



**STAFF REPORT
ACTION REQUIRED**

**Framework for Considering City-wide Zoning By-law
Regulations for Dwelling Room Accommodation**

Date:	September 30, 2013
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2013\Cluster B\PLN\PGMC\PG13075

SUMMARY

This report provides a framework for introducing city-wide zoning by-law regulations for "dwelling room accommodation", including a process for public consultation. A draft set of zoning regulations is provided in order to focus public deliberations. This type of shared residence has also been referred to as a rooming house or a single room occupancy building. New definitions related to dwelling room accommodation are proposed, along with qualifications to ensure a consistent minimum standard of design.

The framework concept of zoning and licensing regulations is intended to ensure city-wide consistency and effectiveness of both implementation and enforcement of this use. At the same, the framework approach allows for the various areas where this use is permitted to modify or add key provisions that accommodate local concerns.

As an initial framework, the report proposes that dwelling room accommodation be a permitted land use in most Residential Multiple (RM) zones, all Residential Apartment (RA) and Residential Apartment Commercial (RAC) zones as well as the mixed Commercial Residential (CR) and Commercial Residential Employment (CRE) zones across the City. The rooming house provisions found in the Residential (R) zone, based on the R2, R3, R4 and R4A zones of the former City of Toronto By-law 438-86, would be retained.

Amendments to the City-wide Zoning By-law should be implemented concurrently with an associated licensing regime. Changes to the rooming house licensing provisions in the Municipal Code, and enforcement practices are required to ensure consistency among all

related standards across the City. This report has been prepared in consultation with the Executive Director of Municipal Licensing and Standards. Consideration of these related regulatory frameworks by a Joint Committee, comprising both the Planning and Growth Management Committee and the Licensing and Standards Committee, is proposed.

RECOMMENDATIONS

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

1. The Chief Planner and Executive Director, City Planning Division, together with the Executive Director, Municipal Licensing and Standards, arrange public meetings in each of the District Centres to discuss the proposed City-wide zoning and licensing regulations for introducing dwelling room accommodation in Residential Multiple (RM) zones where five or more units are permitted, Residential Apartment (RA) zones, Residential Apartment Commercial (RAC) zones, Commercial Residential (CR) zones where the "r" value is greater than 0.0, and Commercial Residential Employment (CRE) zones in accordance with the regulations described in this report.
2. The Chief Planner and Executive Director, City Planning Division, and the Executive Director of Municipal Licensing and Standards report following the public meetings and consultation with other Divisions and key stakeholders on the draft zoning by-law and licensing by-law changes.

Financial Impact

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

DECISION HISTORY

This report stems from the March 6, 2013 meeting of the Planning and Growth Management, which

- "requested the Chief Planner and Executive Director, City Planning, in consultation with the Executive Director, Municipal Licensing and Standards to report to the Planning and Growth Management Committee, on October 22, 2013:
- a. exploring a framework for introducing City-wide zoning regulations for dwelling room accommodation; and
 - b. on a process for public consultation."

Link to the Minutes (Item 4 under Decision Advice and Other Information):

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getMinutesReport&meetingId=7425>

Recently, there have also been other Council or Committee directions with respect to dwelling room accommodation, or rooming houses. At its meeting of February 20 and 21, 2013, City Council adopted Members Motion 30.12 with respect to rooming houses in the vicinity of suburban campuses of post-secondary schools. Link to Council's decision: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM30.12>

The Licensing and Standards Committee, at its meeting of March 29, 2012 approved a working group comprised of representatives from relevant City Divisions, Toronto Police Services and other organizations as deemed necessary by the Executive Director, Municipal Licensing and Standards, to review and make recommendations to the appropriate standing committees on issues related to neighbourhoods near post-secondary institutions: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS12.3>

ISSUE BACKGROUND

The proposals in this report are consistent with the proposed action in *Housing Opportunities Toronto: An Affordable Housing Action Plan 2010-2020*, which speaks of preserving and expanding the supply of affordable housing for single persons. The *Affordable Housing Action Plan* recognizes rooming houses or single room occupancy buildings as affordable housing for single persons. Specifically, the Action Plan encourages an increase in legal, well run rooming houses or similar housing where current zoning by-laws allow, subject to any future changes to the zoning by-law.

Features of Dwelling Room Accommodation

A rooming or lodging or boarding house, and similar single-room occupancy buildings, are a form of housing that provides separate living accommodation in dwelling rooms. The living accommodation typically consists of single private rooms and includes some shared common areas. The dwelling room is private living accommodation, and may include food preparation or bathroom facilities but not both types of facilities, thereby distinguishing it in form from a dwelling unit. This is consistent with accepted definitions of rooming houses and similar residences.

A Canada-wide survey, sponsored by the Canada Mortgage and Housing Corporation ("CMHC") in 2006, developed a working definition of a rooming house as a permanent form of housing that contains at least four separate habitable rooms, each containing either food preparation or bathroom facilities but not both. The nature of dwelling room accommodation, with some private and some shared facilities, and typically but not always for one person living on their own in each room, is considered a form of affordable rental housing.

The Role of Zoning as a Regulatory Tool

The *Planning Act*, permits the City to regulate the use of land, along with the height, bulk, size, floor area, spacing and location of buildings through zoning by-laws. Section 35(2) of the *Planning Act* stipulates that this authority to regulate the physical form of the City by means of zoning regulation does not include the authority to distinguish between persons who are related or unrelated with respect to their occupancy or use of a building, including the occupancy of a single housekeeping unit.

