

**THE CITY OF TORONTO**

**Clerk's Division**

**Minutes of the Planning and Transportation Committee**

**Meeting No. 2**

**Tuesday, January 28, 2003**

The Planning and Transportation Committee met on January 28, 2003, in Council Chamber, City Hall, Toronto, commencing at 9:30 a.m.

<b>Councillor</b>	<b>9:30 a.m.</b>
Councillor Gerry Altobello, Chair	X
Councillor Pam McConnell, Vice-Chair	X
Councillor Lorenzo Berardinetti	X
Councillor Betty Disero	X
Councillor Joanne Flint	X
Councillor Peter Milczyn	X
Councillor Howard Moscoe	X
Councillor Kyle Rae	X

**Declarations of Interest Pursuant to the Municipal Conflict of Interest Act**

None declared.

**2.1 Enactment of a Municipal Shelter By-law and Adoption of Related Council Policies and Procedures**

The Planning and Transportation Committee gave consideration to a report (January 9, 2003) from Mayor Lastman advising that Members of Toronto City Council continue to take action on homelessness and the lack of affordable housing in Toronto, advising that the proposed shelter by-law now requires that each shelter be:

- individually and explicitly approved by Council
- at least 250 metres from any shelter
- situated on a major or minor arterial road, and
- all existing shelter beds will be protected where they currently exist

and stating that the City must move forward with a new and improved Municipal Shelter By-law that balances the need for new shelters with the concerns expressed by local communities.

The Committee also had before it the following material:

- joint report (December 20, 2002) from the Commissioner of Urban Development Services and Commissioner of Community and Neighbourhood Services responding to comments and recommendations of City Council and Community Councils in considering the draft Municipal Shelter By-law, forwarding for consideration a revised overall approach to the selection, assessment and approval of municipal shelter sites comprising a revised draft by-law together with revised policies and procedures, and recommending that:
  - (1) should Council wish to adopt zoning by-law provisions that are more restrictive toward municipal shelters than the draft by-law previously considered at the statutory public meeting, at the Council meeting of April, 2002 and at the Community Council meetings held in September, 2002, the following be incorporated in the draft by-law:
    - (a) each municipal shelter site be individually and explicitly approved by Council;
    - (b) a minimum separation distance of 250 metres be required between any new municipal shelter and any existing municipal shelter;
    - (c) new municipal shelters be required to be located on arterial roads (major and minor);
    - (d) lawfully existing facilities, and those with building permits issued prior to the date of by-law adoption, that meet the by-law definition of a municipal shelter, be deemed to comply with the new by-law requirements;
    - (e) municipal shelters be specifically permitted at three sites where Council has previously authorized funding for such a use, namely: 101 Ontario Street and 717 Broadview Avenue in the former City of Toronto; and Concession 1 West of Yonge Street, Part Lot 19, Expropriation Plan 9457, Part 11, also known as 0 Canterbury Place in the former City of North York;
    - (f) a municipal shelter use be explicitly excluded as a permitted use in those provisions within existing zoning by-laws under which the use might otherwise be permitted, including the relevant “essential

service”, “public service”, “public use”, and “hostel” provisions in the zoning by-laws for the former North York, York, East York, Toronto, and Etobicoke;

