



## STAFF REPORT ACTION REQUIRED

### Amendments for all Zoning By-laws Group Home Separation and Occupant Numbers – Public Consultation Summary

|                          |  |
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| <b>Date:</b>             | May 1, 2014  |
| <b>To:</b>               | Planning and Growth Management Committee                       |
| <b>From:</b>             | Chief Planner and Executive Director of City Planning Division |
| <b>Wards:</b>            | All  |
| <b>Reference Number:</b> | P:\2014\Cluster B\PLN\PGMC\PG14048                             |

#### **SUMMARY**

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This report responds to Planning and Growth Management Committee's direction to the Chief Planner and Executive Director of City Planning (PG30.2) to "conduct further Community consultation" and report back to Planning and Growth Management Committee at its meeting of April 10, 2014. As space in the various districts of the City could not be secured until the first two weeks of April, the matter is being brought back as a continuation of the January 13, 2014 Statutory Public Meeting at the May 29, 2014 meeting of Planning and Growth Management Committee.

A series of four open house meetings on the proposed changes to group home regulations were held between April 7 and April 15, 2014, between the hours of 4:00 pm to 8:30 pm. One open house meeting was held in each district. A copy of the notification of the meetings was provided to each councillor and the advertisement was placed in the Toronto Star newspaper.

Through the course of the four open house meetings a total of 26 members of the public and various organizations attended. Of those, a total of 15 were also associated with 'The Dream Team', Ontario Human Rights Commission, a Group Home advocacy association or a councillor's office.

Those who attended the meeting, while having questions on the topic, expressed no opposition to eliminating the separation distance between group homes or to the removal of the minimum 3 person requirement for a group home.

## RECOMMENDATIONS

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The Chief Planner and Executive Director, City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law No. 569-2013; former City of Toronto By-law 438-86; former City of North York By-law 7625; former City of York By-law 1-83; former Borough of East York By-laws 6752 and 1916; former City of Etobicoke Zoning Code; and, former City of Scarborough Zoning By-laws 10076, 12797, 8786, 9350, 9174, 9396, 8978, 9364, 9508, 10048, 9676, 10827, 9089, 9276, 12466, 14402, 12181, 17677, 11883, 9366, 9812, 15907, 10010, 16762, 10717, 12360, 950-2005, 9511, 10327, 9510, substantially in accordance with the draft zoning by-law amendments included as Attachment 1 of the staff report submitted in item PG30.2 .

### **Financial Implications:**

These recommendations will have no financial impact beyond what has already been approved in the current year's budget.

## DECISION HISTORY

At its meeting held on January 28, 2014, the PGM Committee resolved to:

1. Adjourned its public meeting for Amendments for all Zoning By-laws Group Home Separation and Occupant Numbers under the Planning Act until April 10, 2014;
2. Requested the Chief Planner and Executive Director, City Planning to conduct further community consultation;  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG30.2>

Attempts to secure meeting space for the Open House was unable to be secure in time to report back to the April 10, 2014 PGM Committee. At its meeting of April 10, 2014, the PGM Committee resolved to:

1. Adjourned its public meeting for Amendments for all Zoning By-laws Group Home Separation and Occupant Numbers until May 29, 2014; and
2. Requested the Chief Planner and Chief Planner and Executive Director, City Planning to complete the scheduled community consultations and report back.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.1>

## ISSUE BACKGROUND

The Dream Team, an advocacy organization representing persons with disabilities including mental health issues, brought an Application to the Human Rights Tribunal of Ontario on behalf of eight of its members. The Application alleges that provisions in the

zoning by-laws of the pre-amalgamation municipalities, which remain in force, and in the City-wide Zoning By-law, impose mandatory separation distances for "group homes" and "residential care homes," that discriminate against persons with disabilities contrary to the Ontario Human Rights Code ("the Code").

The Dream Team is seeking an order from the Human Rights Tribunal declaring the provisions discriminatory and directing the City to remove them from the zoning by-laws or to refrain from enforcing or applying them while the City brings them into compliance with the Code.

By-law 569-2013, which was enacted on May 9, 2013, has regulations that were brought forward from previous zoning by-laws that require separation distances between group homes and residential care facilities.

There are three appeals to the Ontario Municipal Board against By-law 569-2013 contesting the inclusion of the separation distance requirement for group home and residential care facilities. If the separation requirement is removed, these three appeals and the Ontario Human Right Tribunal challenge should be addressed and those appeals will likely be withdrawn.

