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## Guide to Researching Records of Ontario Municipal Board Hearings

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**208** Research Guide

Most Recent Update:  
November 2013

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The Archives of Ontario holds the records from hearings of the Ontario Municipal Board (OMB), dating from its formation in 1906 to 1991. For more recent records, please contact the OMB at 655 Bay Street, Toronto, Ontario M5G 1E5, 416-326-6800.

### What is the Ontario Municipal Board?

Originally named the Ontario Railway and Municipal Board, this body became the Ontario Municipal Board (OMB) in 1932. It is the oldest continuing quasi-judicial body in the Province of Ontario. The OMB 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. Generally, its earliest records were concerned with municipal transportation and communications. By the 1930s, the issue of municipal finance became the predominant concern. In the 1940s, the focus was on 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. This reflected changes in the rules governing how and why issues were brought before the OMB.

### OMB Application and Appeal Process

When the OMB hears issues, it follows a standard process:

1. An individual, corporate body or municipality submits an application or appeal to the OMB.
2. The board assigns a case number to the application or appeal. The case number and basic information 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. The OMB hears the application or appeal.
5. Following the hearings, the OMB could issue a Decision (see *Decision Books, Series RG 37-5*).
6. 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, [click here to access the Ontario Municipal Board's website](#).

## GETTING STARTED

1. You probably know either the municipality or the parties involved in a specific appeal or application; or, you may know the name of the case brought before the OMB. Start with the *Procedure Books*. They act as an index to the more detailed case records.
2. If you already know the alpha-numeric code for a specific file (e.g., D9740, R83-2356), go to the section on Application and Appeal Files.

You will come across many terms and committee names specific to OMB hearings. Appendix A has explanations for some of those that are used most frequently.

## THE RECORDS

### Procedure Books, Series RG 37-2, 1906–1988

The *Procedure Books* provide the basic index to OMB hearings and records. They record the details of a case and its final disposition. They also provide a reference to the location of any orders or decisions (e.g., OB1 F 300 or DB1 F 250 or OD3 F11) that the OMB issued related to the case. The *Procedure Books* are also the primary place to identify a particular case number with which to access the case files.

A complete listing of *Procedure Books* at the Archives of Ontario can be found in the description, [click here to access the database description for series RG 37-2 Procedure Books](#). There you will find a brief description of the types of cases that are recorded in the *Procedure Books* and instructions on how to order the books.

Hearing Year	How to use the <i>Procedure Book</i> as an index
1906–1952	The entries in these <i>Procedure Books</i> are in simple numeric sequence by the case number. To link these entries with specific applications you must first consult the indexes, <a href="#">click here to access the database description for series RG 37-3, Ontario Municipal Board Indexes to Procedure Books</a> .
1952–1956	These <i>Procedure Books</i> are the alphabetical index to case references. Up until 1956, cases were organized by the name of the individual or corporate

Hearing Year	How to use the <i>Procedure Book</i> as an index
	body responsible for initiating 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	In these <i>Procedure Books</i> , the indexing is simplified. All cases are identified in the <i>Procedure Books</i> by the name of the municipality to which the application referred. These <i>Procedure Books</i> also identify the type of case. In each year, there would be a range of volumes for capital expenditures and a second range of volumes for all other types of applications and appeals.
After 1972	Due to the growing complexity of the case load, the types of <i>Procedure Books</i> expanded. The List of Procedure Books provides an overview of the different indexing approaches. All cases are arranged alphabetically by the municipality and then in chronological order, based on when they were filed with the OMB.

Once you have found a relevant entry in the *Procedure Book*, check the File Classification Table in the description for series RG 37-6-1 in the Archives Descriptive Database (ADD) to confirm that the file number you have located corresponds to the type of case that you are interested in. If it does, 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, 1906-1990**

The *Procedure Books* provide a reference for the orders that the OMB issued in deciding a case. The information is provided in an OB (*Order Book*) volume number and folio (page) number (e.g., OB1 folio 300).

The orders that the OMB issued are useful in establishing the basic outcome of a case that it heard. 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.

For a complete listing of *Order Books* that the Archives of Ontario holds and instructions on how to order the books, [click here to access the database description for series RG 37-4 Order Books](#). (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, 1957-1988, 1990

The *Procedure Books* also refer to *Decision Books* (e.g., DB1; DB62). The decisions themselves are arranged within these volumes in chronological order by the date the OMB issued the decision.

There are written decisions for only a minority of cases that the OMB heard during this time. If a particular case was non-controversial, did not involve complicated evidence or other complicating factors, the OMB issued only an order. Decisions were reserved for instances where there were significant issues in dispute or where there might be some disagreement regarding the relevance of the evidence submitted to the hearing. In some instances, the OMB issued an Oral Decision, a memorandum of which can be found in the corresponding Application and Appeal files. After 1984, the OMB began issuing separate *Oral Decision Books*. These provide a reference to volume number and folio number (e.g., OD3 F11).

The texts of the decisions provide much more information on the decision-making process. The length of the text can vary greatly. The OMB can use decisions to explain its reasoning, to call into question particular evidence or to explain why a particular application lacked merit under the relevant statutes or regulations. Frequently, the OMB uses decisions in conjunction with relevant orders during any re-hearings or to determine case precedents.

For a complete listing of *Decision Books* held by the Archives of Ontario, and instructions on how to order the books, [click here to access the database description for series RG 37-5 Decision Books](#). (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, 1925-1991

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

Please be aware that there are several gaps in the OMB case files; specifically:

Hearing Year	Reason for Gaps
1906–1925	All case files were destroyed sometime prior to 1950.
1925–1949	The OMB 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. <a href="#">Click here to access series RG 14-42 Telephone Act approval order files</a> .

[Click here to access the database descriptions for the six sub-series that make up RG 37-6 Applications and Appeals files.](#) The bulk of the surviving case files for the OMB are in sub-series RG 37-6-1. The other five sub-series are records of significant cases (e.g., the Spadina Expressway, the formation of Metropolitan Toronto). They were removed from the main run of case files, because it was not practical to integrate them back into the Archives' main filing system.

To get a case file number, [click here to conduct a keyword search in the Archives Descriptive Database](#) or refer to the *Procedure Books* described above. If you already know the case file number (e.g., D9740, R83-2356), simply submit a Records Request Slip for RG 37-6-1, Application and Appeals files to the reference staff in the Main Reading Room.

The case file number indicates the year and the type of case that the OMB heard. However, because the OMB's file classification scheme changed over the years, [click here to access an explanatory table in the database description for series RG 37-6-1 Ontario Municipal Board selected case files.](#) (To get to the table from the series description, go to the "Finding Aid" field and choose the online finding-aid option.)

## **MAKING CONTACT**

### **Ready and Willing**

Although unable to do your OMB records research for you, our reference staff are waiting to assist you. You may telephone or write to them by mail or email or — best of all — visit the Archives of Ontario.

#### **Contact us**

**Telephone:** 416-327-1600 Toll free (Ontario): 1-800-668-9933

**Fax:** 416-327-1999

**Email:** [Click here to email the Archives of Ontario](#)

**Address:** Archives of Ontario, 134 Ian Macdonald Blvd., Toronto, ON M7A 2C5

#### **Website**

For information about the Archives' holdings, as well as access to research guides and other customer service materials available through the Archives of Ontario, [click here to visit the Archives of Ontario's website](#) .

#### ***Customer Service and Research Guides***

The Archives of Ontario has published a series of in-depth research guides on a variety of specific topics. For more information, please see "Research Guides and Tools" under "Accessing Our Collection" on the home page of the Archives website.

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