- (2) in accordance with Recommendation No. 1, above, the City Solicitor submit a by-law for the consideration of Council substantially as contained in Appendix A attached to this report;
- (3) a moratorium on the location of new municipal shelters be adopted to the effect that no new municipal shelter sites be approved in wards already having 500 or more municipal shelter beds, except to replace existing shelter beds that may be closed within that ward;
- (4) the revised Site Assessment and Property Assessment protocols, and the revised Community Information Process, as contained in Appendices B, C and D, respectively, attached to this report, be adopted;
- (5) the required City Council approval of each new municipal shelter site and facility be achieved through the forwarding of a report to Community Services Committee, with appropriate analysis and recommendations, from the Commissioner of Community and Neighbourhood Services, and addressing, but not limited to:
  - (a) the moratorium adopted by Council in Recommendation No. 3, above;
  - (b) the requirements of the Municipal Shelter By-law;
  - (c) the due diligence process involving the Site and Property Assessments set out in Appendices B and C to this report;
  - (d) the implementation of the Community Information Process set out in Appendix D to this report; and
  - (e) the input of the local residents and Councillor(s);
- (6) Council determine that no further notice be given in respect of the proposed by-law, pursuant to subsection 34(17) of the Planning Act;
- (7) the Commissioner of Urban Development Services, in consultation with the City Solicitor, be directed to include in the proposed city-wide site plan control by-law a requirement that development to accommodate a municipal shelter use be subject to site plan control; and

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(8) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

- Clause No. 1 of Joint Report No. 2 of the Planning and Transportation Committee and the Community Services Committee, entitled "Enactment of a Municipal Shelter By-law", which City Council on April 16, 17 and 18, 2002, struck out and referred to the Office of the Mayor, with a request that the Mayor:

(1) review the proposed Municipal Shelter By-law on the basis of the 105 recommendations outlined in the final report of the Mayor's Homelessness Action Task Force, in consultation with officials of the Toronto Community Housing Corporation;

(2) address a process whereby any new recommendations are referred to the Community Councils for the hearing of deputations;

(3) submit a report thereon to City Council for consideration at its meeting scheduled to be held on October 1, 2002, through the Planning and Transportation Committee; and

(4) give consideration to the following additional motions:

Moved by Councillor Di Giorgio:

"It is recommended that the proposed Municipal Shelter By-law include the following provisions:

(a) approval by City Council of any proposed Municipal Shelter where the number of beds does not exceed 50 or the number of families does not exceed 30; and

(b) approval by the Committee of Adjustment of any proposed Municipal Shelter where the number of beds exceeds 50 or the number of families exceeds 30.";

Moved by Councillor McConnell:

"It is recommended that:

(a) the proposed Municipal Shelter By-law include the following provisions:

(i) approval by City Council of any proposed Municipal Shelter;

- (ii) a minimum separation distance of 250 metres between Shelters; and
  - (iii) a restriction of the location of Municipal Shelters in any area comprising a flood plain or which has been or may be subject to flooding hazards;
- (b) Municipal Shelters be added to the list of proposed developments which are subject to site plan control; and
  - (c) pursuant to Section 34(17) of the Planning Act, no further notice in respect of the proposed Municipal Shelter By-law be required.”; and

Moved by Councillor Pitfield:

“It is recommended that:

- (a) in future, a moratorium on additional shelters be placed on Wards that have 500 beds or more;
- (b) the Acting Commissioner of Community and Neighbourhood Services be requested to conduct a facilities review of existing shelters, with special attention to the number of washrooms; and
- (c) the Chair of the Toronto Police Services Board be requested to explore the feasibility of having police recruits supervise homeless shelters, as part of their training, to ensure the safety of residents, at no cost to the City.”

In addition, City Council requested that:

- (A) in the interim, the Community Councils hold public meetings on this matter, at special meetings, if necessary, and forward their comments in this regard to the Planning and Transportation Committee, in accordance with the above schedule; and
- (B) the Commissioner of Urban Development Services report, in accordance with the schedule and process outlined above, on the differences between the current North York By-law No. 7625 and the proposed City-wide by-law, and on the feasibility of implementing the current North York By-law as a model for use City-wide.