Zoning regulations can control residential density based on physical intensity of use, as opposed to differentiating on the basis family ties. The courts have recognized that describing a dwelling unit as being accommodation for a "single housekeeping unit" is sufficiently broad to include related or unrelated persons, whether they followed a traditional or non-traditional family model. A zoning by-law which defines a form of accommodation comprising a set of dwelling rooms as a use that is distinct from a dwelling unit is consistent with this.

COMMENTS

Provincial Policy Framework

Section 2 of the *Planning Act* outlines matters of provincial interest, including section 2(j) which requires municipalities to plan for "the adequate provision of a full range of housing". The City's goal of creating vibrant, safe and healthy communities is predicated on achieving a full range of tenure forms, dwelling types, affordability, and housing for special needs, to meet the needs of all its residents.

Policy 1.4.3 of the *Provincial Policy Statement (2005)* requires planning authorities to provide for an appropriate range of housing types and densities in order to meet projected requirements of current and future residents, by establishing targets for the provision of housing that is affordable to low and moderate-income households, and permitting and facilitating all forms of housing.

Places to Grow Act (2005), Section 6, provides that Growth Plans contain population projections and allocations, as well as policies, goals and criteria in relation to affordable housing and specified actions to be taken by municipalities to implement or achieve these policies or goals.

Growth Plan for the Greater Golden Horseshoe (2006) further outlines the needs for both policies and actions to meet housing needs. Section 2.2.3 requires that municipalities have Official Plan policies and a strategy to achieve the intensification targets in the Growth Plan, achieving a range and mix of housing taking into account affordable housing needs. Section 3.1 states, "In the case of housing, there is an underlying societal

need for affordable housing in many municipalities that is heightened by growth pressures."

The City's Housing Policy Framework

The City's Official Plan Housing Policies have an overall goal stated in Policy 3.2.1:

"A full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock."

City Council on August 5 and 6, 2009, adopted *Housing Opportunities Toronto: An Affordable Housing Action Plan 2010-2020*. Housing Opportunities Toronto is the City's action plan to address affordable housing challenges over this decade, and includes 67 proposed actions. Action 31 addresses rooming houses and reads:

"Preserve and expand the supply of affordable housing available to single persons by:
a) Encouraging and permitting an increase in legal, well run rooming houses and other appropriate forms of housing where current zoning by-laws allow, and subject to any future changes to the zoning by-law."

Policy Considerations for Dwelling Room Accommodation

Dwelling room accommodation is an important source of rental housing, with rents at affordable levels. It is especially suitable for single persons. The Official Plan and the zoning by-law have a critical role to play in implementing the wider policy goals of ensuring complete and healthy communities that provide for the needs of all residents through a full range of housing. Permitting dwelling room accommodation more widely throughout the City contributes to this full range, and helps to address the unmet affordable housing needs of some of the City's most low-income residents.

Accommodation for single persons that is not in the form of self-contained dwelling units serves a variety of life-cycle situations such as seniors, students, people in transition, people in need of support or care, and people in religious orders. Dwelling rooms, sometimes referred to as single room occupancy (SRO) accommodation in other municipalities, can often be found in medium to large buildings.

Purpose-built structures that may be operated by agencies such as the YMCA or the YWCA for extended stays for young single people or newcomers to a city often contain

dwelling rooms rather than apartments. Former hotels in the older parts of cities gradually find their rooms are largely occupied by tenants paying monthly rent. This latter kind of SRO accommodation is very common in cities such as New York and Vancouver.

Developing a zoning framework that deals with dwelling room accommodation will help in accounting for the different forms that make up the full range of housing anticipated by Provincial interest, the Provincial Policy Statement and the City's Official Plan.

Current Rooming House Zoning and Licensing Regulations

The current patchwork of zoning and licensing regulations across the City makes the establishment of new dwelling room accommodation, and the investigation and/or enforcement of suspected illegal rooming houses, challenging and inconsistent.

Zoning

The new city-wide Zoning By-law 569-2013 enacted on May 9 of this year includes the current regulations for rooming houses found in the zoning by-laws of the former municipalities in Toronto, as they were brought forward into the new city-wide by-law without being blended into a singular approach, other than some harmonizing of terms.

To depict the areas with the different pre-existing regulations, the lands where the older zoning by-laws permitted rooming houses are depicted on the Rooming House Overlay Map in By-law 569-2013. Area 'A1' is in the former City of Etobicoke; Areas 'B1', 'B2' and 'B3' are in former Toronto; and Area 'C1' is in the former City of York.

Zoning Regulations in the former Municipalities		
	Rooming House, Definition	Rooming House, Permission Qualifications
East York	yes (in Leaside)	no
Etobicoke	yes	yes
North York	yes	no
Scarborough	yes	no
Toronto	yes	yes
York	yes	yes

Current Definitions

All the zoning by-laws of the former municipalities, except By-law 6752 in East York Township, define a rooming house or similar residence but not all of them permit the use. Some of the by-laws use the term "lodging house" or "boarding house". Central to the definitions is that accommodation is provided in distinctly separate rooms. The various terms for these single-room occupancy buildings are generally interchangeable and are referred to in this report as "dwelling room accommodation".

In the former zoning by-laws of Etobicoke, York and most of Scarborough, a rooming or lodging house provides accommodation for more than two persons, while By-law 438-86 in former Toronto defines a rooming house as containing dwelling rooms for more than three persons. The by-laws for the former City of North York and the Town of Leaside do not reference the number of persons in their definitions.

