



**STAFF REPORT
ACTION REQUIRED**

**Zoning Amendments to Change the Definition of
'Boarding or Lodging House' in the North York
Community Council District Boundary**

Date:	December 16, 2008
To:	North York Community Council
From:	Chief Planner and Executive Director, City Planning
Wards:	8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
Reference Number:	Ny080077

SUMMARY

The current zoning bylaw definition for 'Boarding Lodging House' includes the term 'for gain'. The Municipal Licensing and Standards Division advises that the phrase "for gain" in the by-law definition does create some difficulty in prosecuting illegal rooming houses. This report recommends amending the definition of 'Boarding or Lodging House'.

RECOMMENDATIONS

The Chief Planner and Executive Director of the City Planning Division recommend that Council:

1. enact the Zoning Bylaw Amendment to the definition of 'Boarding and Lodging House' found in the former city of North York Zoning Bylaw No. 7625 substantially in accordance with the draft zoning by-law identified as Attachment No. 1.
2. authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.

Financial Impact

The recommendations of this report will have **no** financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On July 7, 2008, North York Community Council considered an information report from the City Solicitor (May 22, 2008) on the "Definition of Boarding or Lodging House in North York Zoning Bylaw 7625".

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-13806.pdf>

The Community Council adopted the following (NY17.27):

1. Requested the Chief Planner and Executive Director, City Planning Division, to submit a report to the North York Community Council meeting on November 18, 2008, regarding amendments to the North York Zoning Bylaw to the definition of Boarding or Lodging House that would be consistent with the approach taken in the former City of Toronto Zoning Bylaw as it applies to the area covered by the North York District.
2. Hold a statutory public meeting on November 18, 2008, on the definition of a rooming house in the North York bylaw for the area covered by the North York District.

At its meeting held on November 18, 2008, North York Community Council adopted the following:

"The Chief Planner and Executive Director, City Planning, to submit a report to the North York Community Council meeting on January 13, 2009, regarding amendments to the North York Zoning By-law to the definition of Boarding or Lodging House that would be consistent with the approach taken in the former City of Toronto Zoning Bylaw as it applies to the area covered by the North York District, as previously directed at its meeting of July 7, 2008." and,

"A statutory public meeting be held on this matter at the North York Community Council meeting of January 13, 2009, as previously directed by North York Community Council at its meetings on July 7, 2008."

ISSUE BACKGROUND

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, it is often in response to a complaint from a tenant of the building. To prove the “for gain” component of the definition, MLS would require 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.

COMMENTS

Boarding or Lodging House Definition Change

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.”

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, it is often in response to a complaint from a tenant of the building. To prove the “for gain” component of the definition, MLS would require the tenant to attend at the court hearing to testify that they paid rent monies and to produce rent receipts, if available.

The current definition found in the zoning bylaw of the Former City of Toronto, Bylaw No. 438-86, does not include the term ‘for gain’ and has proven successful in its regulation of boarding (rooming) or lodging houses. Council requested that any change to the North York Zoning Bylaw definition of Boarding or Lodging House be consistent in approach to that found in 438-86, the former City of Toronto Zoning Bylaw. The following definition is proposed to replace the existing definition of Boarding or Lodging House:

“**Boarding or Lodging House** shall mean a dwelling in which lodging, with or without meals, is supplied in separate habitable rooms, each of which may contain food preparation facilities or sanitary facilities, but not both. A hotel, hospital, children’s home, nursing home, home for the aged, or other similar establishment, is not a Boarding or Lodging House.”

This wording captures the intent found in the former City of Toronto Zoning Bylaw while relating to the terms and language used in the North York Zoning Bylaw.

CONTACT

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SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

No. 1 - Bylaw Amendment Boarding or Lodging House

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Authority: Planning and Growth Management Committee Item No.
as adopted by City of Toronto Council on January XX, 2009
Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. -2009

A By-Law To Amend the Definition of Boarding or Lodging House.

WHEREAS City Council wishes to amend the definition of Boarding and Lodging House in the North York Zoning Bylaw No 7625 as it applies to the North Community Council district boundary to be consistent with the definition found in the Zoning Bylaw of the former City of Toronto;

WHEREAS authority is given to City Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended to pass this by-law;

WHEREAS City Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*.

THEREFORE the Council of the City of Toronto **HEREBY ENACTS** as follows:

1. Despite the definition of Boarding or Lodging House found in zoning by-law 7625 of the former City of North York, enacted under section 34 of the *Planning Act* or its predecessor section, the following definition shall apply to the area depicted in the attached Schedule 1:

- (1) **Boarding or Lodging House** shall mean a dwelling in which lodging, with or without meals, is supplied in separate habitable rooms, each of which may contain food preparation facilities or sanitary facilities, but not both. A hotel, hospital, children's home, nursing home, home for the aged, or other similar establishment, is not a Boarding or Lodging House.

ENACTED AND PASSED this day of February, A.D. 2009.

Mayor

City Clerk

Schedule 1

