

# Analysis of Remarks by Former Minister of Municipal Affairs and Current Mayor of Ottawa, Jim Watson, Regarding the Ontario Municipal Board

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*A policy and research report prepared for the  
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<http://urbanneighbourhoods.wordpress.com/>

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## 1. Report Background and Purpose

In my role of Policy and Research Advisor, Federation of Urban Neighbourhoods, I have written several reports about the Ontario Municipal Board (OMB). Titles of the reports which are posted on the Federation's website include *Fixing the Ontario Municipal Board: A Strategic Approach for Citizen Groups* (2004), *Summary of Recommendations for Fixing the Ontario Municipal Board* (2009), and "Be Careful What You Wish For": *Sound Advice, or a Scare Tactic to Save the Ontario Municipal Board from Termination?* (2010).

(<http://urbanneighbourhoods.wordpress.com/>)

As part of my research activity on behalf of the Federation, I monitor the learned literature of several disciplines and professions, the literature of special interest groups and public interest groups, as well as the popular literature, that is, newspapers, radio, and television. Finally, I also conduct listserve and Internet searches.

As indicated by the opening paragraph, a subject of concern to the Federation is the Ontario Municipal Board (OMB), and my popular literature searches led me to an article published in the Ottawa Citizen on September 18, 2011.

The article titled

"Province tells city to open more development land than council wants –  
Sprawl: City won't try to change the rule."

was written by David Reevely, and contains remarks about the OMB that are attributed to Jim Watson, the current Mayor of Ottawa and a former Minister of Municipal Affairs and Housing (2007-2010), Province of Ontario.

My mission as Policy and Research Advisor to the Federation includes responding to policy issues raised by officers and community association members of the Federation, and conducting analyses and providing advice on policy matters which I believe are important to bring to the attention of the Federation Board and its member associations.

Review of the comments attributed to Mr. Watson suggested to me that the policy implications apply to municipal policy on the part of the City of Ottawa, and provincial policy on the part of the Government of Ontario. The next two sections provide a preliminary discussion of the municipal and provincial policy matters of interest. More details and analysis will follow in a report which takes into account responses to this report by the City of Ottawa, the Government of Ontario, municipal and provincial politicians, political parties, community associations, and vested interests including developers, speculators, and their agents.

## 2. Municipal Policy Interest in Jim Watson's Remarks

The City of Ottawa is involved in a number of OMB hearings every year, many of which are highly contentious and frequently end up with one side or the other, including the City of Ottawa, developers, and community groups being bitterly disappointed by the outcome and declaring resentment about the large amounts of money and time spent in what are frequently referred to as futile, over-reaching, stacked-deck, etc., exercises.

Moreover, statements are made every year by City of Ottawa mayors and councillors about unwillingly voting for development proposals because, according to these elected officials, the developers will appeal to the OMB and the applications are almost certain to be approved by the OMB, thereby wasting taxpayers' money in the presumably ill-fated process.

Seemingly, City of Ottawa mayors and councillors are caught between the proverbial "rock and a hard place" because, on the one hand they seemingly want to respect the policies of the City's Official Plan but, on the other, they are concerned that standing up for those policies will entail yet another OMB hearing with all the attendant risks and costs.

The municipal policy interest in OMB-related pronouncements and comments by Ottawa Mayor Jim Watson is therefore multi-fold, as illustrated by the following scenarios and situations. **M** is used to designate municipal scenarios and situations.

- M1.** Watson properly represents City of Ottawa/ Ottawa council policies regarding the OMB.
- M2.** Watson misrepresents City of Ottawa/Ottawa council policies regarding the OMB.
- M3.** Watson purports to speak on behalf of council on OMB-related policies or policy matters which have not been adopted by council.
- M4.** Watson purports to speak on behalf of council on OMB-related policies or policy matters which have not been discussed by council.
- M5.** Watson purports to speak on behalf of council on OMB-related policies or policy matters which have not been recommended to council by a committee of council.
- M6.** Watson purports to speak on behalf of council on OMB-related policies or policy matters which have not been duly considered by a committee of council.

- M7.** Watson makes remarks which put policies of the City's official plan at risk before an OMB panel which is convened for a hearing to deal with official plan amendment applications submitted by land speculators, developers, or their agents in response to Watson's remarks.
- M8.** Watson makes remarks which put Ottawa's Official Plan policies at odds with Province of Ontario legislation.
- M9.** Watson makes a policy statement which is in contradiction to the body of evidence on the performance of OMB-type bodies in other provinces.
- M10.** Watson makes a policy statement about the performance of OMB-type bodies which is unsupported by evidence from other provinces.
- M11.** Watson makes a policy statement which is in contradiction to the body of evidence on the experience of OMB-type bodies in other provinces.
- M12.** Watson makes a policy statement about the experience of OMB-type bodies which is unsupported by evidence from other provinces.
- M13.** Watson expresses personal preferences regarding City of Ottawa policies *vis-à-vis* the OMB, and provides methodologically-derived evidence to support his preferences.
- M14.** Watson expresses personal preferences regarding City of Ottawa policies *vis-à-vis* the OMB, and does not provide evidence of any kind, methodologically-derived or otherwise, to support his preferences.
- M15.** For reasons such as perceived lack of logic, ambiguity, incompleteness, arbitrariness, vagueness, and departure from factual reality, Watson's remarks about the OMB appear to be counter to the general welfare of present and future Ottawa residents, visitors, corporations, institutions, etc.
- M16.** The City of Ottawa through the mayor has duty of care obligations to Ottawa residents, corporations, institutions, etc., and there is a public interest in requesting Watson to elaborate, clarify, or explain OMB-related statements or comments in the article which, if left to stand as stated, could counter, negate, or impede achieving City of Ottawa duty of care obligations.

