I'VE ALWAYS LIKED PLANNERS. My experiences as a journalist and more recently as a concerned citizen have put me in contact with a lot of them. I find planners think a lot like I do, which I can't say for those in narrower disciplines like engineering. At any rate, I had a lot of respect for planners, but when I got involved at the Ontario Municipal Board (OMB), that opinion changed.

Much to their credit, local planning staff developed a comprehensive public participation process. This included information sessions, a criteria evaluation workshop, a public review of the city market consultant's report, and two formal public meetings. Every event was a full house and the vast majority of speakers opposed both developments. In their report, the city planning staff noted that both developments flew in the face of the city's own official plan.

While some of those opposed had personal difficulties with Wal-Mart and the aesthetics of big boxes, most realized those notions would hold little water if the debate got to the OMB, the body that adjudicates planning disputes in Ontario. Arguments therefore concentrated on sticking to the official plan and the impact of the proposals on existing and planned commercial centres.

At the municipal level, it's different once things reach the municipal board. Before the OMB, my experience with the planners hired by the proponents came across as very professional and I wasn't really surprised that they just disposed of Wal-Mart. I understand much to their credit, local planning staff developed a comprehensive public participation process. This included information sessions, a criteria evaluation workshop, a public review of the city market consultant's report, and two formal public meetings. Every event was a full house and the vast majority of speakers opposed both developments. In their report, the city planning staff noted that both developments flew in the face of the city's own official plan.

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All this culminated in a city council decision in June 1999 to turn down both proposals. By the fall of that year, both developers had appealed to the OMB. Since then, amended proposals have been submitted twice before the board to the local council. They were approved by a new council in 1999 and then turned down again by another in December 2001—but that's another article.

Up to this point, my contact with the process as a citizen had been a mainly positive experience. Clearly the local planners saw this issue as a very important one and the thoroughness with which they addressed their task was impressive. Those of us who took part in the criteria evaluation workshop were pleasantly surprised to see such an open and broad-ranging process. A lot of cynicism lurks close to the surface of most people who are seen as “activists.” Let's face it, the big guys usually win. The very fact that those individuals who regularly take the time and energy to get involved are given the “activist” label is a reflection on how the system sees them. Stand up for something once and you are a concerned citizen. Do it more than once and you are dismissed as an activist.

We are always hearing about the importance of getting involved. But is it lip service or a genuine desire for displays of citizenship? People can effectively express their individual or group interest in a planning matter by participating early in the process. This is important because it offers an opportunity for information exchange, especially if there are conflicting perspectives. This is taken from the OMB's 1997 Citizens' Guide, but while it may make sense to share information, address concerns and resolve conflicts early on in the process, it's different once things reach the municipal board.

At the municipal government level there is a human element, which does not apply when you move up to higher levels like the OMB or other judicial bodies. In the local arena, planning decisions are not necessarily based purely on planning. Broader criteria may be applied, be they financial, political or just plain personal. Councillors are accountable every three years at election time but otherwise do not have to justify their decisions. It may be said that local councils are also subject to influence that may prejudice the system. This influence could be lobbying by business interests or activists.

We had it all in the Guelph experience. There were some very well-off corporate interests, including Wal-Mart and the University of Guelph. Our little band of activists had formed the Big Box Action Group and were raising awareness in the community by lobbying council with petitions and a mail-in postcard campaign. On top of that was the huge number of ordinary, unorganized and non-aligned citizens who came out to the public meetings. We all had an opportunity to sway the council.

Once we got to the OMB, everything changed. In theory, the board is neutral and cannot be swayed by anything other than logic and reason supported by strong argument and evidence. The neutrality may apply when one lawyer faces another, but when it is citizens against lawyers, the inherent culture of the courtroom environment appears to work against the little guy. That is not as much of a criticism of the individuals involved as it is an indictment of the system. Add to that the resources and support available to the professionals, versus those available to the amateurs, and it really is David against Goliath. The system and the playing field are both against the citizen.

Before the OMB, my experience with the non-municipal planners was limited to the brief presentations made at the public meetings. The planners hired by the proponents came across as very professional and I wasn't really surprised that they just happened to think that their client's development was the best thing since sliced bread and couldn't possibly hurt the downtown. The same kind of thing could be said for the other guys in suits working for the developers: the traffic engineers and the market experts.

It wasn't until I was in a position to analyze their reports and cross-examine the planners at the OMB that my esteem for them was truly diminished. I understand that one of the core principles of professional ethics is to support the client's interests, but what about the public interest? It's supposed to be Number One for planners, isn't it?

In one of the Guelph OMB hearings, held in December 2000, a planner hired by the proponent said that a one-kilometre stretch of road was an "established commercial area." It contained a huge office complex, two research parks, a fire station, a co-op housing development, two large parcels of undeveloped land, and only a relatively small shopping centre.
Even when asked to reconsider that description, he held firm. The same planner said a big-box store proposed for one third of an undeveloped field was “infill.” That same single store, he said, would meet the “cluster” criterion of the service-commercial zoning being sought, although what it would form a cluster with, other than several acres of grass to the west and a fire hall to the east, was beyond me. Another planner said a 94,000-square foot department store would not affect other shopping areas because it was seeking a service-commercial designation. He also had difficulty in acknowledging that a store of that size would fit on another, properly zoned property designated for a shopping centre of 250,000 square feet. There must have been some logic to this position in his mind but I couldn’t see it. The board, however, agreed, because it approved the development and noted in its decision that the stretch of road was “an established commercial area”!

As an amateur among professionals, my understanding of all this may be limited. But I continue to struggle with the notion that any professional person, with all the obligations that come with that vocation, can interpret a series of facts in one manner when all the logic and reason that I can bring to bear on it appear to point to another interpretation. What further irks me is that none of the other professionals in the room, including the lawyers and the chair, acknowledges the charade.

The oft-delayed hearing on these matters will be under way by the time this article goes to print. The impression left by my contacts with the planners has given me much to consider about the planning process, those who administer it, and those who perpetuate it.

Ben Bennett recently published a book on his experiences as a community activist, entitled Guelph Against Goliath: A Community Stands up to Wal-Mart and Other Big Box Stores. Visit www.bbc.guelph.org for more information.

Summary
This article provides a look at the planning process in Ontario from the point of view of a citizen. Ben Bennett is representing Residents for Sustainable Development in Guelph, which opposes two big-box proposals before the Ontario Municipal Board. As co-author of a new book on what has become a seven-year-long saga, Bennett shares his insights into the planning profession and the system from the perspective of a non-lawyer and non-planner. The proposals, one anchored by Wal-Mart, the other by Zellers, were rejected by city council in the late spring of 1997. The date for the hearing was originally set for July 1998, but was repeatedly delayed. After five years of legal wrangling, court challenges and political intrigue, the hearing finally got under way in April of this year. It is scheduled to run for twenty weeks.

Sommaire