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- transmittal letter (September 25, 2002) from the City Clerk, Etobicoke Community Council advising that Etobicoke Community Council, at its meeting on September 18 and 19, 2002, recommended to the Planning and Transportation Committee that the proposed schedule for consideration of this matter by Council in February 2003 be amended to provide that it be deliberated by the Planning and Transportation Committee in November 2002 and subsequently by Council;
  
- transmittal letter (September 19, 2002) from the City Clerk, Humber York Community Council advising that Humber York Community Council, at its meeting on September 17, 2002, recommended that the Planning and Transportation Committee be advised that the Humber York Community Council supports:
  - (1) the enactment of the proposed Municipal Shelter By-law;
  - (2) the motion moved by Councillor McConnell, subject to the words "or parkland" being inserted after the words "flood plain" in recommendation (iii), viz:

"It is recommended that:

    - (a) the proposed Municipal Shelter By-law include the following provisions:
      - (i) approval by City Council of any proposed Municipal Shelter;
      - (ii) a minimum separation distance of 250 metres between Shelters; and
      - (iii) a restriction of the location of Municipal Shelters in any area comprising a flood plain or parkland or which has been or may be subject to flooding hazards;
    - (b) Municipal Shelters be added to the list of proposed developments which are subject to site plan control; and
    - (c) pursuant to Section 34(17) of the Planning Act, no further notice in respect of the proposed Municipal Shelter By-law be required.";
  - (3) the motion moved by Councillor Di Giorgio, viz:

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"It is recommended that the proposed Municipal Shelter By-law include the following provisions:

- (a) approval by City Council of any proposed Municipal Shelter where the number of beds does not exceed 50 or the number of families does not exceed 30; and
- (b) approval by the Committee of Adjustment of any proposed Municipal Shelter where the number of beds exceeds 50 or the number of families exceeds 30.";

- transmittal letter (September 18, 2002) from the City Clerk, Midtown Community Council advising that Midtown Community Council, at its meeting on September 17 and 18, 2002:

- (1) supported the following motion placed by Councillor Pitfield at the meeting of City Council held on April 16, 17 and 18, 2002:

“It is recommended that:

- (a) in future, a moratorium on additional shelters be placed on Wards that have 500 beds or more;
- (b) the Acting Commissioner of Community and Neighbourhood Services be requested to conduct a facilities review of existing shelters, with special attention to the number of washrooms; and
- (c) the Chair of the Toronto Police Services Board be requested to explore the feasibility of having police recruits supervise homeless shelters, as part of their training, to ensure the safety of residents, at no cost to the City;” and

- (2) requested staff to report on amending Section 2-34 of the (former) City of North York Zoning By-law No. 7625 headed “Essential Services”, by adding the words “or municipal shelter” so that such subsection shall read as follows:

“‘Essential Services’ means the construction, installation, alteration, operation or maintenance by a government, government agency or public utility corporation of any building, line, sewer, pipe or work, and incidental structure which is necessary to the provision of a public service, but shall not include a public parking lot, parking station, office building or municipal shelter.”;

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- transmittal letter (September 23, 2002) from the City Clerk, North York Community Council advising that North York Community Council on September 18, 2002, recommended to the Planning and Transportation Committee that:
  - (1) the proposed Municipal Shelter By-law not be adopted in its current form;
  - (2) the new Municipal Shelter By-law include the following provision:
    - (i) a minimum separation distance of 250 metres between Shelters;
  - (3) in future, a moratorium on additional shelters be placed in Wards that have 500 beds or more;
  - (4) the Commissioner of Community and Neighbourhood Services be requested to conduct a facilities review of existing shelters, with special attention to the number of washrooms;
  - (5) the Chair of the Toronto Police Services Board be requested to explore the feasibility of having police recruits supervise homeless shelters, as part of their training, to ensure the safety of residents, at no cost to the City; and
  - (6) the Commissioner, Urban Development Services, be requested to examine the existing By-laws, including the old City of Toronto By-law, and determine:
    - (i) the type of shelters the City operates;
    - (ii) where municipal shelters should be located;
    - (iii) how municipal shelters are to be generally operated; and
    - (iv) the estimated demand for the services;
  