Some old definitions of "family", pre-dating section 35(2) of the *Planning Act*, stated that a "family" (in the context of defining a "single family house") may have a certain number of "roomers or boarders" – up to three in the Town of Leaside and Township of East York, and up to two in most of Scarborough.

Permission Qualifications

Currently, rooming houses are permitted in parts of former Etobicoke, Toronto and York (see the map in Attachment 2). The zoning by-laws of former East York, North York, and Scarborough do not list a rooming house as a permitted use in any zone, nor do they contain qualifications regulating rooming houses.

The former Etobicoke zoning regulations, now reflected in Rooming House Overlay Map Area A1 in By-law 569-2013, permit dwelling room accommodation for up to 10 residents in some residential and commercial zones, if it:

- is in a building originally constructed as a detached house;
- is owner occupied;
- provides a minimum floor area per resident;
- meets minimum lot frontage and lot area requirements;
- has a minimum landscape area; and
- has a minimum separation distance of 300 metres from another rooming house or a group home.

In Area A1, there must be one parking space for the owner of the building plus another parking space for every two occupants.

The former City of Toronto zoning regulations, identified now in Rooming House Overlay Map Areas B1 and B2 in By-law 569-2013, permit dwelling room accommodation in most residential zones, if it:

- is in the whole of a building originally constructed as a detached or semi-detached house;
- meets minimum size of room requirements;
- provides a minimum number of washrooms; and
- exhibits no substantial change to the exterior appearance of the building.

In Area B1, no more than 6 rooms are permitted, not counting a dwelling unit that could be in the building, and in Area B2 there may not be more than 12 rooms in the building.

In the commercial zones of former Toronto, now depicted in Rooming House Overlay Map Area B3 in By-law 569-2013, the regulations for dwelling room accommodation do not have qualifications based on type of building and size of rooms. The number of dwelling rooms and dwelling units, combined, may not exceed 25 in a building.

In each of the "B" areas, parking spaces must be provided at a minimum rate of one space for every three rooms used for living accommodation in excess of three rooms, plus one space for every two dwelling units in the building.

There are exceptions in former Toronto zoning by-law 438-86 which provide different regulations for rooming houses in some areas. These have been carried over as exceptions for the same areas in By-law 569-2013. Some are more permissive and some are more restrictive. For instance, some exceptions allow rooming houses in areas if they legally existed on specific dates, while other restrictive exceptions do not allow rooming houses to locate in particular areas of the former City.

In the former City of York, now reflected in Rooming House Overlay Map Area C1 in By-law 569-2013, dwelling room accommodation for up to 10 residents is permitted in some multiple-residential zones, if it:

- is in the whole of a building originally constructed as a detached, semi-detached or duplex house abutting a major street;
- has a minimum floor area per resident; and
- has a minimum separation distance of 300 metres from another rooming house, a group home or a crisis care facility.

There must be one parking space for every three rooms used for living accommodation.

Licensing

Dwelling room accommodation requires a rooming house licence in the former Cities of Etobicoke and Toronto. The Etobicoke Licensing By-law is administered by Toronto Public Health and the former City of Toronto Licensing By-law by Municipal Licensing & Standards. Both Licensing By-laws regulate standard rooming houses that do not offer personal care, and they both have a class of licence in which the owner (or an employee) provides personal care to residents for any combination of their meals, health needs or daily activities. A licence is not required to operate dwelling room accommodation in the area of the former City of York.

Both Licensing By-laws stipulate a licence application review process in which the owner is required to comply with the Zoning and Property Standards By-laws, the Fire Code, the Building Code and the Health Protection and Promotion Act. Also, the owner is required to consent to inspections by City staff to enforce compliance. Licences are renewed annually or every two years, depending on the class of licence. The City may serve an order to require the correction of any violation and may revoke a licence.

The Licensing By-laws also describe health and safety requirements relating to the size of bedrooms, the maximum number of beds in a bedroom, the maintenance of kitchen and sanitary facilities, and keeping the premises free of vermin and garbage.

In the Toronto Licensing By-law, a licence is required for a building containing rooms (which may include food preparation or sanitary facilities but not both) for living accommodation by more than three persons. The Toronto Licensing By-law identifies five classes of standard licences.

As part of the Parkdale Pilot Project, "bachelorette" buildings in the Parkdale area have also been regulated by the rooming house licensing by-law since October 2000. The Parkdale Project regularizes bachelorette buildings in Parkdale by requiring them to be subject to licensing and inspection the same as rooming houses to ensure an appropriate level of property maintenance.

The breakdown of dwelling room accommodation ("standard" rooming houses; i.e. offering no personal care) and bachelorettes by class and number of licences in the former City of Toronto as of September 11, 2013 is as follows:

Class Description ↓	Type →	Rooming House (Standard)	Bachelorette, Parkdale Pilot Project Area
1- owner occupied, or owner occupying a dwelling unit in the building		35	5
2 - not more than 3 storeys, with not more than 14 rooms or combination of rooms and dwelling units (not more than 4 rooms or units on the third storey)		106	30
3 - not more than 3 storeys, with more than 14 rooms or any combination of rooms and units		28	10
4 - more than 3 storeys		0	0
5 - operated by a non-profit group		56	6
Total		225	51

The former City of Etobicoke instituted a licensing regime for dwelling room accommodation referring to this type of housing as a "lodging house". The definition groups together housing types such as rooming houses, boarding houses, rest or retirement homes, transitional residences and dormitories operated by fraternal societies, social clubs or religious orders. Student housing operated by a university or homes for the aged that are otherwise licensed or approved under separate legislation are not included. A licence is required if an owner offers, for compensation, accommodations for more than two persons. There may or may not be common food preparation facilities.

