

Review of Zoning Provisions Pertaining to Group Homes

Date:	October 4, 2013
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	P:\2013\Cluster B\PLN\PGMC\PG13080

SUMMARY

This report responds to the Planning and Growth Management Committee's request, at its meeting held on March 6, 2013, for a report reviewing the provisions pertaining to Group Home and Residential Care Home found in the new City-wide Zoning By-law. The Committee specifically asked that the report address three questions:

Whether a separation distance for group homes is justified on the basis of proper planning principles and considering the Human Rights Code as it applies to persons with disabilities;

Whether there are reasonable alternative approaches to the use of a separation distance between group homes; and

Whether it is appropriate to establish a minimum number of occupants for the purposes of defining a group home.

The Committee's action was in response to the findings of an expert report entitled *Opinion on the Provisions of Group Homes in the City-wide Zoning By-law of the City of Toronto*, prepared by Dr. Sandeep Agrawal, a land use planning expert with knowledge of the interaction between planning and human rights issues. Dr. Agrawal was retained to conduct a review and provide advice to City Council on the land use planning and human rights issues related to the definition of "Group Home" and the 250 metre mandatory separation distance between group homes in the then draft, now enacted, City-wide Zoning by-law. The expert found that the definitions and separation distances applicable to group homes were not supportable and recommended removing them. Staff were

requested to review these findings and prepare their own report providing advice with respect to questions raised by the Committee in light of the findings of the expert.

The issue of the definition of "Group Home" and the mandatory separation distance arose because of a legal challenge against the City's Zoning By-law at the Human Rights Tribunal of Ontario, brought forward by the Dream Team, an advocacy organization for persons with mental health issues, on behalf of persons with disabilities. The Ontario Human Rights Commission is an intervener on the application at the Tribunal.

With respect to a separation distance of 250 metres between group homes, this report concludes that the distance requirement is unsupportable from the standpoint of good planning and taking into account the Ontario *Human Rights Code* and its protections for persons with disabilities.

An alternative approach to separation distance between group homes is provided in part by referencing two different sizes of group homes in the Zoning By-law. A group home with up to 10 persons is permitted in all residential zones. A group home with more than 10 persons, called a residential care home, is permitted in zones that allow for higher intensity development such as apartments.

The minimum number of persons defining a group home, set at three, is recommended for removal, as recommended by the planning expert. However, the maximum number, set at ten, should remain as it distinguishes the group home from the residential care home. The residential care home retains the minimum number of eleven persons. This approach was recommended by the report from the land use planning expert.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division recommends that the Planning and Growth Management Committee:

1. Request the Chief Planner and Executive Director, City Planning, to report back on an amendment to the City-wide Zoning By-law to revise the definition of 'group home' by eliminating the minimum number of three persons, and eliminating the 250 metre separation distance requirement for group homes and residential care homes.
2. Request the Chief Planner and Executive Director, City Planning conduct a public meeting in November 2013 for the purposes of consulting the public with respect to the changes to the Zoning By-law outlined in Recommendation 1.
3. Request the Chief Planner and Executive Director, City Planning to prepare a final report and draft by-law for the purposes of a Statutory Public meeting at the January 13, 2014 meeting of the Planning and Growth Management Committee.

Financial Impact

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

DECISION HISTORY

A staff report, dated February 28, 2013, from the Chief Planner and Executive Director, City Planning and the City Solicitor, Legal Services, presented the findings of a report by Dr. Agrawal entitled, *Opinion on the Provisions of Group Homes in the City-wide Zoning By-law of the City of Toronto*. Dr. Agrawal attended PGM and spoke to the opinion he provided.

<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-56473.pdf>

In considering this item at its March 6, 2013 meeting, the Planning and Growth Management Committee recommended to Council that the Chief Planner and Executive Director, City Planning, be directed to report to the October 22, 2013 meeting of the Committee on a review of the provisions pertaining to group homes and residential care homes to determine whether a separation distance is justified on the basis of proper planning principles and considering the Human Rights Code as it pertains to persons with disabilities or whether alternative approaches may be used. Staff was also asked to address the appropriateness of including a minimum and maximum number of occupants in the definition of a group home use.

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

City-wide Zoning By-law 569-2013 was enacted by City Council on May 9, 2013. It includes regulations that require a 250 metre separation distances between group homes and residential care homes.

The regulations for group homes and residential care homes have been appealed to the Ontario Municipal Board. At least three of these appeals raise issues related to human rights and the mandatory separation distance applicable to group homes. These hearings have not yet been scheduled.

ISSUE BACKGROUND

This report supplements information contained in the report by the land use planning expert on the matter of the separation of group homes in response to an application to the Human Rights Tribunal of Ontario.

