

## **OCP as a fluid document?**

You may hear the argument that the OCP is an ever-changing “guiding document” as opposed to a strict law, and in some ways this claim is true. Yet in other ways it is absolutely false.

For example, an OCP is considered more than a guide. The community of White Rock turned out to a public hearing and overwhelmingly opposed a six-storey mixed residential commercial development on the waterfront primarily because the proposed building was too high and views in the neighbourhood would be obstructed. Their council honoured the public’s wishes and rejected the application; the developer sued the town—and won.

### **Why?**

The court determined that local governments have no authority to decline development permits for projects that conform to the guidelines of an OCP if the refusal is based on consideration of criteria not contained in the OCP.

<http://www.sms.bc.ca/2011/06/the-ocp-trump-card-by-appeasing-popular-opinion-council-oversteps-its-jurisdiction/>

In other words: The town can only enforce the rules that are actually written in their Official Community Plan and bylaws. Without explicit wording in the OCP, taxpayers are burdened with defending their rights every time a situation like this arises. Clearly an OCP is defensible in court, not a mere “guiding” document. And clearly communities need to ensure that their OCPs contain explicit criteria.

Our OCP used to contain specific wording that would protect the scale and character, density, and views in the harbour. Now it doesn’t.