

The profession of urban and regional planning often understands itself as one of the crown disciplines, one that has higher societal aspirations, one that can solve the "big problems" of today's world through spatial and policy interventions. Its ideal is based on what are portrayed as good planning principles: the just and equal distribution of wealth, goods and services. The practice, however, is often far off from its ideal. What is to be blamed for this?

First, planning is never perfect, we don't have a crystal ball that can foretell the future and show us the specific effects of our actions and non-actions - we all know this situation very well

But what about those situations where the local institutional framework, as in the form of the Committee of Adjustment, has approved a development that does not reflect good planning principles in the opinion of a large number of people who are affected by it? The OMB then becomes the only remaining hopeful institutional option.

Such was the case for 66 Wheeler Avenue in Toronto's Beach neighborhood, a one hundred year old house that had grown from a typical cottage with an impressive wrap-around porch to a structure that at times accommodated up to three relatively affordable rental units. The developers who had bought it in

Equity and Justice in High Demand: 66 Wheeler at the OMB

Ute Lehrer

from our own everyday life experiences. Second, and more tangibly, planning practice works within a framework of institutions and conventions and it follows a set of norms, all of them not necessarily to the advantage of those with relatively little economic power and limited knowledge about the legal process of planning decisions. It puts any community-based initiative into its place. This is the case I discuss here, a case where neighbours took a developer to the Ontario Municipal Board (OMB), after the City of Toronto's Committee of Adjustment had favoured the plans of the developer over the position taken by the community.

Let me begin by saying that the OMB has recently received its fair share of media attention. The high profile case of the West Queen West Triangle, in which three developers independently, yet uni sono, proposed an intensification of former industrial land, squeezed between the railway lines and Queen Street in the ultra-hip area around the Drake and the Gladstone Hotel, brought the OMB and its role as well as its legitimacy on the front page of all major media outlets. In the end, the developers who had taken the case to the OMB, got permission to build not only up to 19 stories high but also to ignore any integration of the development into the surrounding neighbourhood. In the words of Ken Greenberg, an internationally respected urban designer and planner, the OMB decision came as a real shock: "What the OMB did was reject basically all the work the city had done, all the work the community had done, and approve a hodgepodge of buildings with virtually no public spaces, no relationship to each other, overshadowing Queen St., doing nothing to support or sustain that creative community" (Toronto Star, February 3, 2007). The outcry over the decision of the OMB was also at a political level, since the OMB, a provincial institution, overruled the position that the City took on the proposed development. In the words of Mayor David Miller: "If the OMB can overturn these kinds of decisions [the city policy to retain jobs and workplaces in the area] there's not much point in doing any planning" (Globe and Mail, 6 February 2007).

summer of 2006 proposed to demolish the house and replace it with two single detached family homes, a proposal that at first appears to be in accordance with intensification of urban areas. But the reality is different: as census data indicates for neighbourhoods such as the Beach, the increase of floor space does not guarantee an increase of population. In fact it supports a heightened form of gentrification since for a 700,000+ dollar house one needs to have a yearly income in the six digits. In addition, as one was able to witness in this particular neighbourhood over the past ten years, houses that used to be occupied by families with four and more members were bought by individuals and couples that didn't seem to have any expansion plans. And finally, the new single family homes take away much needed rental units in an already overpriced neighborhood. All good reasons, in my opinion, which need to be addressed within a larger societal context in order to guarantee good planning principles.

One of the crucial questions of planning that needs to be asked here is: What is worth more, the individual right of a landowner or the larger societal interest? As the planning system is set up within this society, private interests usually win. Being fully aware of this discrepancy between the ideals of planning and the reality of an economic system that favours private interests, yet at the same time seeing the negative effects of heightened gentrification in my own neighborhood, I was in favour of going to the OMB. As someone living within close proximity of the development, I was legally allowed to contest the case, and after neighbors had approached me, I also felt compelled to follow one of the core principles of a planner, namely to serve the public interest. I filed for a hearing with the OMB. The hearing took place for two long and strenuous days in mid March, with expert witnesses on both sides and a good number of participants expressing their objection to the proposal.

Any hearing at the OMB is about putting forward good arguments, but it is even more so about taking apart the opposition. In our case, we were not only exposed to this standard proce-

dures of discrediting witnesses, but we were also verbally and physically threatened during breaks when the Board was not watching. Since time ran short in the scheduled hearings, the lawyers were invited to hand in their submissions in writing. Rather than speculate about the outcome - the decision by the Board is pending - I want to provide a number of observations.

While proposed developments - in this case the demolition of one of the character homes of the neighborhood that also provided relatively affordable rental units - have an impact on the quotidian world, any lay person has next to no chance to fight successfully against such developments within the existing institutional framework. In order to win an OMB case, one needs a professional planner, an excellent lawyer and extremely good connections to all kinds of formal and informal sources of information. But as the high profile case of the West Queen West Triangle demonstrates, this alone does not guarantee a decision by the OMB that reflects good planning principles. In addition, as my experience with the 66 Wheeler case revealed, one also needs to accept being insulted, intimidated and even harassed by the opposing party. That is quite a bit to be asked from anybody, but particularly from someone, whose normal work life is not built around a career within the planning profession. As any community based initiative, we had to put in a lot of extra volunteer hours. But it was in particular the outstanding help of our "lawyer", who had just completed her studies at Osgoode Law School at York University, and who had spent about two months of her life for this case without being paid - without her we would not have been able to pull it off.

All to say that the institutional framework is set up in such a way that good planning principles are often forgotten lost within the legalistic realities of the world in which we live. Questions of equity, social justice and redistribution are continuously drawing the short stick. Only with a significant change of its institutions and conventions can the discipline of planning claim any rightful place among the professions with higher societal aspiration. Let's get busy transforming the institutional and conventional practices of planning in order to come closer to the core principle of planning in regards to equity and justice. Let's start now.

One of the crucial questions of planning that needs to be asked here is: What is worth more, the individual right of a landowner or the larger social interest?