The selection of scenarios and situations could readily be doubled or tripled to cover many more scenarios and situations that are part-and-parcel of the governance process at the municipal level.

However, the 16 entries appear sufficient to illustrate why and how OMB-related statements by Mayor Jim Watson published in media articles, blog postings, etc., are matters of significant municipal policy interest to City of Ottawa councillors and professional staff, as well as Ottawa residents, community associations, corporations, institutions, etc., and are relevant to the mandate and activities of the Federation of Urban Neighbourhoods and its Ottawa member associations in particular.

By way of brief explanation of the types of scenarios and situations included in the listing, M1 to M16, if the contents of the newspaper article fit in M1, “Watson properly represents City of Ottawa/ Ottawa council policies regarding the OMB”, then there is no issue with Mr. Watson *per se*.

That is, one might disagree with City of Ottawa/Ottawa council policies, but Mr. Watson is properly performing his mayoral duties in this regard.

On the other hand, however, if the pronouncements or comments in the article fit any of the M2, M3, M4, M5, M6, M7, M8, M9, M10, M11, M12, M13, M14, M15, or M16 scenarios or statements, then issues and questions likely arise for one or more of members of Ottawa council, members of the Ontario legislature with emphasis on the current Minister of Municipal Affairs and Housing, Ottawa community associations, individuals and corporations, the Federation of Urban Neighbourhoods and, perhaps, the media.

### **3. Provincial Policy Interest in Jim Watson’s Remarks**

The provincial policy interest in the newspaper article, in this study, begins when Jim Watson was the Minister of Municipal Affairs and Housing (MAH) and continues through to the present date.

The reports referenced in the opening paragraph are a small part of the large literature on the role that the Ministry of Municipal Affairs and Housing (MAH) plays in setting policies that govern the scope, direction, etc., of the OMB. There are many aspects to the provincial interest, and I recommend that the mentioned reports be reviewed to put the following materials in context.

In his position as Minister of MAH, Watson sat among those at the head of the policy table on OMB discussions, and very likely encountered more than a few municipal officials who were unhappy about OMB decisions, processes, interventions, rulings, etc., and appealed to the then-Minister to “do something”. And, if he did not meet such people, then he needed only to review the Ministry’s media file which surely contained many hundreds if not thousands of newspaper, radio, television, and blog accounts per

year in which municipal officials from across the province – including those from the City of Ottawa – heaped heavy criticism on the OMB.

While that was then in terms of Watson being at MAH, the fact remains that what he said and did regarding the OMB during his term of Minister at MAH lives on, so to speak, because the OMB is still with us. And, the fact remains that Watson is also still with us, politically, in his now-role as mayor, City of Ottawa, which is a municipal government that has participated in many hundreds of OMB hearings over the years. At the risk of re-opening old wounds, a significant number of those hearings were highly disputatious and regularly resulted in complaints about the OMB interfering or intervening in strictly local affairs, and rendering decisions that were arbitrary, illogical, biased, improper, unreasonable, and so on.

Bearing in mind, therefore, the contentious history of the OMB, the various discussions within and without the Ministry of Municipal Affairs and Housing about terminating, re-directing, and/or reforming the OMB, and the often strained relationship between municipal governments and the provincial government on land use planning and development matters, the newspaper article which is the focus of this report warrants careful attention.

The preceding discussion points to multiple ways that OMB-related statements by a former minister of MAH, who is now a mayor, could raise matters of provincial policy that are of significant interest to Ottawa residents, corporations, institutions, etc. And, it also points to provincial policy matters that are relevant to the mandate and activities of the Federation of Urban Neighbourhoods, and to the Ottawa members of the Federation in particular.

The following scenarios and situations should be sufficient to illustrate the nature of this provincial interest, and establish why remarks about the OMB by Jim Watson, former Minister of MAH and current Mayor of the City of Ottawa warrant careful examination. To differentiate them from their municipal counterparts, **P** is used to designate provincial scenarios and situations.

- P1.** Watson properly represents Government of Ontario policies regarding the OMB.
- P2.** Watson misrepresents Government of Ontario policies regarding the OMB.
- P3.** Watson refers to positions taken when he was minister of MAH which appear to be in conflict with published Government of Ontario literature.
- P4.** Watson refers to information he received when he was minister of MAH which appears to be in conflict with the extant evidence on the performance of OMB-type bodies in other provinces.

- P5.** Watson refers to information he received when he was minister of MAH about the performance of OMB-type bodies which is unsupported by extant evidence from other provinces.
- P6.** Watson refers to information he received when he was minister of MAH about the experience of OMB-type bodies which is in contradiction to the extant evidence on the experience of OMB-type bodies in other provinces.
- P7.** Watson refers to information he received about OMB-type bodies when he was minister of MAH which is unsupported by extant evidence from other provinces.
- P8.** Watson refers to information he received about OMB-type bodies when he was minister of MAH which is unsupported by extant evidence from other provinces.
- P9.** Watson refers to information he received about OMB-type bodies when he was minister of MAH, but is not aware of the sources or origins of the information.
- P10.** Watson refers to information he received about OMB-type bodies when he was minister of MAH, but is not aware of the investigators or studies responsible for the information.
- P11.** Watson refers to advice he received when he was minister of MAH about the value of retaining the OMB, but is not aware of/does not recall the investigators, studies, or evidence behind the advice.
- P12.** Watson refers to advice he received when he was minister of MAH about the consequences of terminating the OMB, but is not aware of/does not recall the investigators, studies, or evidence behind the advice.