There are two categories of licences for lodging houses in Etobicoke, but there is no differentiation based on the number of lodgers or the number of rooms. The Type A

licence is for the operation and maintenance of lodging houses for persons capable of self care. The Type B licence is for a lodging house in which supportive care is provided and available 24 hours a day. This second licence is referred to as a personal care licence and is issued by the Public Health Department.

As of 2012, there were nine standard licences in former Etobicoke, providing for a capacity of 348 residents. However, two licences issued for the Woodbine Race Track are for living accommodation for 312 of the total 348 licensed spaces available in all of former Etobicoke. Accommodation at Woodbine is for seasonal workers, such as horse groomers and walkers. This leaves 36 spaces available for the remaining seven licences.

There were also ten personal care licences in former Etobicoke, and fifty-nine in former Toronto. The new Zoning By-law uses defined terms such as nursing home or retirement home to describe some types of accommodation covered by the personal care licence category. Should this licensing category be maintained, consistency would be improved if definitions are amended to use the same defined terms as in the new Zoning By-law.

The personal care licence category raises another issue with respect to the role of support services in housing accommodation. Support services could include accommodation in which personal care is offered as part of the rent, or it could include a service delivered to any form of housing accommodation on a regular basis. Support services do not define the form of accommodation. It is the physical internal arrangement and external form of the building that determines the housing type and therefore the location where it may be permitted.

Similarly, a group home is not a personal care facility. Residents in a group home live together sharing the entire housekeeping unit, as it is referred to in the definition. The care found in a group home is also different. In a group home setting, the residents are "supervised" and are required to live there by way of Provincial programs offering funding for such individuals. A separate report will be prepared on this matter.

Current Issues

Dwelling room accommodation has increased in popularity from a market standpoint attempting to address the needs of students and immigrants, although the affordable nature of this accommodation attracts other people. There is some evidence to suggest that dwelling room accommodation is becoming a lifestyle choice especially among seniors. However, with few areas of the City permitting dwelling room accommodation, many have been established illegally.

Enforcement of the current zoning regulations is complaint driven. Figures compiled by Municipal Licensing & Standards indicate that in 2011 the City investigated 586 complaints about suspected illegal rooming houses in the City. In 2012, the City investigated 587 complaints. From January 1 to September 1, 2013, there were 859 complaints. For 2011 and 2012, the complaints were distributed about 30% each in the

North York, Scarborough and Toronto - East York Districts, with the remaining 10% in the Etobicoke - York District.

The map in Attachment 3 illustrates the number of rooming house complaints received by Municipal Licensing and Standards, from January 1, 2011 to September 1, 2013. While the majority of complaints are associated with locations in close proximity to a post secondary institution, it is becoming more common that the Division is receiving complaints associated with a number of other areas across the city. These emerging areas compound the challenges the City is already facing with student housing. Whether it is new forms of seniors' homes, group homes, immigration settlement services or student housing, the challenges are increasing and complex.

Municipal Licensing and Standards established a Housing Occupancy Standards Team (HOST) in November of 2012. The team comprises six dedicated Municipal Standards Officers overseen by a Supervisor. This specialized enforcement team has been focusing on investigations into complaints related to illegal multi-occupancy housing across the City and has been endeavouring to quantify the extent of the issues related to this activity.

The intent of enforcement is to ensure that dwelling room accommodation, like other housing in Toronto, is maintained and operated in compliance with building standards and licensing requirements, while respecting the housing needs of residents. Significant enforcement issues include the inconsistent zoning and licensing regulatory standards across the City, and the ability to gather evidence to determine whether a place is operating as an illegal rooming house. The illegal rooming houses are often overcrowded, unsafe from a fire safety standpoint and sometimes also unsafe from a building standpoint – especially if renovations have been conducted without a building permit. Sub-standard conditions can also lead to community safety issues.

The majority of complaints received typically relate to the number of persons occupying residential premises, the conditions of the exterior of the property, and concerns related to the living conditions within. Safety of the occupants of both the multi-occupant premises and the neighbouring properties needs to be a critical consideration and an underlying principle in the development of future regulatory frameworks related to these properties, in order to address the growing list of issues, including crowding, occupancy, egress and fundamental construction standards.

The implementation of a city-wide licensing regime would assist in ensuring the safety and standards of these housing types by providing a mechanism to identify the locations of these types of homes, and provide for regular inspection and enforcement to ensure compliance and proper maintenance. The licensing regime would need to consider the diversity of challenges and incorporate measures which are enforceable, and which meet the greater policy objectives of safe, affordable housing alternatives for many individuals, including students and seniors.

An argument can be made that it is better to permit and regulate illegal uses such as rooming houses in order to effectively deal with public safety concerns and property

standards issues. Bringing them within the realm of the law allows for reasonable accommodation standards to be applied, ensures building and fire safety rules are abided by and, through licensing, an annual inspection can enforce the standards expected of such an operation. If zoning does not permit the use, licensing cannot be applied.

Framework for City-wide Zoning Regulations for Dwelling Room Accommodation

Definitions

In developing zoning regulations for any residence, much depends on how it is defined. Zoning by-laws under the Planning Act can regulate the use of land and the erection and use of buildings or other structures. In defining dwelling room accommodation, the zoning by-law would recognize it as a separate use.

