

Submitted Paul Dowling. PG 4.1.04
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Homecoming Presentation to Planning and Growth Management Committee
May 10, 2011

Councillor Milczyn and members of the committee, my name is Paul Dowling and I am speaking this afternoon on behalf of HomeComing Community Choice Coalition, a network of consumers and providers of supportive housing and others who are committed to ensuring that all people have the right to live in communities of their choice without discrimination.

HomeComing is very pleased to have the opportunity to see the zoning bylaw, which was passed by City Council last summer, be reexamined. In the process that began more than 8 years ago and culminated in the passing of the zoning by-law last August, HomeComing had called for changes to the zoning by-law to remove significant impediments to affordable housing for people who are marginalized by poverty and disability.

The zoning by-law, as enacted last summer contains a few provisions which we believe stand in the way of all people being able to live in communities of their choice. These are:

- Chapter 800 of the zoning by-law, which includes definitions of residential uses based on the personal characteristics of the people who are intended to be housed there. This includes Group Homes, Residential Care Homes, Retirement Homes and Seniors Community Houses.
- Chapter 150 of the Zoning By-law, which includes Specific Use Regulations which restrict where these different forms of housing for specific types of people, including elderly people and disabled people, can be located by providing for separation distances between them.
- The Specific Use Regulations also include lengthy provisions limiting the location of Rooming Houses, known to be a form of housing that serves primarily low income single people, to much of the old City of Toronto and to a few isolated pockets in the former Borough of York and City of Etobicoke.

These definitions and regulations have the effect of limiting where particular kinds of people can live, contrary to the City of Toronto Housing Charter, which says:

“All residents should be able to live in the neighbourhood of their choice without discrimination”

The restrictions in the City’s Zoning Bylaw are, in our view, discrimination on the basis of age, or on the basis of disability or on the basis of receipt of public assistance. This is, we believe, a direct contravention of Section 2 (1) of the Ontario Human Rights Code.

Again the City’s Housing Charter says:

“All residents have the right to equal treatment in housing without discrimination as provided by the Ontario Human Rights Code, and to be protected from discriminatory practices which limit their housing opportunities.”

We know that the City's Planning staff have heard our concern in the past. And they have responded in three ways:

1. The Planning Department has taken the position that the uses that I have referred to are not residential uses and have asserted that by including the Specific Use Regulations they have provided opportunities for these uses in residential zones, where they would not otherwise be permitted.

In a presentation to the Planning and Growth Management Committee on November 4, 2009, Chief Human Rights Commissioner Barbara Hall said:

- "Your By-law talks about group homes, seniors' community houses and residential care homes. They are called houses and homes for a reason."

2. Planning Staff, in an October 2009 report, stated that issues of human rights and the draft zoning by-law need to be understood in the context of existing provincial legislation, which the City has no power to amend. The City suggested that the Human Rights Commission should ask the province to amend the provisions of those laws.

The Chief Commissioner in her address to this committee on November 4, 2009, responded:

"The City cannot contract out of its responsibilities and obligations under the *Code*. Where conflicts between the *Code* and other legislation exist, the *Code* supersedes other legislation. It is the duty of the City to bring these issues to the attention of the legislators."

"And if human rights complaints or applications arise related to the Zoning By-law, it is the City that will have to answer to them." As you may know, a human rights complaint has arisen related to this zoning by-law.

3. Finally, the Planning and Growth Management Committee last summer directed Planning staff to come back in late 2011 with proposals related to rooming houses and to make "any further recommendations concerning distancing issues for residential land uses". Those directions are positive moves.

We urge the committee in sending this by-law back to the drawing board to take the opportunity to redress these problems with the zoning by-law. We urge you to direct Planning Staff to remove from the zoning by-law those provisions which stand in the way of all people having equal rights to live in communities of their choice.

Specifically we ask that you direct Planning staff to"

- Amend Chapter 800 of the zoning by-law to remove those definitions of residential uses which are based on personal characteristics of the people who are intended to be housed there.

- Amend Chapter 150 of the Zoning By-law to delete the Specific Use Regulations and Lot Regulations applied to Group Homes, Residential Care Homes and Seniors Community Houses.
- And finally:
 - eliminate the lengthy Specific Use Regulations related to Rooming House and instead provide for rooming houses to be permitted as of right with appropriate building standards in all places in the City of Toronto where residential uses are permitted.

The opportunity exists for this committee and this City to do the right thing, to provide equal access to housing, to eliminate the barriers and, as you say in your Housing Charter:

(To) Ensure that “all residents (should) have a safe, secure, affordable and well maintained home from which to realize their full potential.”

Thank you for your time.