
Records of Ontario Municipal Board Hearings

208 Research
Guide

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OMB Records at Archives of Ontario

The Archives of Ontario holds the records from hearings of the Ontario Municipal Board (OMB), dating from the Board's formation in 1906 to 1985. For more recent OMB records, please contact the Ontario Municipal Board, 655 Bay St., Toronto, Ontario, M5G 1E5, 416-326-6800.

Background on the Ontario Municipal Board

Originally named the Ontario Railway and Municipal Board it became the Ontario Municipal Board in 1932 and is the oldest continuing quasi-judicial body in the province of Ontario. The Board hears applications and appeals on municipal and planning matters such as zoning by-laws, subdivision plans, property assessments, exemptions from property taxation, land compensation matters, and applications for municipal annexations or amalgamations.

Over its long history the OMB performed many different functions, reflecting the changing requirements of Ontario municipalities and the provincial government.

- As a general rule, the earliest records of the Board were concerned with intra and inter-municipal transportation and communications.
- By the 1930s, the issue of municipal finance became the predominant concern, while in the 1940s the focus became land use planning.

- The early 1980s saw a sharp increase in the number of appeals relating to local assessments. There was also a drop in the number of both by-law and capital expenditure approvals reflecting changes in the rules governing how and why issues were brought before the Board.

The table in [Appendix A](#) gives a chronological overview of the types of cases heard by the OMB since its inception in 1906.

OMB Application and Appeal Process

Issues heard by the OMB follow a standard process:

1. An individual, corporate body or municipality submits an application or appeal to the Board.
2. The Board assigns a case number. Case number and basic information on the case are recorded in the Procedure Book (Series RG 37-2).
3. At the same time, an application and appeal file is opened and labelled with the case number and a descriptive title (see Application and Appeal files, Series RG 37-6).
4. Following the hearings, the Board could issue a Decision (see Decision Books, Series RG 37-5).
5. Final disposition of the case is recorded in an Order (see Order Books, Series RG 37-4).

For information on the OMB's current rules of procedure, consult their website at www.omb.gov.on.ca

How to Find OMB Records

Most researchers know either the municipality or the parties involved in a specific appeal or application. Start with the Procedure Books, which act as an index to the more detailed case records.

If you already know the alpha-numeric code for a specific file (eg. D9740, R83-2356), proceed to the section on Application and Appeal files.

Procedure Books, Series RG 37-2, 1906-1986

The Procedure Books serve as the basic index to the hearings and records of the OMB. Procedure Books record details on the nature of the case and its final disposition, and provide a reference, where appropriate, to the location of orders or decisions (eg. OB1 F 300 or DB1 F 250 or OD3 F11) issued by the Board. They are also the primary source to identify a particular case number to access the case files.

A complete listing of [Procedure Books](#) in the custody of the Archives of Ontario can be found in the description for [Series RG 37-2](#) in the Archives Descriptive Database (ADD), available at www.archives.gov.on.ca. There is a brief description of the type of cases recorded in the Procedure Books, and instructions on how to order the books.

Hearing Year	How to use the Procedure Book as an index
1906-1952	The entries in the procedure books were in simple numeric sequence by the case number. To link these entries with specific applications you must first consult the indexes found in Series RG 37-3 , Ontario Municipal Board Indexes to Procedure Books.

Hearing Year	How to use the Procedure Book as an index
1952-1956	The Procedure Books themselves became the alphabetical index to case references. Up until 1956, cases were organized by the name of the individual or corporate body responsible for instigating the application, whether a person, company, municipality or Government of Ontario department. If you have difficulty locating a hearing, try searching under the name of a government department, particularly the Department of Highways, the Department of Planning and Development, the Department of Municipal Affairs or the Hydro Electric Power Commission.
1956-1972	The indexing was simplified so that all cases were identified in the Procedure Books by the name of the municipality to which the application referred. The Procedure Books were also identified by the type of case involved. In each year there would be a range of volumes for capital expenditures and a second range of volumes for all other types of application and appeals.
After 1972	The growing complexity of the case load saw a further expansion in the types of procedure books employed. The list of Procedure Books provides an overview of the different indexing approaches used. In every case, the cases are arranged alphabetically by the municipality and then in chronological order of filing with the Board.

Once you have found a relevant entry in the Procedure Book, you can refer to the File Classification Table in the description for series [RG 37-6-1](#) in the ADD to confirm that the file number identified corresponds to the type of case you were interested in. If so, read on to determine which type of record will provide the information you require. (To get to the Table from the series description, go to the Finding Aid field and choose the online *finding aid* option).

Order Books, Series RG 37-4, 1906-1985

The Procedure Books provide a reference for the orders issued by the Board in deciding a case. The information is provided in the format of an OB (Order Book) volume number, and folio (page) number (eg. OB1 folio 300).

The Orders issued by the Board are useful in establishing the basic outcome of a case heard by the OMB. Generally they do not record detailed information but they do indicate the final disposition of the case. The Orders are regarded as the key legal documents in resolving any disputes arising from the disposition of a case.