There is no universally accepted definition of dwelling room accommodation outside of it being a form of living accommodation. The definition of dwelling room accommodation needs to distinguish it from other residential types including a dwelling unit.

A dwelling unit is defined in By-law 569-2013 as living accommodation for people living together as a single housekeeping unit, which includes both food preparation and sanitary facilities for the exclusive use of the occupants.

A key difference is that the definition of dwelling unit contemplates that the occupants share the entire accommodation. A building comprising dwelling room accommodation, on the other hand, would contain separate living accommodation exclusively for the use of individuals residing in the rooms, though other facilities in the building may be shared. The facilities in dwelling room accommodation need to include food preparation facilities or sanitary facilities. One or the other of such facilities may be provided in the individual rooms but not both. Allowing both facilities would create a dwelling unit in form. To bring clarity to this distinction, a definition of dwelling room is proposed, as follows:

"Dwelling Room

means a room used as living accommodation that:

- (a) is for the exclusive use of the occupant or occupants of the room; and
- (b) may contain food preparation facilities or sanitary facilities, but not both."

Another important characteristic of dwelling room accommodation is the size, as measured by the number of dwelling rooms. This is consistent with accepted definitions of rooming houses used by other municipalities. The CMHC survey from 2006, noted above, also defines a rooming house as having a minimum of 4 separate habitable rooms.

The *Fire Protection and Prevention Act* and the *Building Code Act* define a rooming house as a building not exceeding 3 storeys and providing lodging for more than 4 persons. These two Acts are concerned with fire safety when existing wood frame

housing is converted to dwelling room accommodation for a specific number of people, usually measured by the number of rooms. Accommodating more than 4 persons in individual rooms in many existing house-form structures would likely trigger the need for alterations to meet these requirements.

The traditional form of a rooming house comprises a set of individual dwelling rooms in a house-form building where the residents use a shared kitchen and, sometimes, a shared bathroom. Though it does not function as a single housekeeping unit, it still may appear to be a dwelling unit. To ensure the zoning regulations distinguish between a dwelling unit and this traditional form of dwelling room accommodation, it is proposed that a new term, "dwelling room unit", be defined.

It is proposed that a dwelling room unit, by definition, contain at least 4 dwelling rooms. A minimum number recognizes this is housing for multiple persons in individual rooms. Having a minimum will also assist in developing a licensing strategy. The proposed definition is:

"Dwelling Room Unit

means a building or part of a building with 4 or more dwelling rooms, and with food preparation facilities and/or sanitary facilities shared by occupants of the dwelling rooms. A dwelling unit is not a dwelling room unit."

By defining a dwelling room unit as having no less than 4 distinct rooms for separate living accommodation, it means that if there are fewer than 4 such rooms the use is just a dwelling unit and it would be considered in the context of other applicable definitions, such as a detached house. For example, a residential building with one dwelling unit, in which the owner is renting out a couple of rooms as separate living accommodation, is simply a detached house and is permitted in whatever zone permits a detached house.

Larger buildings with several dwelling rooms or a few dwelling room units, such as the "SRO" accommodation described earlier in this report under policy considerations, are different in both form and intensity compared to a detached house with a dwelling unit converted into a rooming house that has a dwelling room unit. In other municipalities, several apartment-like buildings composed of dwelling room units have been provided by private-sector builders to satisfy growing market demand for student accommodation. A typical floor-plate will have about four to six dwelling room units, each with about four to six dwelling rooms.

The size of such buildings will be a function of the regulations for the zones they would be permitted in. For the zoning framework to distinguish this form of dwelling room accommodation, a definition is proposed which will be based on there being either a minimum number of dwelling rooms or more than one dwelling room unit. A threshold number of rooms is proposed based on current regulations in the R zone, where up to 6 dwelling rooms are allowed in Rooming House Area B1.

The proposed defined term is:

"Dwelling Room Building

means a building or part of a building with more than one dwelling room unit or with more than 6 dwelling rooms. A group home, a residential care home, a nursing home, a retirement home, a seniors community house, a religious residence, a student residence, a tourist home, or a hotel is not a dwelling room building."

Regulations

Defining dwelling room accommodation as containing at least 4 rooms denotes a certain level of intensity with respect to the land use. As such, dwelling room accommodation would be compatible in zones that permit multiple-unit residential buildings.

In Zoning By-law 569-2013, these zones include Residential Apartment (RA) zones, Residential Apartment Commercial (RAC) zones, mixed Commercial Residential (CR) zones, and Commercial Residential Employment (CRE) zones. In addition, the Residential Multiple (RM) zones that permit 5 or more dwelling units would also be suitable, recognizing that the rooming house could have a dwelling unit such as that of the owner. The map in Attachment 4 identifies, generally, those areas where dwelling room accommodation could be permitted by the framework outlined in this report.

There are significant differences between a detached house with 4 bedrooms that could have as many people living in it as a rooming house of similar size. The dwelling room accommodation will have a minimum number of residents, as it is designed and operated for that purpose, whereas the detached house could have as few as one person living in it. The detached house operates as a single housekeeping unit with occupants sharing the dwelling unit. Dwelling room accommodation provides separate living quarters, with occupants sharing only some facilities as prescribed by the design.