Similar to the explanation given at the end of the M1-M16 listing of scenarios and situations, if the contents of the newspaper article fit in P1, “Watson properly represents Government of Ontario policies regarding the OMB”, then there is no issue with the remarks of Mr. Watson *per se*. That is, one might disagree with Government of Ontario policies, but Mr. Watson is properly performing his mayoral duties in this regard.

I suggest that even a casual reading of M1 to M16 and P1 to P12 must surely converge to an ineluctable conclusion. As the current Mayor of the City of Ottawa, and a former Minister of Municipal Affairs and Housing, comments by Jim Watson regarding the Ontario Municipal Board could have serious implications for the Federation of Urban

Neighbourhoods and its member community associations. Consequently, Watson's words warrant my due consideration as the organization's Policy and Research Advisor.

In the next section I present a series of email communications with Jim Watson in which I attempt to obtain answers to questions on OMB-related matters that I believe to be of importance to the Federation and its member community associations.

#### **4. Email Communications between B. Wellar and J. Watson**

As noted in part 1, the origins of this report lie in an Ottawa Citizen article titled "Province tells city to open more development land than council wants – Sprawl: City won't try to change the rule", which contained remarks about the OMB that were attributed to Jim Watson, the current Mayor of Ottawa and a former Minister of Municipal Affairs and Housing (MAH), Province of Ontario.

After examining the article, and after failing to find any follow-up or follow-on stories, blogs, tweets, etc., over a number of months that elaborated the original article, I contacted Mr. Watson by email in search of clarifications.

The emails are in their original form so that there is no confusion or misconceptions about the content of the exchanges. For the purpose of easier reading, fonts are standardized and are enlarged as needed. To maintain the integrity of the exchange process, the emails are presented without comment.

##### **Email A: B. Wellar to J. Watson**

*From: Barry Wellar [mailto:wellarb@uottawa.ca]  
Sent: April 8, 2012 3:04 PM  
To: 'Jim Watson'  
Subject: Comment about OMB in Ottawa Citizen, Sept. 18, 2011.*

*Mr. Jim Watson, Mayor  
City of Ottawa*

*Re: Comment "... OMB is valuable as an alternative to the courts – fighting a case there is much cheaper he said – " attributed to you in newspaper article, Province tells city to open more development land than council wants – Sprawl: City won't try to change the rule, by David Reevely, Ottawa Citizen, Sept. 18, 2011.*

*To my knowledge you have not challenged the accuracy of the comment, nor has a correction appeared in the Ottawa Citizen. In the event that I missed the challenge or correction, please bring it to my attention at your earliest convenience.*

*If the comment accurately represents your thinking on this matter, please provide at the earliest moment the evidence which you used as the basis of the newspaper comment.*



*I note for your information that as Policy and Research Advisor, Federation of Urban Neighbourhoods, I have informed the Federation on several occasions that despite multiple searches of the published literature, as well as communications to individuals making statements similar to yours, that I have been unable to locate any methodologically-based empirical evidence which supports the position attributed to you in the newspaper article.*

*And, further in that regard, I have stated in several media stories that I have been unable to obtain evidence which establishes the validity of claims to the effect that*

*“... the OMB is valuable as an alternative to the courts ...”*

*As you may appreciate, I wish to accurately represent the state of evidence, and prudently advise the Federation, so the sooner that I receive the evidence used to support your position the sooner that I can inform the Federation, members of the media, planners, elected officials, clients, and others about this previously undiscovered body of pertinent evidence.*

*Your prompt response by email to this inquiry will be most appreciated.*

*Sincerely,*

*Dr. Barry Wellar, MCIP  
Policy and Research Advisor  
Federation of Urban Neighbourhoods*

**Email B: B. Wellar to J. Watson**

*From: Barry Wellar [mailto:wellarb@uottawa.ca]  
Sent: May 12, 2012 10:00 PM  
To: Watson, Jim (Mayor)  
Subject: FW: Comment about OMB in Ottawa Citizen, Sept. 18, 2011.*

*Mr. Jim Watson, Mayor  
City of Ottawa*

*Dear Mr. Watson,*

*It is now thirty-four (34) days since I sent you an email communication [follows below] in which I asked you to provide evidence to support a newspaper comment attributed to you that “... OMB is valuable as an alternative to the courts – fighting a case there is much cheaper....”*

*I continue to anxiously await the evidence behind your apparent comment.*

*I have suggested to individuals and groups that no more than about ten (10) minutes should be needed to cite chapter and verse in support of your assertion if the evidence exists, so a 34-day delay in receiving the requested response is causing raised eyebrows to say the least.*

*And, on a personal level, your response is pertinent to a presentation that I am preparing. However, the delay in your response is becoming very problematic because I have been unable to locate any evidence to support your position, which means that extra time and effort will need to be spent in validating your claim and the associated, purported evidence.*

*Again, I look forward to receiving at the earliest moment your response to the email sent to you on April 8, 2012.*

