

Board firing bad for citizenry

By Allen Garr

The firing of all members of Vancouver's Board of Variance is not only unprecedented, it augers poorly for civic democracy.

It was motivated by senior city staff annoyed that their planning decisions were being overruled by this group of citizen volunteers. They were particularly annoyed when the board sided with third party intervenors, usually neighbours, who opposed a particular planning decision and the development it would produce.

The Board of Variance is an exceptional body. For citizens who oppose a city staff planning decision, whether it is to stop an expansion of their deck or to allow a building that will block their view, it is a free court of last resort.

Unlike any other body in the city, it can overrule staff. It is deliberately set up to be at arm's length from the bureaucrats and the politicians. You can appeal the board's decision to the B.C. Supreme Court and then the Court of Appeal.

The five person board was once made up of provincial and city appointees. Now it is entirely appointed by council.

When NPA Coun. Peter Ladner went public with the board's firing last week, he cited its extraordinary legal bills. But complaints about money and the board's use of outside counsel instead of city lawyers are just smoke. (The police regularly exceed their legal fees budget, as does the city, and no one is fired. The board also used outside counsel for many years before the current members were appointed.)

Equally questionable is the suggestion that the board was regularly exceeding its authority.

The in-camera meeting that led to the firing actually started Tuesday. The opposition had no idea it was coming. It dragged

over to Thursday as the staff, led by deputy city manager Brent MacGregor, and to a lesser degree city planner Rick Scobie, delivered a list of criticisms about the board.

It is worth noting that development decisions made by MacGregor and Scobie as members of the Development Permit Board and Scobie as a planner can be appealed to the Board of Variance and are at times overturned.

Council was told staff tried without success to discuss legal costs and the rest with board chair Terry Martin. Martin flatly denies there were any such discussions.

Martin, the only board member with signing authority, says if council has a legitimate beef, he's the guy who should be fired. Besides, most of the board was appointed after the particular cases that involved large legal bills were initiated.

But the NPA majority obviously decided they could take advantage of the situation, and placate grumbling developers and senior staff at the same time. Except for a developer named Tony Tang who was appointed by the NPA two months ago, the rest were appointed by the COPE/Vision council. So fire them they did without even talking with them.

It is reminiscent of the firing of the child and youth advocate. No discussion, no process. You're fired!

Board legal bills have indeed been over budget in the past two years. The particular budget overages were the result of a couple of cases. One was won at the Supreme Court and the developer decided to proceed to the Court of Appeal where the board lost.

In two cases where the board overturned a decision made by senior staff, it was taken to court by the developer. Court time and the subsequent legal bills were more than expected because the city legal staff joined the case on the side of the developer. This means we were fighting with ourselves and paying for both sides.

The city is again advertising for citizen's to sit on the Board of Variance. I can't image what the point would be.

Applicants will be expected to go along with senior staff. And if they are faced with a legal challenge to any decision they have made, they should be prepared to fold or get fired.

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