A complete listing of Order Books in the custody of the Archives of Ontario, as well as instructions on how to order the books is found in the description for [Series RG 37-4](#) in the Archives Descriptive Database, available at www.archives.gov.on.ca (To get to the listing from the series description, go to the Finding Aid field and choose the online finding aid option).

Decision Books, Series RG 37-5, 1957-1985

The Procedure Books also refer to Decision Books (eg DB1; DB62). The decisions themselves are arranged within these volumes in chronological order by date of issue.

Only a minority of cases heard by the OMB result in a written decision. If a particular case was non-controversial, did not involve complicated evidence or include other complicating factors, the Board only issued an Order. Decisions were reserved for instances where there were significant issues at dispute or where there might be some disagreement regarding the relevance of the evidence submitted to the hearing. In some instances, the Board issued an Oral Decision, a memorandum of which can be found in the corresponding Application and Appeal files. After 1984 the Board began issuing separate Oral Decision Books, which again provide a reference to volume number, and folio number (eg. OD3 F11).

The text of the decisions, which can vary greatly in length, provide much more information on the decision-making process. Decisions can be used by the Commission to explain their reasoning, to call into question particular evidence or to explain why a particular application lacked merit under the relevant statutes or regulations. Frequently, decisions are used in conjunction with relevant orders during any re-hearings or to determine case precedents.

A complete listing of Decision Books in the custody of the Archives of Ontario, as well as instructions on how to order the books can be found in the description for Series RG 37-5 in the Archives Descriptive Database, available at www.archives.gov.on.ca. (To get to the listing from the series description, go to the Finding Aid field and choose the online finding aid option).

Application and Appeal files, Series RG 37-6, 1925-1987

Application and Appeal files contain the basic documentation generated in the course of a hearing, including: the original application and supporting documents, responses and objections from interested parties and material related to the scheduling of hearings. The files generally include photocopies of any Orders and Decisions as well.

Please be aware that the case files for the OMB have several gaps:

1906-1925	All case files were destroyed by the Commission sometime prior to 1950.
1925-1949	The Board destroyed all files relating to capital expenditures and municipal finance. The bulk of the surviving records from this period relate to by-laws, lot plans, subdivisions and municipal organization.
1954	All files relating to the approval of telephone service applications were transferred to the newly formed Ontario Telephone Authority. These records can be accessed through <u>Series RG 14-42, Telephone Act approvals order files</u> .

Applications and Appeals files are described in 6 sub-series in the Archives Descriptive Database, (ADD) available at www.archives.gov.on.ca. The bulk of the surviving case files for the OMB are in sub-series RG 37-6-1. The other 5 sub-series are records of significant cases (Spadina Expressway, the formation of Metropolitan Toronto) which were removed from the main run of case files and whose integration back into the main filing system was not practical.

Case file numbers can be obtained by doing a keyword search of the ADD Files and Items search option or by referring to Procedure Books as described above. If you already know the case file number (eg. D9740, R83-2356) simply submit a Records Request Slip for RG 37-6-1, Application and Appeals files.

The case file number indicates the year and type of case heard; however because the OMB's file classification scheme changed over the years, an explanatory table is available with the ADD

description to series [RG 37-6-1](#). (To get to the table from the series description, go to the Finding Aid field and choose the online *finding aid* option).

Definitions:

This section provides definitions for terms that appear frequently in the documentation of the OMB.

Committee of Adjustment:

This is a planning committee established at the level of a township, town, village, city or county/region to review applications for a "minor variance" (defined below). Decisions by Committees of Adjustment may be appealed to the Ontario Municipal Board.

Consents to Convey Land:

Under the Planning Act the Minister of Municipal Affairs and Housing has the authority to issue orders relating to the subdivision of lands for areas that have not yet established a Land Division Committee. These orders may be appealed to the Ontario Municipal Board.

Development Charges:

Municipalities are allowed to levy development charges on new subdivisions or other projects to help pay for the provision of services, such as schools and water/sewage facilities, to the new development.

Land Division Committee:

This is a planning committee established at the level of a separated city, county or region to review applications for land severances restricted under local zoning and other land use controls. Decisions by Land Division Committees may be appealed to the Ontario Municipal Board.

Legal non-conforming use:

Zoning by-laws can prohibit a particular land use in specific areas; however these prohibitions do not apply to existing businesses operating in the area. A pre-existing business of a prohibited type within the area of land use control is referred to as a legal non-conforming use.

Local improvement:

Local improvements refer to capital expenditures for new or renovated facilities such as roads, sidewalks, water and sewage works. OMB approval is generally required for expenditures on these types of projects.

Local Planning Board:

Local Planning Boards are established at the municipal level to examine proposals for zoning by-laws, official plans, amendments and other planning instruments. The Boards make recommendations to municipal councils regarding the feasibility or desirability of proposals. In many municipalities, specific planning matters that have received general approval

through zoning by-laws or official plans may be approved by the Local Planning Board. Local Planning Board decisions may be appealed to the OMB.