*Thank you.*

*Dr. Barry Wellar, MCIP  
Professor Emeritus  
Department of Geography  
University of Ottawa  
Ottawa ON K1N 6N5*

**Email C: J. Watson to B. Wellar**

*From: Watson, Jim (Mayor) [mailto:Jim.Watson@ottawa.ca]  
Sent: May 14, 2012 10:08 AM  
To: wellarb@uottawa.ca  
Cc: O'Connor, M. Rick  
Subject: RE: Comment about OMB in Ottawa Citizen, Sept. 18, 2011.*

*Dr. Wellar,*

*Thank you for the follow up. I apologise for the delay in responding, as I do receive a good deal of correspondence.*

*The observation that I made was intended to be a general comparison of the cost to go through an OMB hearing versus the various levels of Court action that can be part of a direct legal challenge. Indeed, when I was the provincial Minister of Municipal Affairs, I asked ministry officials about this and they confirmed it would be more costly and it would also slow down the process as the already overcrowded courts would be further swamped with thousands of planning cases.*

*I have always felt and have stated on many occasions that I believe that it is worthwhile to have a quasi-judicial arena, like the OMB, in which citizens can present facts and make their respective arguments. I have also stated that I believe that the OMB process*

could be enhanced by improving its own procedural mechanisms and by allowing municipalities a say in the appointment process for the Board.

I am copying our City Clerk and Solicitor, Rick O'Connor, on this. You may wish to enquire of him as to his own thoughts.

Sincerely,  
Jim Watson

Mayor  
City of Ottawa

JW/gy

**Email D: B. Wellar to J. Watson**

From: Barry Wellar [mailto:wellarb@uottawa.ca]  
Sent: May 19, 2012 9:58 PM  
To: 'Watson, Jim (Mayor)'  
Cc: 'rick.oconnor@ottawa.ca'  
Subject: RE: Comment about OMB in Ottawa Citizen, Sept. 18, 2011.

Mr. Watson,

Thank you for your communication of May 14, 2012 in reply to my communications to you of April 08, 2012 and May 12, 2012 regarding comments which you made in the Ottawa Citizen on Sept. 18, 2011 with respect to the OMB. [The previous communications follow below for context and completeness purposes.]

Regrettably, your response does not address the issues and questions raised. Moreover, your communication prompts further concerns and questions.

There are six (6) comments in your communication to which I provide responses. Specifically, your explanations of what you meant, intended, etc., in the newspaper article do not address the questions that I raised, and for which I continue to seek answers. I include a response for each comment in the expectation that this approach will enable us to achieve convergence between the questions asked and concerns raised on my part, and the answers provided on your part.

In the event that explicitness may be of benefit, please reply to each matter separately of the others to avoid ambiguity and perhaps even confusion. Thank you.

Watson comment 1: "The observation that I made was intended to be a general comparison of the cost to go through an OMB hearing versus the various levels of Court action that can be part of a direct legal challenge."

*Wellar response 1: Other individuals have expressed similar “general comments”, or made similar “general comparisons” but in no case, not one, has evidence been provided, nor could evidence be obtained despite repeated requests, to support what is increasingly becoming confirmed as an unfounded assertion.*

*What I specifically asked for, and continue to seek, is case evidence or research-based evidence to support your comment.*

*If you have such evidence I am asking to see it or have it called to my attention. If you do not have such evidence then I ask that you acknowledge that to be the fact of the matter, and to issue a public statement admitting such.*

*Watson comment 2: “Indeed, when I was the provincial Minister of Municipal Affairs, I asked ministry officials about this and they confirmed it would be more costly.”*

*Wellar response 2: I have written to Municipal Affairs and Housing in regard to this matter during the tenure of at least the last five ministers, Mr. Watson, including your term, and on no occasion was I informed or received documentation which established that the matter had been raised between minister and officials, much less that officials had stated that it would be more costly.*

*However, since you stated that you raised the issue with officials and that officials advised you that going to court is more costly than the OMB process, it follows that those communications are a matter of record, and that it can be ascertained whether the confirmation of relative cost was based on case evidence, research study evidence, or some other body of evidence.*

*Since this is a public matter involving citizens in municipalities across Ontario, I believe that it would be in the public interest to learn much more about the opinion which you received from officials. I therefore look forward to learning whether you will undertake to have the Ministry of Municipal Affairs and Housing make public the evidence upon which officials relied when advising you as to the relative costs associated with OMB hearings versus court actions.*

*Further, to be perfectly clear, and perhaps avoid receiving a reply that does not address the matter at issue, the evidence which I seek would take into account the case evidence from other jurisdictions where there is no body comparable to the OMB and court action is the only way to proceed when appealing a planning/zoning issue. In this way we will be comparing apples with apples, and obtain a clear picture as to the facts of the matter.*

*Watson comment 3: “... and it would also slow down the process as the already overcrowded courts would be further swamped with thousands of planning cases.”*

*Wellar response 3: Presumably officials at the Ministry of Municipal Affairs and Housing have case evidence from jurisdictions which do not have a body comparable to the*

OMB to support the contention that "... courts would be further swamped with thousands of planning cases".

