Deputy Mayor Heath, and Councillors;

We cannot attend tonight's Council meeting that will discuss Councillor Howard Shore's Motion to Abolish the OMB, and would like to submit our Deputation by means of this e-mail.

The Executive Board of the Aileen Willowbrook Ratepayers Association disagrees with the Motion to abolish the OMB.

We believe that the OMB is an important institution and should not be replaced by the courts on the premise that OMB is expensive and lawyers would be better suited for the job. While we oppose the Motion as it stands now, given the magnitude of development going on in Markham we would like to ask the Council to investigate the validity of the claims accompanying the Motion. We would appreciate in-depth analysis to produce statistical information as to the frequency of decisions pro/against residents; costs to residents per decision; composition of the OMB hearing panels; etc., in Markham decisions and overall in the GTA.

Thank you for your consideration.

Executive Board
Aileen-Willowbrook Ratepayers Association

OMB MOTION
RECEIVED AT COUNCIL
APRIL 3, 2012

Good evening Mr. Mayor and members of Town Council

My name is David Jordon, and I am the President of the Thornhill Conservation District Ratepayers Association. I live in the District at 125 John Street and have been a resident in Thornhill for over 30 years.
I 'm here tonight to re-iterate the clear position I emailed to Council a few days ago with respect to Councillor Shores motion to abolish the Ontario Municipal Board.

To be absolutely clear, our association cannot endorse this motion and I would ask that Council do the same.

There is no doubt, that all would agree, that it is imperative that all members of our community, ranging from a homeowner with an issue ,say, in a Heritage District to a corporation considering a billion dollar project at Yonge and Steeles have the ability to appeal a decision that is made here in this room by this Council.
The reasons are obvious and have never been more important. The Town of Markham is growing and is required to intensify under the Places to Grow Act mandated by the Province. With this intensification we will see more complex developments that will place huge demands on the communities that exist today. This, in turn, will most certainty bring with it many emotional and political debates. These debates will, more often than not, be very contentious, and as such may not necessarily yield the best result for our communities. I believe the need for an impartial Appeal process will be greater than ever.

At present the Ontario Municipal Board is the only process that provides the required impartiality. The OMB can act in this manner as it is a public process that does not create policy. It simply interprets the planning policies of the Municipalities and the Province in a semi judicial forum, making decisions based on evidence rather than emotion and opinion. It promotes resolution and compromise through many pre hearings between Parties to the proceedings. It is a process that allows individuals with little experience to navigate their way comfortably through the process. This process is presided over by individual Board members who although are not elected are carefully selected from various areas of expertise including former planners, engineers, architects and even surveyors. Thankfully it is not a pre requisite that they all must be lawyers.

I understand that it is not the intention of Councillor Shore's motion to take away the right to appeal. His answer , and I quote, "either the Appeals be to the Courts or , were the OMB still be in place, require" leave to appeal". Sounds very legal and expensive to me.

In my view, driving the process into our clogged court system would not only paralyze the growth we require in this fragile economic climate, it would be ridiculously expensive, time consuming and laced with appeal after appeal. One thing is for certain, an individual homeowner appealing a Committee of Adjustment decision about an issue regarding his deck or fence or a Heritage decision about a demolition will have to hire a lawyer to deal with the matter. Further to this I believe that Councillor Shores motion and his proposed legal appeal process will for certain give developers a huge advantage.

Is the OMB a perfect system? I would be the first to say that it is not. It can be expensive, and full hearings can be cumbersome and lengthy. At present I have not been presented with an alternative process that would be any different.

In the recent past the City of Toronto, Mississauga and Richmond Hill have all considered similar motions. Currently I do not believe they have come up with an effective cost efficient impartial appeal process to replace the OMB.

When considering this motion I would ask that you take the time to debate this very very carefully and demonstrate the kind of leadership Markham is known for. If the process at the OMB is not functioning properly in your view, then I would suggest that an effort first be made to communicate with the Province to suggest improvement. In my view, to simply jump on the bandwagon with other Municipalities, to abolish the OMB, without an alternate appeal process in place that is completely impartial would be a step backward for this Council and the residents of this Municipality.

Thank you for your time.

DONNA BUSH

Deputation April 3, 2012

REMOVING THE TOWN OF MARKHAM FROM THE JURISDICTION OF THE ONTARIO MUNICIPAL BOARD AND ASKING THE PROVINCE OF ONTARIO TO ABOLISH THE ONTARIO MUNICIPAL BOARD (OMB) (13.0)

Mr. Mayor, Councilors, Fellow Markamites,

I am here tonight to express my utter frustration and anger over the way in which OUR town is being run, or should I say being bulldozed, by this council. Unfortunately, for the past many years, I thought that my elected officials were working in the best interests of my community – in my best interests. They were there to protect my Town, my family, and my neighbours. However, recently, more and more evidence of secrets, deceit, collusion, confidential leaks, inequality, favouritism, cronyism, nepotism, etc., etc., etc. have opened my eyes to the fact that we have huge and very serious 'irregularities' occurring, on a regular basis, in the Town offices.

So now, Councillors Shore and Kanapathi, what would make you think that we trust your judgment, your motivation, your moral character, your integrity, your competence to have even more power when this Council has already proven incapable of responsibly handling their current power? Where is the transparency within the Town? Where is the accountability? Where is the integrity? Where are the representatives who are suppose to be looking after my best interests? Why are long-time residents forced to waste their time and money, fighting for their rights – against the very people who we are paying to do the job of running the Town for us?