- transmittal letter (September 19, 2002) from the City Clerk, Scarborough Community Council advising that Scarborough Community Council, at its meeting on September 17, 2002, did not support the as-of-right provisions of the Municipal Shelter By-law, and recommended:
  - (1) that the proposed By-law be referred back to staff;
  - (2) that the Commissioner of Urban Development Services be directed to report to Planning and Transportation Committee on making provisions for municipal shelters in the Official Plan policies;



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- (3) that the Planning Act process be used for implementing the zoning by-law on an application-by-application basis;
- (4) that the By-law take into account an equitable distribution of shelters across the City;
- (5) that the amount of assisted housing already located in the potential host community be taken into consideration, including existing group homes;
- (6) that a standard be established for the length of time residents may remain in shelters and a monitoring system be developed;
- (7) that there be an appeal process for any decision made by Council respecting the location of a shelter;
- (8) that a method be established to assess the suitability of a potential host community;
- (9) that staff be directed to address the following issues in the Official Plan policies:
  - (a) the number of beds in single person shelters and the number of families per family shelter;
  - (b) similar to the Group Home issue, the control of these shelters through the Official Plan such that they are located on major arterial roads which provide public transit seven days a week;
  - (c) the protection of employment/industrial areas so that they remain stable for employment uses by not allowing municipal shelters to be located in such areas; and
  - (d) the consideration of a distance separation of a minimum 500 metres between shelters;

- transmittal letter (September 20, 2002) from the City Clerk, Toronto East York Community Council advising that Toronto East York Community Council, at its meeting on September 17, 2002, recommended that:

- (1) the proposed Municipal Shelter By-law be adopted;
- (2) the Commissioner of Community and Neighbourhood Services set up a Community Liaison Committee for each current and future shelter, where

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appropriate, and on the basis of a request from local residents and/or the Ward Councillor;

- (3) the Commissioner of Community and Neighbourhood Services develop a complaint procedure that includes response and resolution both from the local liaison committee and from the Commissioner;
- (4) the Commissioner of Community and Neighbourhood Services undertake an operational review of existing shelters to ensure that they comply with the new shelter standards, that they provide efficient, effective and healthy services, that they provide appropriate supports, including 24 hour service, and that they have good neighbourhood policies in place;
- (5) approval by City Council be required of any proposed municipal shelter or municipally funded shelter;
- (6) a minimum separation distance of 250 metres be maintained between shelters, and those which presently do not comply with this restriction be designated as a legal non-conforming use;
- (7) municipal shelters be added to the list of proposed developments which are subject to site plan control; and
- (8) a moratorium be placed on additional shelters in Wards which have five hundred beds or more;

- the following communications appended to Clause No. 1 of Joint Report No .2 of the Planning and Transportation Committee and the Community Services Committee, entitled "Enactment of a Municipal Shelter By-law", which City Council on April 16, 17 and 18, 2002, struck out and referred to the Office of the Mayor:

- (October 8, 2002) from Iris Magness;
- (October 8, 2002) from Vanessa Magness;
- (October 9, 2002) from Kenneth A. (Sandy) Tipper;
- (September 17, 2002) from Elizabeth Block;
- (September 11, 2002) from Perry Missal;
- (September 22, 2002) from Victoria Schei;

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- (September 19, 2002) from Andrew Brodie, B.A. Hon., Sales Representative, Coldwell Banker Pinnacle R.E.;
- (September 17, 2002) from Kathleen Kelly;
- (September 16, 2002) from Gerri Orwin;
- (September 16, 2002) from Jack Graham Orwin;
- (September 16, 2002) from Irina and Raz Rapaport;
- (September 17, 2002) from Winnie Wong;
- (September 12, 2002) from Page Westcott, Vice-President, Bayview Cummer Neighbourhood Association (BCNA);
- (September 13, 2002) from Bonnie Easterbrook;
- (September 13, 2002) from Shelley Ortved, President, Oriole Park Association;
- (September 15, 2002) from Barbara Zaleski;
- (November 14, 2002) from Tony Hamill; and
- (November 6, 2002) from Paul Dineen, President, Old Cabbagetown BIA; Clause Schirmer, President, Winchester Park Residents' Association; Pierre Klein, President, Cabbagetown South Association; Chris Hutchison, Chair, Corktown Residents and Business Association; Michael Comstock, President, St. Lawrence BIA; and Barry Litowitz, Director, Queen East Business & Residents Association;
- communication (January 22, 2003) from Ann Bosley, President, Toronto Real Estate Board;
- communication (December 27, 2002) from Maureen Houlihan, Co-ordinator, obo Board of Directors, Hugh Garner Housing Co-operative;
- communication (January 20, 2003) from Casimir Bartoszewicz;
- communication (January 25, 2003) from Scott Foster;
- communication (January 26, 2003) from Thomas J. Robinson, President, West Rouge Community Association;