*It is my experience, including communications with researchers and community group officials in other jurisdictions, that the contention by ministry officials has absolutely no basis in fact, because the overwhelming majority of planning issues do not involve legal challenges. However, since your conversation with officials suggests that my research and communications are in error, I wish to correct that error at the earliest opportunity.*

*I therefore look forward to receiving the case evidence, research study evidence, or other evidence used by ministry officials to derive the opinion that "... courts would be further swamped with thousands of planning cases", which they provided to you and very possibly to other ministers, and which in turn was possibly used by you and other ministers in public remarks responding to criticisms about the OMB.*

*Watson comment 4: "I have always felt and have stated on many occasions that I believe that it is worthwhile to have a quasi-judicial arena, like the OMB, in which citizens can present facts and make their respective arguments."*

*Wellar response 4: I have neither quarrel with nor interest in any aspect of your personal opinion regarding the OMB. What I am asking about are facts/evidence which you use as a public official representing the City of Ottawa when making comments about the Board, and about its role in deliberations involving planning and zoning matters. I look forward to receiving that information, or, as appropriate, the admission that you do not have case evidence or other evidence to support your statements.*

*Watson comment 5: "I have also stated that I believe that the OMB process could be enhanced by improving its own procedural mechanisms and by allowing municipalities a say in the appointment process for the Board."*

*Wellar response 5: As noted above, your personal beliefs are not pertinent. Again, my interest is in facts/evidence, such as any legislative or other changes in OMB procedural mechanisms that you achieved or assisted in achieving while you were Minister of Municipal Affairs. As you may be aware, wish lists in politics are a dime a dozen, but facts/evidence of performance and decision support bases are something else.*

*The latter are the explicit focus of my communications to you regarding your statements in the column of September 18, 2012, and your email reply to me of May 14, 2012.*

*Watson comment 6: "I am copying our City Clerk and Solicitor, Rick O'Connor, on this. You may wish to enquire of him as to his own thoughts"*

*Wellar response 6: Thank you, but I have no interest in the thoughts of Mr O'Connor. However, if he has facts/evidence pertinent to the issues raised in these exchanges of correspondence, then that is an entirely different matter, and I welcome receipt of any information of this nature which he forwards to me.*

*Mr. Watson, your reply does not address the issues and questions raised in my initial communication to you of April 8, 2012, and your reply led to the surfacing of more issues and more questions.*

*In closing, Mr. Watson, I wish to emphasize that I am optimistic your reply to this communication will contain the information that I need in order to properly advise Federation officials and their members about the facts/evidence associated with the statements that you made in the Ottawa Citizen story of September 18, 2011.*

*Dr. Barry Wellar, MCIP  
Policy and Research Advisor  
Federation of Urban Neighbourhoods*

**Email E: J. Watson to B. Wellar**

*From: Watson, Jim (Mayor/Maire) [mailto:Jim.Watson@ottawa.ca]  
Sent: July 5, 2012 12:10 PM  
To: wellarb@uottawa.ca  
Cc: O'Connor, M. Rick  
Subject: RE: Comment about OMB in Ottawa Citizen, Sept. 18, 2011.*

*Dr. Wellar,*

*I understand that you have raised an issue about my response time to this particular email, dated May 19, 2012. My apologies for the delay in responding. I had intended to provide you a note acknowledging receipt of your further comments, questions and observations and, unfortunately, that note was never sent.*

*I had also intended to say that it is clear that you and I disagree. I believe that the OMB is a useful mechanism for citizens to be able to access and, apparently, you do not. Disagreement happens in public and private discourse from time to time and at least we are able to do so respectfully.*

*Sincerely,  
Jim Watson*

*Mayor  
City of Ottawa*

*JW/gy*

And thus ends the exchange of email communications between B. Wellar and J. Watson regarding OMB-related comments made by Watson in the Ottawa Citizen, September 18, 2011, and the quest by Wellar to learn about the facts or evidence, if any, upon which Watson's comments are based.

## **5. Analysis of the Emails between B. Wellar and J. Watson**

By way of brief context for this analysis, during my 45-year career to date in academia, government, and business, and as a community activist, I have been at meetings with, shared communications with, and reviewed communications generated by and exchanged between and among elected officials at all levels of government.

The elected officials were/are from Canada, the U.S., Australia, Northern Ireland, France, England, Japan, and Hungary, as well as other countries, and include Cabinet Ministers, MPs, Senators, Representatives, MPPs, MLAs, mayors, reeves, and councillors. And, the documents under consideration included/include Cabinet Documents, white papers, green papers, strategy papers, program proposals, expert submissions, research proposals, funding requests, etc.

I therefore believe it is fair to say that I have had considerable involvement with and exposure to policy materials, and that my experience in various policy research capacities makes me sufficiently qualified to critically analyse the email communications presented above.

In this exchange of policy materials I followed a well-worn path when it comes to conducting methodologically designed client-driven research. For starters, ask questions which are most likely to result in answers that are pertinent to the needs of the client, which in this case is the Federation of Urban Neighbourhoods.

And, as a central part of the research design, ask questions in such a way that there is little or no “wriggle room” for the respondent, thereby increasing the likelihood that whatever responses are given, they might still be instructive to the client, or to third parties.

My analysis of the Watson response in Email C is that it fails to rise above the level of faint platitudes, and is totally devoid of substantive content.

Whether that absence of substantive content is by design or accident is not something that I am able to ascertain but, courtesy of sound research design, even a response devoid of substance has its uses, as is discussed in section 6. However, there is nothing in Email C that is worthy of what might be termed scholarly consideration, so we move on.

In regard to the Watson response in Email E, it can charitably be characterized as the equivalent of “Taking the 5th”, a phrase which is popularly used in the U.S. to describe the act of someone refusing to answer questions on the grounds that by answering one might incriminate oneself. (For details, check out the Fifth Amendment, Constitution of the United States of America.)