Eight members of the Dream Team, a mental health advocacy organization, brought an Application to the Human Rights Tribunal of Ontario. The Application alleges that provisions in the zoning by-laws of the pre-amalgamation municipalities, which remain in force, and in the City-wide Zoning By-law, that require separation distances for group

homes and residential care homes, discriminate against persons with disabilities contrary to the Ontario *Human Rights Code*.

The Dream Team seeks an order from the Tribunal declaring the provisions to be discriminatory and directing the City to remove them from the zoning by-laws or to refrain from enforcing or applying them while the City brings them into compliance with the Code.

COMMENTS

The land use planning expert, retained by the City Solicitor to provide advice to Council, also had the advice and assistance of two external lawyers. One was an expert in planning law and the other was an expert in human rights law. Dr. Agrawal's report entitled, *Opinion on the Provisions of Group Homes in the City-wide Zoning By-law of the City of Toronto* examined land use planning and human rights issues related to the definition of group home and the requirement for a separation distance between group homes. The report makes a number of recommendations:

- Delete the phrase “by reason of their emotional, mental, social or physical condition or legal status” from the definition of "Group Home".
- Replace “3 to 10 residents” with “a maximum of 10 persons.” In the definition of "Group Home"
- Use the following definitions of "group homes" and "residential care homes" instead:

Group home means premises used to provide supervised living accommodation as per the requirements of its residents, licensed or funded under the Province of Ontario or Government of Canada legislation, for a maximum of 10 persons, exclusive of staff, living together in a single housekeeping unit.

Residential Care Home:

Means supervised living accommodation that may include associated support services, and is:

- i) Licensed or funded under Province of Ontario or Government of Canada legislation;
- ii) Meant for semi-independent or group living arrangements; and
- iii) For more than ten persons, exclusive of staff.

- Remove the requirement for a separation distance for group homes, but not for residential care homes.
- Before adopting the proposed City-wide Zoning By-law, review all its provisions in the context of the Ontario *Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act*, and the *Canadian Charter of Rights and Freedoms*.
- If the City has a reason to believe that a land use has an unwanted impact on its surroundings, then separation distances could be considered to alleviate such an

impact. These distances, however, need to be appropriately rationalized based on the findings of a thorough study of facilities, activities, and functions associated with the specified land use and their impacts, along with public consultation.

- Develop a Citizen's Guide to the proposed City-wide Zoning By-law, which could include, among other things, clarifications about and considerations respecting sensitive or incompatible uses and a brief rationale behind separation distances, if they are included.
- Initiate a training program for the City's land use planners and policy makers to help them understand and apply the provisions of the Ontario *Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act*, and the *Canadian Charter of Rights and Freedoms* in the context of municipal planning policies and practice.

The references to the characteristic of the residents in the definitions of group home and residential care home: "by reason of their emotional, mental, social, or physical condition or legal status," were removed in the City-wide Zoning By-law 569-2013. This modification from the definition of group home found in the *City of Toronto Act, 2006* and the *Municipal Act*, was recommended in the January 22, 2013 Staff Report, "Final Report on the City-wide Zoning By-law". Staff determined that the other qualifications in the definitions, specifically: "supervised living accommodation," "licensed or funded by under Province of Ontario or Government Canada legislation" and "supervised group living arrangement" were sufficient to distinguish these uses from other housing accommodation.

The definitions in By-law 569-2013 currently read as follows:

Group Home

means premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for three to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement.

Residential Care Home

means supervised living accommodation that may include associated support services, and:

- (A) is licensed or funded under Province of Ontario or Government of Canada legislation;
 - (B) is for persons requiring semi-independent or supervised group living arrangements; and
 - (C) is for more than ten persons, exclusive of staff.
- (D) an apartment building used for the purpose of supportive housing or social housing is not a residential care home.

This report and its recommendations do not apply to group homes or residential care homes used for correctional purposes, nor do they apply to rooming houses, as discussed later in this report.

Origins of Group Homes in Ontario

On March 30, 1978 the Ontario Cabinet reviewed a Cabinet submission on: "The Location and Distribution of Group Homes in Ontario". That submission summarized the issues related to Group Home Initiative as:

the Provincial Government has embarked on a program of deinstitutionalization wherever possible, to provide care in a community setting.

effectiveness is dependent on provision of community based programs including group homes

at present the Province is dependent on the goodwill of municipalities to accept group homes

the Province is being pressured to take two conflicting courses of action:

- (a) some agencies are pressuring for Provincial legislation to ensure that municipalities will accept group homes; Toronto is pressing for Provincial action in support of its city-wide policy of acceptance of group homes.
- (b) some municipalities, Boards of Education, etc., are pressuring the Province to support restrictive zoning by-laws.