In the zones where dwelling room accommodation would be permitted, it is proposed that it meet the following qualifications:

- parking rate of 1 parking space for every 4 dwelling rooms with the exception of the Downtown, Centres and Avenues with subway access, where the rate will be 1 space for every 6 dwelling rooms;
- if a dwelling room does not have a private sanitary facility then a shared sanitary facility must be available in the building; and
- sanitary facilities must be provided at a rate of a minimum of 1 sanitary facility for the first 4 dwelling rooms, and 1 additional sanitary facility for every additional 4 rooms, or part thereof.

The parking rate of one space for every 4 dwelling rooms is correlated with the lowest number of dwelling rooms in the proposed definition of a dwelling room unit, described above. The lower rate of one parking space for every 6 dwelling rooms, proposed for the Downtown, Centres and some Avenues, is consistent with the approach taken by the city-

wide parking study which determined that a reduction in the parking requirement is supportable in areas of greater transit availability.

The sanitary facility requirement is intended to ensure all residents of dwelling room accommodation have access to such a facility. The large number of occupants sharing bathroom facilities is recognized as a reason for the poor state of repair of bathrooms at some existing rooming houses. A minimum rate of bathroom facilities per dwelling room works towards addressing this concern.

In the former City of Toronto, rooming houses are currently permitted in most of the areas zoned "R" by By-law 569-2013 (labelled as R2, R3, R4 and R4A in the former Toronto by-law 438-86) in addition to the commercial-residential zones and the reinvestment zones. These R zones permit all residential building types, from single detached to small apartment buildings. In order to maintain the character of these areas, physical restrictions were imposed, limiting the size and design of rooming houses. It was deemed important to maintain the external appearance of existing homes so rooming houses were permitted in the form of converted dwellings; that is, the external house form was to be retained while permitting the appropriate internal modifications. These regulations were retained in By-law 569-2013, and should be continued in the R zone.

In all zones where dwelling room accommodation would be permitted, the development standards for lots and buildings in the respective zone, such as minimum lot frontage, maximum height, maximum floor space index, minimum setbacks, etc., would also apply to the site and building that has dwelling room accommodation.

Licensing

The licensing by-law is the appropriate regulatory tool to coordinate the enforcement of the City's regulations, such as the Fire Code and health and safety standards. For example, the current Etobicoke and Toronto licensing by-laws regulate the rooms used for sleeping to ensure they are not part of a stairway, kitchen, boiler room or laundry room. Also, the by-laws regulate matters such as ensuring basements are well drained and ventilated, requiring that the correct type and number of fire extinguishers are provided and that owners have and post a fire safety plan for the premises.

Even after a licence is issued, the City may enforce the regulations through regular inspections and inspections on a complaint basis, as well as the licensing renewal process. Complementary zoning and licensing regulations will help ensure consistent implementation and enforcement of dwelling room accommodation.

Public Consultation Process

The revisions to the licensing by-law should be done concurrently with consideration of city-wide zoning regulations for dwelling room accommodation. It is proposed that the frameworks developed for both the zoning regulations and the licensing provisions be

part of a joint public and stakeholder consultation program. A combined consultation process would ensure that any appropriate changes to the zoning approach would be consistent with a proposed licensing amendment.

Concurrent implementation of new city-wide zoning and licensing regulations ensures that all dwelling room accommodations across the City are operated to all of the City's standards. Implementing new zoning and licensing regulations at different times would only perpetuate the current patchwork of zoning and licensing regulations across the City, making the establishment of new dwelling room accommodation, and the enforcement and investigation of suspected illegal operations, challenging and inconsistent.

The proposed approach to consultation is to conduct 4 open-house meetings, one in each of the District Centres. Staff will have displays of both the regulations and the locations of the zones mentioned in this report where it is proposed to permit dwelling room accommodation. Staff will be available to answer questions and receive feedback on a one-on-one basis. There will also be a formal presentation followed by a question and answer session at each meeting. The public and stakeholders would be invited to comment on the proposed framework of regulations for both the zoning by-law and the licensing by-law.

In addition, staff will prepare and display maps depicting areas of the City where complaints about illegal rooming houses have been received, similar to the map in Attachment 3. Those attending will be asked what particular concerns they have with illegal rooming houses.

Other Divisions will be asked to participate. Divisions with mandates in housing accommodation such as the Shelter, Support and Housing Administration Division and the City's Affordable Housing Office, will be asked to participate, as will housing service providers and advocacy groups having a direct interest in dwelling room accommodation. The Shelter, Support and Housing Administration Division, for example, has an ongoing Rooming House Working Group comprising several agencies, and this would be a good forum to initiate this level of consultation. Toronto Building Division and Fire Services Division will be invited to comment, as will Police Services and Toronto Public Health.

Next Steps

Following the public meetings and Divisional consultation, final reports on both the proposed zoning changes as well as the accompanying licensing changes will be prepared. It is recommended that the final reports be submitted to a joint meeting of the Planning and Growth Management Committee and the Licensing and Standards Committee. This will allow members of the two Committees to ask questions about both the zoning and licensing regulations. If approved, a statutory public meeting for the zoning amendments will be held at a future meeting of the Planning and Growth Management Committee.

These reports may also identify other areas of the City suitable for area-specific permissions for dwelling room accommodation. As an example, the Municipal Licensing and Standards Division has indicated there are a number of areas around the City that can be identified as having a high incidence of illegal rooming houses, many of which are near post-secondary institutions. The most concentrated locations of complaints depicted on the map in Attachment 3 (outside areas where rooming houses are now permitted) are close to Humber College North Campus, York University Keele Campus, Seneca College Newnham Campus, and University of Toronto Scarborough Campus. Some of these areas already have "Town and Gown" working groups comprising local residents and officials of the schools, which could be engaged when the focus is on the specific area.