To briefly recall the steps leading up to Email E, in Email D I provided six responses to comments by Watson in Email C, and the first five responses in Email D are specifically

and explicitly focused on obtaining responses based on facts and evidence as opposed to the platitude-laden terms and phrases expressed by Watson in Email C.

Email D closes with the following paragraphs in an attempt to persuade Mr. Watson to communicate at a level of substantive expertise which one could reasonably expect of a former Minister of Municipal Affairs and Housing, Province of Ontario, and the current Mayor, City of Ottawa.

“Mr. Watson, your reply does not address the issues and questions raised in my initial communication to you of April 8, 2012, and your reply led to the surfacing of more issues and more questions.

In closing, Mr. Watson, I wish to emphasize that I am optimistic your reply to this communication will contain the information that I need in order to properly advise Federation officials and their members about the facts/evidence associated with the statements that you made in the Ottawa Citizen story of September 18, 2011.”

As examination of Email E reveals, Mr. Watson did not address any of the fact-evidence issues raised in Email D, and for reasons that I can best describe as “logically strange” his communication drifts off onto two trivial tangents.

The opening paragraph,

“My apologies for the delay in responding. I had intended to provide you a note acknowledging receipt of your further comments, questions and observations and, unfortunately, that note was never sent.”

may be courteous but I had hoped, after spending considerable time and thought on Email D, that our communications would have advanced well beyond informing me of an unsent note “acknowledging receipt of your further comments, questions and observations”.

What I asked for, explicitly, and repeatedly in Email D, are the facts and evidence behind Mr. Watson’s newspaper article comments and, if he has no facts and evidence to support his comments, he was asked to publicly admit that state of affairs to be the case.

What could be clearer? Or easier? If Mr. Watson has the facts/evidence then he puts that information on the table. And, if he doesn’t have the facts/evidence then he puts that information on the table, and either way the credibility universe unfolds accordingly.

Based on my experience in these matters, it appears highly doubtful that Mr. Watson has facts or substantive evidence to support his comments. However, since he has yet to either put up any facts or evidence, or admit that he does not have such information,



section 6 identifies several ways that this matter might be pursued to a more productive outcome.

As for the second paragraph, the basis premise

“I had also intended to say that it is clear that you and I disagree. I believe that the OMB is a useful mechanism for citizens to be able to access and, apparently, you do not. Disagreement happens in public and private discourse from time to time and at least we are able to do so respectfully.”

is presumptive and disingenuous to say the least.

In point of fact whether and on what we disagree about with regard to the OMB is by no means clear, far from it. However, and more importantly, commenting about our respective beliefs is totally irrelevant to my inquiry.

Mr. Watson was asked, explicitly and repeatedly, in Email A, Email B, and Email D if the newspaper article comments that he made about OMB performance and experience were based on facts and evidence, and he has failed to provide that information. The term “stonewalling” comes to mind.

Mr. Watson was also asked in Email C about statements he made regarding communications with staff when he was Minister of Municipal Affairs and Housing, and he has not provided information that establishes the validity of his claims. The term “bob-and-weave” comes to mind.

The overall result of my analysis, therefore, is that in the absence of facts and evidence to the contrary, Mr. Watson’s comments about the OMB are substantively unfounded, and are unworthy of further examination in this report.

On the plus side, however, the non-answer nature of Mr. Watson’s responses to questions seeking clarifications of his statements has an element of serendipity that researchers encounter from time to time.

That is, Mr. Watson was given an opportunity to respond in an informative manner, and he chose not to do so. However, his failure to be forthcoming is by no means the end of the story.

Comments by Mr. Watson in the newspaper article and in Email C about the OMB have significant and in some cases perhaps troubling implications for present and past Ontario Ministers of Municipal Affairs and Housing, the leaders of opposition parties, and councillors of the City of Ottawa. Further, in addition to his comments having implications for the Federation and its community association members, they may also be of interest to the media. That discussion follows in section 6.

## **6. Implications of the Comments and Responses by Jim Watson for Politics, Politicians, and OMB Policy**

The implications of this report for provincial and municipal politicians and/or their officials and staff may have registered with some of them before getting to section 6. Further, Federation officers and representatives of community association members may also have twigged to the implications of this report for elected officials and, by association, for the Federation. And, finally, members of the media may also have gotten the sense that there are several newsworthy items arising from the report.

However, and as the reader is no doubt aware, implications on their own do not precipitate actions. Moreover, it is common political practice to try to “ride out the storm”, such as by not responding, making promises, holding committee hearings, proposing a reform project, inviting the unhappy to city-wide or province-wide town hall meetings, etc., etc., etc.

Therefore, and mindful that complaints about the OMB go back at least 25 years with nothing of consequence having been done to rectify the situation, I am putting in place the elements of a paper trail to promote and permit critical analysis of OMB-related activity and inactivity by elected officials at the provincial and municipal levels.

That is, by “forcing hands” through the directive approach, perhaps politicians, political parties, and political institutions at the provincial and municipal levels will decisively and incisively deal with the OMB so that it no longer has the capacity to improperly interfere in or distort the municipal planning and development process in Ottawa or other municipalities in Ontario.