Councillors Shore and Kanapathi, you both feel that residents should now have one less means of recourse to undo the damage that this council continues to inflict upon us? Your motion states that:

- municipal councils are accountable
- municipal councillors are the elected officials most closely tied to the residential and business community and have the broadest understanding of the issues that affect their neighbourhoods
- municipal councillors have the obligation to make decisions on planning matters in the best interests of their community at large
- municipal councillors make determinations on issues of planning based on direct and personal knowledge of the community

Really? Really?

As I stated in a recent e-mail to the Mayor and Council, it is amazing what a person can learn by going to an OMB hearing. FACTS, that's what I learned from attending two OMB hearings . The facts that I learned at the first hearing was that Toronto staff took full responsibility to investigate each and every important detail of the illegal Victoria Park mosque. Interesting testimony from a senior city planner who went into the paint-peeling, make-shift mosque and noted that each and every room in the Heritage home was being used for worship, except for the two washrooms. He even presented photos of men worshipping outdoors and in a garage/outbuilding... The planner also testified that he spent eight 'official' and several unofficial days investigating, with other city staff, counting the number of worshippers, documenting their illegal parking, etc. Testimony by a couple of the worshippers confirmed that they attend a mosque daily – 365 days/year and at least once per day. This was all very interesting to me because it is so very different from what our local politicians have been telling us...

The following week, at another OMB hearing, I learned facts about how the Town of Markham discriminated against members of a Taoist group. This group came before council on the very same night as a Muslim group. Interestingly, that night, the Taoist Temple was turn-down. Whereas the Muslim Mosque was approved. From the facts presented at the OMB, I was outraged at what I heard. The facts show that these two groups where not treated equally.

At the OMB, the Taoists lawyers presented professional, well documented, well researched information on all aspects of how these people worship, when, how many, and the fact that they have NO 'high holidays' – meaning that their congregation size would consistently be no more than 19 – 20 people. Since this is on Steeles Ave., planning has undergone through review by both the City of Toronto and the Town of Markham. There were traffic generated studies and a peer review commissioned by the Town. Testimony from experts on places of worship confirmed that a very small group of people would be worshipping at non-peak hours, on specific days only. There are no other purposes for this Temple – no classrooms, recreational facilities, or events. The design included retaining ALL mature trees; adding more trees and native, indigenous landscape; wide buffers with green space/trees/gardens; reinforced grass pavers; and a living green roof. The Taoist group testified they worked with Town staff, from many departments, who expressed NO issues with any of the Temple's plans. And yet, they were turned down.

Facts on the Muslim group's proposed mosque have been much more difficult to uncover. The information that the Town of Markham has appears to fluctuate, be incomplete, be deceptive, and faulty. This group has failed to provide credible information on a multitude of issues including; worship space size, number of worshippers, frequency of worship, on-site parking requirements, and off-site parking arrangements. What we do know is that this group would immediately cut down 37 trees, preserving only 19 trees after road widening and all but one will be on the Town's property. Of the 19 trees, nine are in 'fair' condition and one will be in the middle of the mosque parking lot, so survival is doubtful . The Mayor has indicated that there will be a 'living wall', but details are missing from the mosque drawings... Interestingly, the Town has taken the totally opposite position on the Taoist Temple by ignoring their full/complete attention to detail, numerous favourable studies, green design, low usage/worshippers, with ample on-site parking, and no requirement for off-site parking... In fact, the Town is now using the error in the by-law against the Taoists, requiring 53 parking places for a building the size of a family home and only 3.5 times that for a proposed 30,000 sq. ft. structure -- one of the largest mosques in the country!

So, just after I had the opportunity to hear the FACTS that the OMB experience provided me with, Councillor Shore makes a motion to take Markham out of this process. Why? Did the residents learn facts that Markham Council wanted to keep from us? Very interesting timing Council...

Council, do the right thing and defeat this motion now!

As a taxpayer, the following is what I would like to see this council do:

1. Pass a motion, introduced by former Councillor Erin Shapero and seconded by Councillor Don Hamilton, documented in the Council Minutes of June 8, 2010
   - ► That the Town of Markham establish an integrity commissioner to examine, implement and report on matters related to general integrity, gifts, conduct at council and committee meetings, election campaign work, incompatible activity, use of municipal property, conduct respecting staff, conduct of members of Council; and,
   - ► That the Town of Markham establish a Lobbyist Registrar's Office to over-see the implementation of a lobbyist registry as soon as possible.

2. Pass a motion, limiting the maximum length of time, to two-terms, that an individual can hold the position of Mayor, in the Town of Markham. We need to start cleaning house here and a good start is at the top. I challenge each of you to make this motion. And, to lobby your fellow councillors to ensure that this motion passes.

Referenced material:

June 8, 2010 MUNICIPAL GOVERNMENT AND MUNICIPAL GOVERNANCE (14.0)

Moved by Councillor E. Shapero
Seconded by Councillor D. Hamilton

Whereas transparency is paramount in municipal government and municipal governance; and,

Whereas Bill 130 and the amended Municipal Act of 2001 enable municipalities to move towards full transparency in all aspects of municipal actions and process; and,

Whereas other municipalities in Ontario have already put in place mechanisms (such as integrity commissioners, codes of conduct and lobbyist registries) to ensure further transparency under Section 223.2 of The Municipal Act; and,

Whereas municipalities such as Ottawa, Hamilton, Vaughan, Toronto and others have already passed bylaws putting in place mechanisms described above;

Therefore now be it resolved:

1) That the Town of Markham establish an integrity commissioner to examine, implement and report on matters related to general integrity, gifts, conduct at council and committee meetings, election campaign work, incompatible activity, use of municipal property, conduct respecting staff, conduct of members of Council; and,

2) That the Town of Markham establish a Lobbyist Registrar's Office to over-see the implementation of a lobbyist registry as soon as possible.