The framework concept of zoning and licensing regulations is intended to ensure consistency and effectiveness of both implementation and enforcement of dwelling room accommodation. At the same time, the framework approach allows for the various areas where this use would be permitted to have key provisions modified to address local concerns. If areas other than those identified in this report are to be considered in the future, they will be brought forward separately through the respective Community Councils for approval.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Zoning Regulations for Dwelling Room Accommodation Use
Attachment 2: Map Depicting Existing Areas That Permit Dwelling Room
Accommodation

Attachment 3: Map Depicting General Locations of Rooming House Complaints
Received, January 1, 2011 to September 1, 2013
Attachment 4: Map Depicting Areas Where the Zoning Framework Outlined in this
Report Would Permit Dwelling Room Accommodation

[P:\2013\Cluster B\PLN/pg13075]

Attachment 1: Draft Zoning Regulations for Dwelling Room Accommodation Use

Dwelling Room

means a room used as living accommodation that:

- (a) is for the exclusive use of the occupant or occupants of the room; and
- (b) may contain food preparation facilities or sanitary facilities, but not both.

Dwelling Room Unit

means a building or part of a building with 4 or more dwelling rooms, and with food preparation facilities and/or sanitary facilities shared by occupants of the dwelling rooms. A dwelling unit is not a dwelling room unit.

Dwelling Room Building

means a building or part of a building with more than 2 dwelling room units, or with more than 12 dwelling rooms and food preparation facilities and/or sanitary facilities shared by occupants of the dwelling rooms. A group home, a residential care home, a nursing home, a retirement home, a seniors community house, a religious residence, a student residence, a tourist home, or a hotel is not a dwelling room building."

Permitted use in:

R zones – in accordance with current provisions

RM zones that permit 5 dwelling units or more

- dwelling room units in converted houses
- maximum number of 6 dwelling rooms per dwelling room unit

RA and RAC zones

- dwelling room units in converted houses
- dwelling room buildings, maximum number of 12 dwelling rooms

CR zones, if the "r" value is greater than 0.0

- dwelling room units in converted houses
- dwelling room buildings, maximum number of 25 dwelling rooms

CRE zones

- dwelling room units in converted houses
- dwelling room buildings, maximum number of 25 dwelling rooms

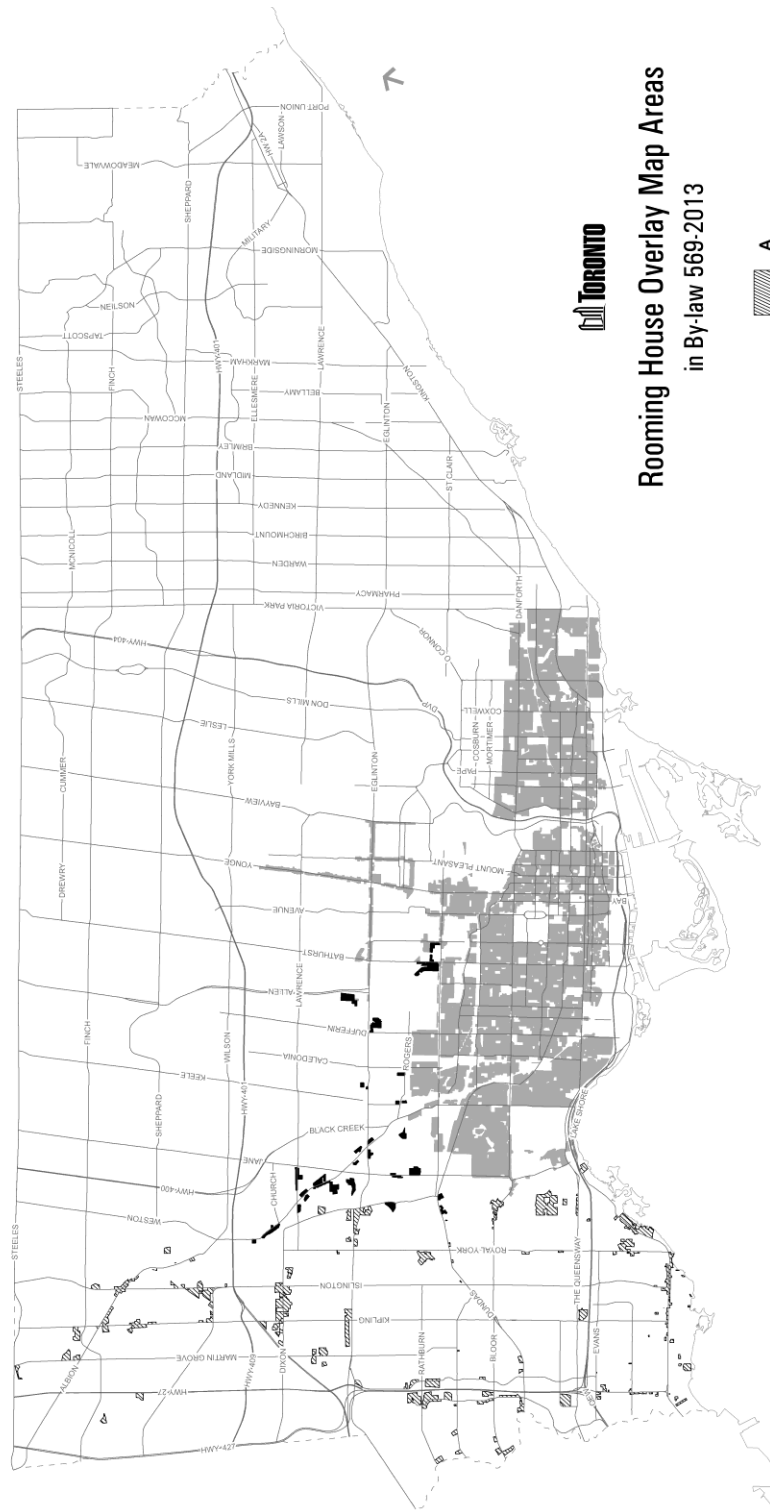
Qualifications:

parking rate of 1 parking space for every 4 dwelling rooms with the exception of the Downtown, Centres and Avenues with subway access, where rate will be 1 space for every 6 dwelling rooms;

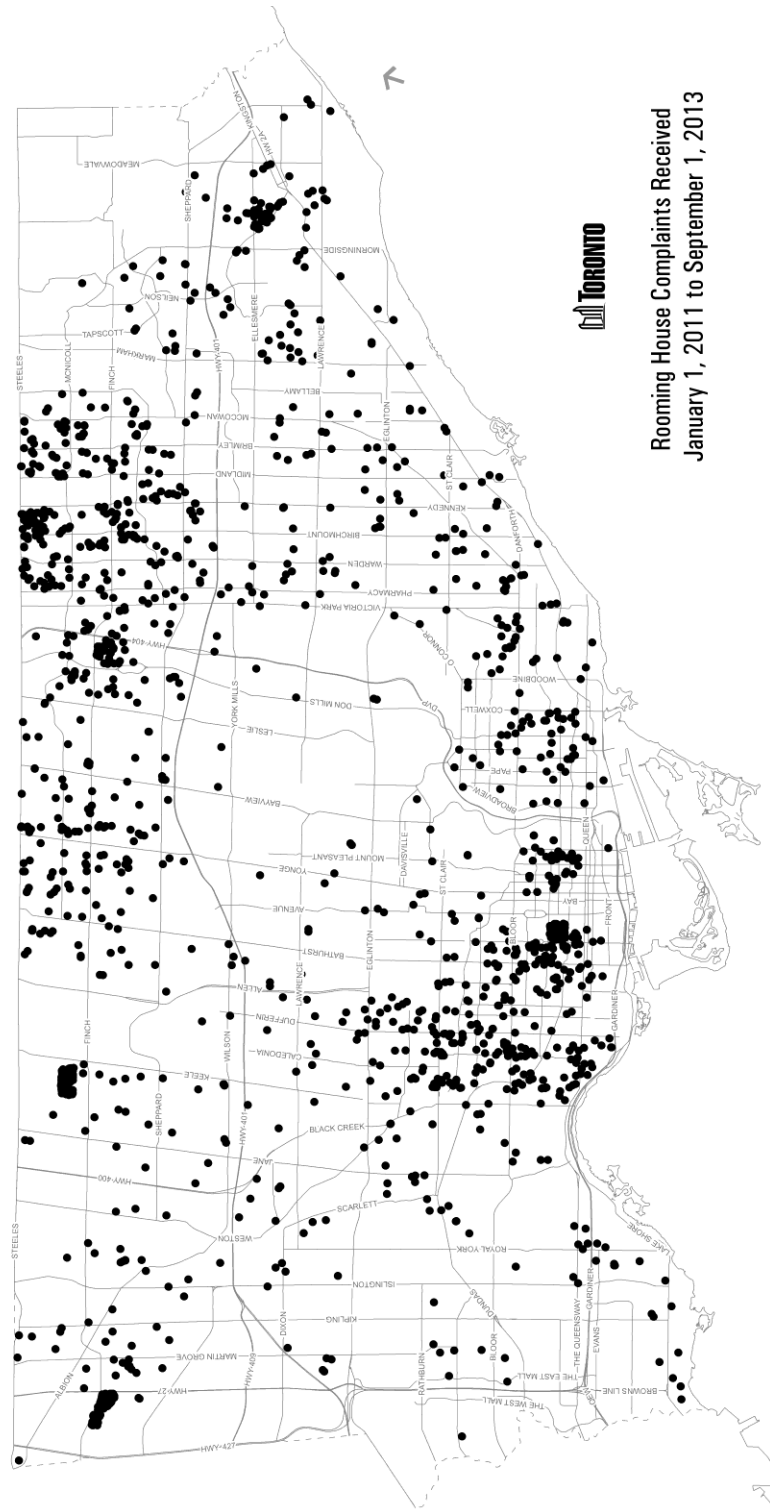
if a dwelling room does not have a private sanitary facility then a shared sanitary facility must be available in the dwelling room unit or the dwelling room building; and

sanitary facilities must be provided at a rate of a minimum of 1 sanitary facility for the first 4 dwelling rooms, and 1 additional sanitary facility for every additional 4 rooms, or part thereof

Attachment 2: Map of Existing Areas That Permit Dwelling Room Accommodation



**Attachment 3:
Map Depicting General Locations of Rooming House Complaints
Received January 1, 2011 to September 1, 2013**



**Rooming House Complaints Received
January 1, 2011 to September 1, 2013**

For Illustration Purpose Only

Attachment 4: Map of Areas Where the Zoning Framework Would Permit Dwelling Room Accommodation