Minister's Zoning Orders:

Under the Planning Act, the Minister of Municipal Affairs and Housing can issue temporary zoning orders to control land uses in municipalities that have not yet established comprehensive land use plans. These orders may be appealed to the Ontario Municipal Board.

Minor variance:

All municipalities are required to have zoning by-laws controlling matters such as densities, lot frontage, free space between buildings. Property owners can apply to the municipal government for a permit which recognizes that a proposed change to their property is a minor variance of the zoning by-law and not a violation of its intent. If the application is rejected, the applicant may appeal to the Ontario Municipal Board; if the application is accepted neighbours who object to the plan may appeal to the OMB.

Municipal organization:

The OMB hears cases involving the structure and boundaries of municipalities including ward divisions, annexations, amalgamations, development charges, development plans, and road closings.

Official Plan:

Under the Planning Act, all municipalities must prepare an Official Plan to establish overall land use planning regulations for the area. These plans are approved by the Minister of Municipal Affairs and Housing. Individuals, corporations, and lower tier municipalities may object to the plan through the Ontario Municipal Board. If a proposed plan is particularly complicated or contentious, the Ministry of Municipal Affairs and Housing often submits it to the OMB. Amendments to existing Official Plans are generally referred to the OMB for review.

Planning Area:

The Planning Act permits the creation of planning areas that extend beyond municipal boundaries. The objective is to ensure consistent planning decisions among municipalities which share common interests. Planning areas can range in size from two adjoining townships to the level of a region or county.

Quieting orders:

Many township municipalities established under the general terms of the 1850 Baldwin Act were never named as municipalities in any specific by-law or legislation. Quieting orders were issued by the Ontario Municipal Board to confirm the boundaries and status of these municipal corporations. Most quieting orders were issued in the 1950s and 1960s.

Redevelopment Plans:

Municipalities create redevelopment plans to promote improvements in downtown core areas, industrial lands or other under-utilized areas. Ontario Municipal Board approval is required for any capital expenditures or zoning changes that arise from the redevelopment plan.

Restricted area by-law:

A restricted area by-law is an instrument used by municipalities to expand on the general provisions contained in the Official Plan for the area. The municipality applies the intent of the official plan to a particular "restricted area" of the municipality. Generally, a restricted area by-law is used to augment controls over expansion of commercial and industrial operations into agricultural or residential areas. Until 1983 OMB approval was required for all restricted area by-laws. After 1983, the Board only heard appeals initiated by residents or businesses affected by the by-law.

Severances:

Severances relate to the sub-division of lots. Land Division Committees decide on most severances; however disputes relating to farm lots or large rural estates that the owners wish to subdivide for family use on retirement often come before the Ontario Municipal Board.

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This document may contain references to electronic links that can be activated only by using the HTML version found on the Archives of Ontario website.

This information is provided as a public service. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur. Therefore, we cannot guarantee the accuracy of the information. Readers should where possible verify the information before acting on it.

This Guide was formerly Information Handout 21

Appendix A : Types of Applications and Appeals Heard by the OMB

Total number of applications and appeals heard by the OMB, for selected years														
Type of Application or Appeal	1906	1912	1918	1924	1930	1936	1942	1948	1954	1960	1966	1972	1978	1984
Applications for Public Vehicle and Commercial Licenses	-	-	-	-	-	1720	636	1150	1695	-*	-	-	-	-
Electric Radial Railway Applications	32	21	30	30	23	28	26	18	-	-	-	-	-	-
Applications regarding Telephone Services	-	90	192	280	118	120	93	208	-**	-	-	-	-	-
Arbitrations undertaken by the OMB (land compensation)	-	-	-	-	5	8	9	9	60	89	150	-	-	-
Assessment Appeals	5	6	10	13	2	93	11	72	387	122	175	377	184	4501
Appeals of decisions by Committees of Adjustment and Land Division Committees***	-	-	-	-	-	-	-	-	71	111	140	1222	1833	820
Plans of Subdivision and Condominiums referred to the OMB	-	154	37	89	47	21	87	-	-	18	18	2	34	31
Appeals to OMB regarding Restricted Area By-laws	-	-	-	-	-	-	-	-	-	71	43	58	112	104
Municipal planning by-laws (for approval of the OMB)	-	-	-	-	-	17	27	340	588	837	1184	1779	3569	665
Redevelopment Plans submitted to the OMB	-	-	-	-	-	-	-	-	-	1	8	2	24	-
Official Plan Amendments referred to the OMB	-	-	-	-	-	-	-	-	-	32	41	48	213	139
Applications for approval of capital expenditures by Municipalities	6	81	74	183	151	417	537	3477	1942	2415	2874	2606	2536	1323
Applications re. municipal organization including annexations, amalgamations, incorporations	2	24	7	12	8	-	-	36	38	27	31	15	20	74

* Responsibility transferred to Ministry of Transportation in the 1950s.

** Responsibility transferred to the Telephone Authority in 1954.

*** Includes pre-1965 severance applications