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- communication (January 26, 2003) from The Outreach Committee, Fairlawn Heights United Church and the Fairlawn Neighbourhood Centre
- communication (undated) from Choi Wong;
- communication (January 25, 2003) from Jan Poplawski;
- communication (January 20, 2003) from Barbara Zaleski;
- communication (January 28, 2003) from David Wurfel, Homelessness Action Group;
- communication (January 25, 2003) from Elaine Heaton, President, W.R.R.A.;
- communication (January 27, 2003) from Tinna Jenkins;
- communication (January 27, 2003) from Cathy Crowe, RN, Toronto Disaster Relief Committee;
- communication (January 27, 2003) from Bonnie Easterbrook and Patrick Hogan, Co-Chairs, John Innes Community Centre;
- communication (January 28, 2003) from Chris Hutcheson;
- communication (January 28, 2003) from Ken Hale, Lawyer Director, South Etobicoke Community Legal Services and Elinor Mahoney, Community Legal Worker, Parkdale Community Legal Services;
- communication (January 27, 2003) from Agnes Vermes, Leaside Property Owners Association Incorporated;
- presentation material, entitled "Municipal Shelters: Proposed City-wide Zoning By-law and Related Council Policies", submitted by Barbara Leonhardt, Director, Policy and Research, Urban Development Services and Phil Brown, General Manager, Shelter Housing and Support;
- communication (January 28, 2003) from Mirka Macalik;
- communication (January 28, 2003) from Ann Fitzpatrick and Margaret Murphy, Children's Aid Society of Toronto;
- communication (January 28, 2003) from Paul Dineen, Chair, Old Cabbagetown Business Improvement Area;

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- communication (January 28, 2003) from Kathy Laird, Director of Legal Services, Advocacy Centre for Tenants Ontario;
- communication (undated) from Lester Brown, President, obo Gooderham & Worts Neighbourhood Association;
- communication (undated) from Pierre Klein, President, Cabbagetown South Association;
- communication (undated) from Eva Curlanis-Bart, President, The Garden District Residents Association;
- communication (undated) from Phil Nazar, obo Toronto Christian Resource Centre;
- communication (undated) from Bonnie Briggs;
- communication (undated) from Faiza R. Ansari, Special Projects Co-ordinator, Greektown B.I.A.; and
- communication (undated) from Laurie McGugan.

Barbara Leonhardt, Director, Policy and Research, Urban Development Services and Phil Brown, General Manager, Shelter Housing and Support, gave a presentation to the Planning and Transportation Committee regarding the foregoing matter.

The Chair advised that:

"If a person or public body that files a notice of an appeal of a decision of City Council in respect of the proposed Official Plan amendment does not make oral submissions at this public meeting or make written submissions to the City Clerk before the proposed amendment is adopted, the Ontario Municipal Board may dismiss all or part of the appeal".