## **COMMENTS**

At its meeting held on October 22, 2013, a staff report from the Chief Planner and Executive Director, City Planning, recommended to the Planning and Growth Management Committee the removal of the group home separation distance requirement in all zoning by-laws and the elimination of the minimum occupant requirement in a group home. This recommendation is consistent with the findings in the report of Dr. Sandeep Agrawal, a land use planning expert retained by the City to investigate the appropriateness of the group homes regulations in light of the application to the Ontario Human Right Tribunal.

The Committee directed that the public be consulted on the proposed changes and that a final report and amending by-law be submitted to the January 13, 2014 meeting of the Committee.

On November 28, 2013 City Planning staff hosted an open house on the proposed changes to the group home zoning regulations. At that meeting staff presented an historical overview of regulations governing group homes found in the various zoning by-laws of the former municipalities and the newly enacted city-wide zoning by-law. It was explained that the proposed zoning changes addressed the concerns raised in the context of the human rights concerns raised with current regulations. At this open house meeting there were only 4 attendees. They were all supportive of the proposed group home zoning regulation changes.

The findings of the November 28 Open House were reported back to Planning and Growth Management at a Statutory Public Meeting on January 13, 2014. The decision of the Committee was to direct staff to hold an additional open house in each district, in an attempt to get greater public input into the matter. The Committee also requested that when the open house dates were set, staff notify all Councillors so that the Councillor's offices could notify their local ratepayer associations and other constituents to ensure greater circulation of the meeting.

The open house meetings were held from 4:00 p.m. until 8:30 p.m. at the following locations:

|                          |                |
|--------------------------|----------------|
| Etobicoke Civic Centre   | April 7, 2013  |
| North York Civic Centre  | April 9, 2013  |
| Toronto City Hall        | April 14, 2014 |
| Scarborough Civic Centre | April 15, 2014 |

These additional meetings had a total of 26 attendees, broken down as follows:

| Date           | Location                           | Total Attendees | Residents | Group Home Interest Groups |
|----------------|------------------------------------|-----------------|-----------|----------------------------|
| April 7, 2014  | West<br>(Etobicoke Civic Centre)   | 6               | 2         | 4                          |
| April 9, 2014  | North<br>(North York Civic Centre) | 2               | 0         | 2                          |
| April 14, 2014 | South<br>(City Hall)               | 6               | 1         | 5                          |
| April 15, 2014 | East<br>(Scarborough Civic Centre) | 12              | 8         | 4                          |
| <b>Totals</b>  |                                    | <b>26</b>       | <b>11</b> | <b>15</b>                  |

At each Open House meeting, staff explained the history of the Group Home regulatory structure. It was also pointed out at the Open Houses that Group Homes under the By-law are for individuals that require around-the-clock supervised living accommodation because they are not able to live on their own.

During The West District Open House, one resident stated that he is supportive of the changes since he had a son with a disability who is currently in a group home with only two residents in the Group Home. He noted that it was extremely difficult to get his son into a facility that was close enough that he could easily visit him throughout the week. Eliminating the separation distance he hoped would remedy that situation.

At the South District Open House, Representation was made by the Residents Association CORRA. The representative indicated concern with the definition of Group

Home which suggests that it is licensed or funded by the Province. The concern expressed was that other groups that might receive funding from the province might try to be considered Group Homes in order to occupy a residential dwelling. Adult Group Homes are only funded and not licensed under the Ministry of Community and Social Services. If funded only, the Group Home would have to also meet the requirement of being a supervised living accommodation operating as a single housekeeping unit under appropriate funding agreement from the Ministry.

During the East District Open House, it was noted that where some individuals thought a group home existed, the information provided about the residents and the operation of the facility more closely reflected that of a rooming house since there was no staff on site and no supervision and the tenants in the building did not appear to be capable of living on their own.

Based on the attendance numbers at the open houses and the comments received, there is no reason to alter the proposed by-law amendments in staff report item PG 30.2 before a public meeting of the Planning and Growth Management Committee.

On March 31, 2014 staff attended a meeting on Group Homes, arranged and organized by Councillor Moeser. There were seven representatives of ratepayer associations in attendance. The questions asked at the meeting focused on understanding what a Group Home use was and what changes were being proposed.

One individual expressed considerable concern about group homes although he was not aware of any. His issues related to on-street parking and neighbourhood disruption. Two individuals who were familiar with Group Home and individuals with disabilities were very supportive of the changes. The remaining four participants expressed no strong position either way but did question along with the Councillor why the change in separation distance was required as they were not aware of there being any issue with the current separation requirement. It was explained that there is no justification for imposing the separation distance given the interpretation of the Human Rights Code to this matter. In addition, the Ontario Human Rights Tribunal would be dealing with the matter should the City decide not to act in considering changes.

## **CONTACT**

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## **SIGNATURE**

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