



STAFF REPORT INFORMATION REPORT

Definition of Boarding or Lodging House North York Zoning By-law 7625

Date:	May 22, 2008
To:	North York Community Council
From:	City Solicitor
Wards:	All North York Wards
Reference Number:	

SUMMARY

This report provides a response to a request from North York Community Council for a report regarding the definition of “Boarding or Lodging House” in North York By-law No. 7625 and recommendation of measures that will improve the ability of Municipal Licensing and Standards Officers to enforce the by-law against illegal rooming houses.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On April, 2008, North York Community Council adopted the following motion (NY14.63):

“The North York Community Council:

1. requested the City Solicitor, in consultation with staff from the North York Municipal Licensing and Standards Division, and the Chief City Planner, to report to the North York Community Council meeting on May 6, 2008, as to the definition of “Boarding or Lodging House” in North York By-law No. 7625 and provide recommendations as to measures that would improve the ability of Municipal Licensing and Standards Officers to lay charges and prohibit the operation of an illegal rooming house in the North York Community Council boundary area; and

2. requested that the motion moved by Councillor Shiner, outlined in Recommendation 1, be forwarded to the Licensing and Standards Committee for information, for its meeting on April 11, 2008.”

ISSUE BACKGROUND

The current definition for a Boarding House or Lodging House, which is often commonly referred to as a “rooming house”, in North York Zoning By-law No. 7625 reads as follows (emphasis added):

“BOARDING OR LODGING HOUSE shall mean a dwelling in which lodging with or without meals is supplied for gain, but shall not include a hotel, hospital, children’s home, nursing home, home for aged or other similar establishment.”

COMMENTS

The Municipal Licensing and Standards Division (“MLS”) advises that the phrase “for gain” in the by-law definition does create some difficulty in prosecuting illegal rooming houses. When an MLS officer responds to a complaint regarding an alleged illegal rooming house, the complaint is often from a tenant of the building. In these circumstances, the easiest way to prove the “for gain” component of the definition is by MLS requiring the tenant to attend at the court hearing to testify that they paid rent monies and to produce rent receipts, if available. However, by the time the charge comes to court for a trial, the tenant is usually no longer residing in the rooming house, given the transient and short term nature of the tenancies. Even where the MLS officer has the correct full name of the tenant, it can be very difficult to locate the witness in order to serve them with a summons to testify in court.

The City Planning Division is currently working on a harmonized City-wide Zoning By-law for Toronto. The following draft definition for a “Rooming House” has been proposed for public consultation purposes to be considered as replacement for all existing definitions for a Rooming House, Boarding House or Lodging House that are currently in the various Zoning By-laws for the former municipalities:

“**Rooming House** means a building or part of a building where living accommodation is provided in separate habitable rooms, each of which may contain food preparation facilities or sanitary facilities, but not both, and none of which are part of a dwelling unit; but this is not a Group Home, Residential Care Home, Nursing Home, Retirement Home or Seniors Community House.”

This definition does not use the phrase “for gain” or similar words describing a payment of rent monies; instead, it describes the physical layout of a typical Rooming House. Once this definition is enacted as part of the harmonized Zoning By-law, the concerns described above should no longer exist.

The North York Zoning By-law is not the only Zoning By-law that uses the words “for gain” or similar terms referring to the payment of rent. The Zoning By-law for Etobicoke (“for remuneration”), East York (“for gain”), Scarborough (“for valuable consideration”), and York (“for compensation”) all make reference to the payment of monies in exchange for accommodation. For this reason, a comprehensive review regarding a redefinition of “rooming house” should be undertaken on a City-wide basis.

City Planning has advised that the new Zoning By-law is anticipated to be brought before Council in the second quarter of 2009. The link to the draft definition of Rooming House in the Zoning By-law Project website can be accessed at:

<http://wx.toronto.ca/zoning.nsf/f6b60153f0b1304d85256f3400461e35/13d0ec2c49247b1b85256f410055fee0?OpenDocument>

This report has been prepared in consultation with the Municipal Licensing and Standards Division and the City Planning Division. The information contained in this report will be considered by the Chief Planner and the team responsible for the Toronto Zoning By-law when bringing the harmonized Zoning By-law forward for discussion.

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SIGNATURE

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