

Identifying and Analyzing Natural Hazard Based Appeals At the Ontario Municipal Board

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Executive Summary

This report investigated written decisions by OMB members on land use planning appeals between the years of 2006 and 2011. This report examined specific planning appeals made to the OMB under the 2005 Provincially Policy Statement that contained a significant natural hazard component, i.e. flooding, erosion, and dynamic beach hazards.

The impetus for this report was to expand and strengthen the research on OMB appeals dealing with natural hazards that was initiated by Jocelyn Chandler (2007). Chandler's report was developed in response to recommendations made by the Ministry of Natural Resources and Forestry in a 2004 report entitled "Evaluation of Water Resource Management Strategies and Flood Damages". The Ministry of Natural Recourses' report identified a need to develop appropriate measures for gauging the success of the Provincial Policy Statement in regards to redirecting development away from flood susceptible areas.

Based on the fact that research focused on the OMB's interpretation and application of natural hazard polices is limited, this report is intended to address current information gaps that exist on the topic. The information of this report will also be useful to individuals and agencies that are involved with these specific types of OMB cases, as it will provide additional insight into how to allocate their resources when preparing for a hearing and what types of arguments may find favour at the Board.

The research questions addressed in this report include:

- What are the characteristics of the appeals made to the Board?
- What types of evidence are most commonly considered in reaching a decision?
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- The third step consisted of utilizing existing coding keys to categorize the characteristics of the relevant cases and the evidence cited by Board members in their final decisions.
- The final step involved an in-depth analysis of a series of questions (see appendix E) associated with the three research questions.

Key Characteristics of Appeals Made to the OMB

The first task of the analysis was to examine the trends associated with the characteristics of the selected OMB appeals. The intent of this