### **a. Implications for Kathleen Wynne, Minister of Municipal Affairs and Housing**

Section 3, “Provincial Policy Interest in Jim Watson’s Remarks”, presents 12 scenarios and situations to illustrate the nature of the provincial interest in Jim Watson’s remarks, and each of P1 to P12 applies to every Minister of Municipal Affairs and Housing since the inception of the OMB. All that is required to make P1 to P12 directly applicable to each Minister is to change Watson to the name of the current Minister, (Kathleen) Wynne, or any past Minister.

In Email C, the following statement by Jim Watson, former Minister of Municipal Affairs and Housing, has numerous implications for Kathleen Wynne and the MAH administration.

“The observation that I made was intended to be a general comparison of the cost to go through an OMB hearing versus the various levels of Court action that can be part of a direct legal challenge. Indeed, when I was the provincial Minister of Municipal Affairs, I asked ministry officials about this and they confirmed it would be more costly and it would also slow down the process as

the already overcrowded courts would be further swamped with thousands of planning cases.”

The immediate implications of this statement for Kathleen Wynne are contained in the first three Watson comments and Wellar responses in Email D.

I suggest that it is the obligation of current Minister Kathleen Wynne and the Ministry to properly serve the public interest by making publicly available at the earliest moment the reports, studies, correspondence, and other documents containing the facts and evidence which validate and elaborate the statements made by Jim Watson.

There are other implications in this report for Minister Wynne and the Ministry, but first things first.

### **b. Implications for the Liberal Caucus, Province of Ontario**

It seems likely that during the past decade members of the Liberal caucus, and especially members who have been Minister of Municipal Affairs and Housing, would have or should have known about the contents of Email C in which Jim Watson reports on discussions with MAH officials about the OMB.

I therefore suggest that members of the Liberal caucus over the past decade publicly declare for the record what they knew about the situation described in Email C in which Jim Watson reports on his discussions with MAH officials about the OMB.

There are other implications in this report for members of the Liberal caucus, but first things first.

### **c. Implications for Opposition Parties, Province of Ontario**

Both the Conservatives (1995-2003) and the New Democrats (1990-1995) formed the Government of Ontario during times when complaints, challenges, etc., were being lodged about the OMB, and both had Ministers of Municipal Affairs and Housing during those times. Further, I am aware that within the past decade and in recent years leaders of both parties have received communications of concern regarding the OMB, so both parties have considerable familiarity with the issues raised in the report, and the general matter of implications.

I suggest that the leaders of the Conservative Party and the New Democratic Party put on record their responses to the contents of Email C in which Jim Watson reports on discussions with Ministry of Municipal Affairs and Housing officials about the OMB.

And, I further suggest that the leaders of the Conservative Party and the New Democratic Party put on record whether their respective Ministers of Municipal Affairs and Housing received information comparable to that which Jim Watson states that he received from MAH officials.

There are other implications in this report for the Conservative Party, and the New Democratic Party, but first things first.

#### **d. Implications for the Green Party, Province of Ontario**

The Green Party has not been in office or in opposition in Ontario, but it has participated in provincial elections and received considerable public recognition and support. As a result, the report holds implications for the Green Party.

I suggest that the Green Party use this report as a means of “encouraging” the McGuinty government and the opposition parties to provide Ontario residents with the information that Jim Watson is asked to provide in Email D.

#### **e. Implications for Councillors, City of Ottawa**

Section 2, “Municipal Policy Interest in Jim Watson’s Remarks”, presents 16 scenarios and situations to illustrate the nature of the municipal interest in Jim Watson’s remarks.

I suggest that any City of Ottawa councillor who believes that M1 applies to Mr. Watson’s newspaper remarks should put himself or herself on record in that regard, and provide information as to City of Ottawa official documents, including council and/or committee minutes, which confirm M1.

And, I suggest that any City of Ottawa councillor who believes that one or more of M2 to M16 applies to Mr. Watson’s newspaper remarks should put himself or herself on record in that regard, and provide information as to the reason(s) for citing one or more of M2 to M16.

There are other implications in this report for City of Ottawa councillors, but first things first.

#### **f. Implications for the Federation of Urban Neighbourhoods**

I suggest that the Federation send this report to Premier McGuinty, Minister of Municipal Affairs Kathleen Wynne, the leaders of all the political parties in Ontario, and to the Association of Municipalities of Ontario for information purposes, and a request for assistance. Specifically, for the first round, in the cover letter request access or assistance in obtaining access to the communications, studies, reports, etc., that Jim Watson refers to directly and indirectly in Email C. Based on Watson’s comments in Email C, it is my impression that the complete file of these materials is already assembled, and that MAH can make them available on its website in an hour at most.

I suggest that the Federation send the report to the clerk, City of Ottawa, with the instruction that the report be forwarded to the mayor and to the members of council, and that the cover letter include the request that mayor and councillors inform the Federation of their responses to the report.

I suggest that member community associations send the report to the clerk of their respective municipalities, with the instruction that the report be forwarded to the mayor and to the members of council, and that the cover letter include the request that mayor and councillors inform the Federation of their responses to the report.

And, I suggest that the Federation and its member community associations develop a common format and procedure for compiling files of comments by the above-named parties. Dissemination of materials in the files is the subject of a private communication to Federation officers.

There are other implications in this report for the Federation of Urban Neighbourhoods, but first things first.

## 7. Conclusion

It is eight years since I wrote *Fixing the Ontario Municipal Board: A Strategic Approach for Citizen Groups* for the Federation. *Fixing the Ontario Municipal Board* was written in recognition of decades of harsh criticism of the OMB by ordinary citizens, community associations, and municipal politicians, and the complete failure of any provincial government – Conservative, Liberal, or New Democrat – to resolve those criticisms.