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Donna Braniff;
- Kathy Laird, Director of Legal Services, Advocacy Centre for Tenants Ontario;
- Mirka Macalik;
- Karen Kates;
- Elinor Mahoney, Tenant Advocacy Group;
- Paul Dineen, Chair, Old Cabbage Town BIA and obo the Toronto Association of B.I.A.'s (TABIA);

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- Ann Fitzpatrick and Margaret Murphy, Children's Aid Society of Toronto;
- Tooker Gomberg;
- Lester Brown, Gooderham & Worts Neighbourhood Association;
- Eva Curlanis-Bart, President, Garden District Residents Association;
- Pierre Klein, President, Cabbagetown South Association;
- Kerre Briggs, Toronto Disaster Relief Committee;
- Sharon Carter, Queen East Business and Residents Association (QUEBRA);
- Maureen Gilroy;
- Phil Nazar, obo Toronto Christian Resource Centre;
- Faiza Ansari, Greektown on the Danforth B.I.A.;
- Victoria Masnyk, Swansea Area Ratepayers' Association/Swansea Area Ratepayers' Group;
- Laurie McGugan;
- Choi Wong;
- Robert Cishecki;
- David Wurfel, obo Homelessness Action Group;
- David Vallance;
- Joyce Guspie;
- Linda Dixon;
- Rick Davies, Toronto Disaster Relief Committee; and
- Bonnie Briggs.

The Planning and Transportation Committee recommended to City Council, for its meeting to be held on February 4, 2003, that:

- (1) on motion by Councillor Rae, the joint report (December 22, 2002) from the Commissioner, Urban Development Services and the Commissioner, Community and Neighbourhood Services be adopted, subject to:
  - (a) amending Recommendation (3) by deleting the words "except to replace existing shelter beds that may be closed within that ward", so as to read:

“(3) a moratorium on the location of new municipal shelters be adopted to the effect that no new municipal shelter sites be approved in wards already having 500 or more municipal shelter beds;”
  - (b) on motion by Councillor Flint, amending Section (1)(a) of Appendix D titled "Community Information Process" by deleting the words "120

metres” and substituting the words “250 metres”, so as to read:

- a) Staff will contact and meet with the Councillor in whose Ward the site is located, will advise the Councillor(s) as to their recommendations regarding the use of the site and will inform the Councillor that the Community Information Process will commence within 15 working days. Where a site is within 250 metres of another Ward(s), staff will also meet with the other affected Councillors.”;
- (2) on motion by Councillor Flint, any existing Site Plan Control by-law in the City be amended to ensure that all municipal shelters are subject to Site Plan Control until such time that a harmonized Site Plan Control By-law is developed, and that a stakeholder group be established consisting of, but not limited to, representatives from the Toronto Association of Business Improvement Areas, shelter advocates, ratepayer and tenant groups and staff from Urban Design Division of Urban Development Services, to provide input into the development of the harmonized Site Plan Control By-law and its guidelines for shelters;
  - (3) on motion by Councillor Moscoe, the Toronto Police Services Board be requested to explore the feasibility of having Police recruits, as part of their training, supervise homeless shelters in order to provide all future police recruits with an opportunity to become aware of the plight of the homeless and become sensitive to their needs; and
  - (4) on motion by Councillor McConnell, the Commissioner of Community and Neighbourhood Services, be requested to report to the Community Services Committee on those shelters not providing 24 hour service and identify how the City can redress this lack of service on a site by site basis.

On motion by Councillor Flint, the Planning and Transportation Committee requested the Commissioner, Community and Neighbourhood Services to report directly to City Council for its meeting on February 4, 2003 on matters relating to the size and

funding of shelters in relation to the various target groups, such report to include comment on the following motion proposed by Councillor Sutherland:

“That the joint report (December 20, 2002) from the Commissioner, Urban Development Services and the Commissioner, Community and Neighbourhood Services, be amended by capping the size of shelters to 50 beds for single adults and 30 beds for families”.

(Commissioner, Community and Neighbourhood Services; c.c.: Commissioner, Urban Development Services and City Solicitor - January 29, 2003)

**(Clause No. 1, Report No. 3)**

The meeting adjourned at 1:20 p.m.

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Chair