

Ontario
Human Rights
Commission

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July 12, 2021

Mayor John Tory
City of Toronto
Office of the Mayor
City Hall, 2nd Floor
100 Queen Street West
Toronto, ON M5H 2N2
Sent via email: clerk@toronto.ca

Members of Council

Dear Mayor Tory and Members of Council:

**Re: Toronto City Council meeting, Wednesday July 14, 2021
Item: Planning and Housing Committee's proposed "New Regulatory Framework
for Multi-tenant Houses" – Committee Report No. PH25.10**

The Ontario Human Rights Commission (OHRC) welcomes this opportunity to provide comment on the proposed "New Regulatory Framework for Multi-tenant Houses," adopted by the Planning and Housing Committee on June 28, 2021, and scheduled to be considered by Toronto City Council on July 14, 2021.

City-wide permissions for multi-tenant houses

The OHRC is pleased that the framework implements human rights principles and "would establish city-wide permissions for multi-tenant houses."

Certain groups protected by the Ontario *Human Rights Code* (*Code*) are more likely to require low-cost, affordable housing, such as multi-tenant houses. This is particularly true for the grounds of age, sex, gender identity and expression, receipt of public assistance, disability (including mental health), marital and family status, citizenship, place of origin and race. People identified by these grounds are negatively and disproportionately affected when multi-tenant housing is restricted.

All municipalities, including the City of Toronto, must comply with the *Code*. The *Code* applies to the *Planning Act*, the *Municipal Act* and the *City of Toronto Act*. The *Code* applies to planning decisions and bylaws, and prevails when there are conflicts. The City of Toronto has a legal requirement to make sure it does not impose unnecessary restrictions on multi-tenant houses that could breach the *Code*.

The City must also ensure it adheres to the *Provincial Policy Statement, 2020* (the *PPS*). According to section 1.4.3 of the *PPS*, planning authorities should permit and facilitate residential intensification which, according to page 50 of the *PPS*, includes “rooming houses.” Section 4.4 of the *PPS* emphasizes that the *PPS* “shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the Canadian *Charter of Rights and Freedoms*.”

For many years, the OHRC has advocated for multi-tenant houses to be allowed as of right in Toronto’s residential neighbourhoods, consistent with the same land use principles as any other housing. In 2012, the OHRC released [In the zone: Housing, human rights and municipal planning](#), after significant research and consultation with planners and others in the housing sector. The guide set out recommended practices for municipalities to avoid discrimination in planning processes, including:

- Municipal regulation must not directly or indirectly keep certain groups of people out of neighbourhoods
- Municipalities should focus on legitimate land use planning – looking at things like parking, built form, and infrastructure like sewers and roads – instead of “people zoning.”

In a March 6, 2013, [submission](#) to the City of Toronto Planning and Growth Management Committee, the OHRC said that a draft city-wide zoning bylaw before the committee fell “short of both the [Ontario *Human Rights*] *Code* and the City’s Housing Charter, because it [among other things, did] not allow rooming houses as of right in most parts of Toronto.” In an October 21, 2013, [submission](#) to the same committee, the OHRC reiterated this position.

Licensing considerations

The proposed framework also includes “enhanced multi-tenant operator licensing requirements to promote health and safety.”

In 2013, the OHRC released [Room for everyone: Human rights and rental housing licensing](#). While that report focused mainly on small-scale rentals, its recommendations are also useful in this context and include:

- Consider the Ontario *Human Rights Code* when crafting licensing requirements, refer to the *Code* in the licensing bylaw, and refer to the *Code* in materials issued to people applying for licenses
- Roll out the bylaw in a consistent, non-discriminatory way
- Work to secure existing housing stock by grandparenting any multi-tenant houses that were legally allowed to operate before the licensing bylaw
- Avoid arbitrary bedroom caps
- Protect tenants in cases of rental shutdown by informing them of health and safety issues when they are first raised, and by making sure they are not displaced without recourse or assistance

- Make sure licensing fees are fair, so that if they are passed on to renters, there is a minimal impact on affordability.

In summary, it is past time for the City of Toronto to increase access to affordable housing options by granting city-wide permissions for multi-tenant houses. The OHRC urges City Council to approve the proposed framework.

Sincerely,

A handwritten signature in black ink, appearing to read "Ena Chadha". The signature is fluid and cursive, with the first name "Ena" being more prominent and the last name "Chadha" following in a similar style.

Ena Chadha, LL.B., LL.M.
Chief Commissioner

cc: OHRC Commissioners