During the past eight years there have been provincial government-sponsored meetings and more meetings, presentations and more presentations, and talk, talk, and more talk about reforms to deal with OMB issues, concerns, and problems raised in *Fixing the Ontario Municipal Board: A Strategic Approach for Citizen Groups*, *Summary of Recommendations for Fixing the Ontario Municipal Board*, and “*Be Careful What You Wish For: Sound Advice, or a Scare Tactic to Save the Ontario Municipal Board from Termination?*”

However, in my opinion nothing of consequence has happened and, if it had, then surely it would have been printed all caps and bold in Email C from Jim Watson.

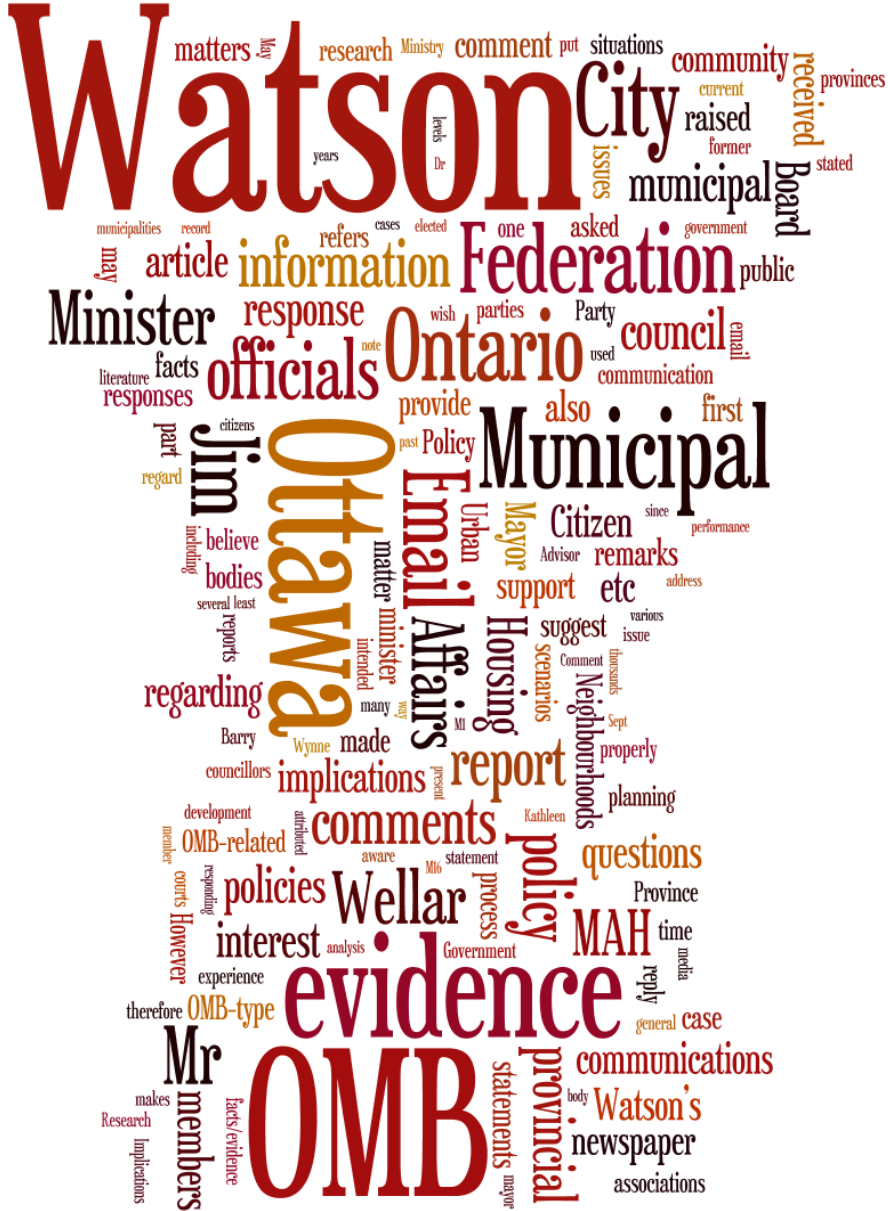
Instead, what we get from the former Minister are suggestions of procedural adjustments and municipal involvement in naming Board members, neither of which he implemented when he was Minister, and neither of which is supported by an iota, jot, or tittle of evidence as to its likely effectiveness. At best they are empty gestures, characteristic of the provincial government file on the OMB over more than 20 years, and counting.

I therefore look forward to learning about the responses or non-responses as the case may be, to this report.

In addition to contributing to more critical analysis of the causes and forces behind the OMB problem, they will also provide directions for designing and implementing a neighbourhood-based policy research agenda on planning and development principles, practices, and processes in Ontario municipalities.

A Word about Wordle

Wordle (wordle.net) is a fun way to illustrate the frequency with which words appear in a text, and the "word cloud" can be tweaked by choices of fonts, colour scheme, and layout. In view of the elusive nature of the search for evidence in this study, I opted for a change of pace and selected an up-front motif for this wordle.



About the Author

Information about Barry Wellar can be found at various websites, including: www.wellar.ca/wellarconsulting/home.html, slideshare.net, urisa.org, transportaction.ca, urbanneighbourhoods.ca, geomatics.uottawa.ca, and cag.org.