On March 30, 1978, the Ontario Government established the Interministerial Working Group on Group Homes comprised of representatives from the Ministries of Health, Community and Social Services, Correctional Services, Education, Housing, Treasury, Economics and Intergovernmental Affairs and the Secretariat for Social Development.

In June 16, 1978, the Ontario Secretariat for Social Development published the report of the Interministerial Working Group on Group Homes. That report describes the intent of the Group Home Initiative as transforming the care, supervision or treatment of individuals from an institutional character to something more "homelike":

For many years, agencies and organizations concerned with the care, supervision, or treatment of persons from all age groups, have attempted to provide for these needs outside of the more traditional institutional settings, which were prevalent throughout Canada, and, indeed, North America. Orphanages, homes for the aged, long-term psychiatric institutions, mental retardation facilities and chronic care facilities for the physically handicapped have been, and are, under continuing pressure to give way wherever possible to a more homelike atmosphere and family style environment.

The creation of group homes as a means to "deinstitutionalization wherever possible" was adopted as an approach to accommodating individuals outside of institutions by four provincial Ministries: the Ministry of Children and Youth Services, the Ministry of Health and Long-Term Care, the Ministry of Community and Social Services and the Ministry of Community Safety and Correctional Services.

The Inter-ministerial Working Group on Group Homes also suggested that a by-law permitting group homes in all residential areas may include a separation distance:

The by-law should provide that a group home cannot locate closer than a specified distance to another group home facility. This spacing requirement would alleviate municipal and community fears concerning concentration of group homes and over-taxing of social/educational facilities. The requirement could be expressed in urban by-laws as a sliding scale of 600 to 1000 feet depending upon the number of residents or a standard distance in suburban or rural areas.

The Secretariat of Social Development issued an *'Ontario Group Homes Resource Manual'* in 1983 that reviewed the actions and decisions leading to a Provincial strategy for establishing group homes within local municipalities. The Resources Manual includes the suggestion that municipal official plans may include a statement that would "provide a mechanism to prevent undue concentration of group homes in specific areas by requiring a reasonable separation distance between these facilities..."

Current Provincial Regulation of Group Homes

The group home programs of various Ontario Ministries have changed somewhat since their early inception, the concept of providing care in a "community setting" articulated in the Working Group report remains in place. Generally speaking, provincially licensed and funded group homes are designed for individuals who need supervision, support and encouragement in order to develop or regain a measure of self-sufficiency. Today, each Ministry engaged in group home programs either licenses them or regulates them as a condition of their funding.

A detailed breakdown of the type of group living arrangements licensed, regulated or funded by the Ontario Ministry of Children and Youth Services, Ministry of Health and Long-Term Care, Ministry of Community and Social Services and Ministry of Community Safety and Correctional Services is provided in Attachment 1 of this report.

Group homes are operated and often owned by a group home operator or service agency, which is a corporation providing supervision and support services for the residents. The licence requirements and regulations are enforced through service agreements between the responsible Ministry and the group home operator, service agency or "Transfer Payment Agency". In all cases, the group home is regulated by the Ministry that is accountable for it. As such, the operators and agencies are subject to the specific requirements imposed through the licence or service agreement with the Province.

Current Legislative Requirements

The *Planning Act* includes statements of Provincial Interest which are matters that City Council must have regard to in carrying out its responsibilities under the Act. Section

2(h.1) requires Council to have regard to "the accessibility for persons with disabilities to all facilities, services and matters to which this (Planning) Act applies."

The Provincial Policy Statement (2005) further emphasizes the need to plan communities in a manner that supports persons with disabilities and requires that City Council's decisions about land use must be consistent with the Policy Statement. Section 1.1.1(f) states "communities are sustained by improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society". Section 1.4.3 requires that city councils provide an appropriate range of housing by permitting "all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements". "Special needs" is defined as:

Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

The Ontario *Human Rights Code* provides for equal rights and opportunities for all people without discrimination on a number of grounds (including disability). In the human rights application involving group homes, the Dream Team alleges discrimination in the provision of "services" and in the "occupancy of accommodation" and that City Council must follow the Code in carrying out its responsibilities under the *Planning Act*. The Code is considered quasi-constitutional in nature by the Courts.

Section 15 of the *Canadian Charter of Rights and Freedoms*, part of the Constitution of Canada, guarantees equal treatment before and under the law and equal benefit of the law without discrimination based on various grounds, including mental or physical disabilities. All laws must be consistent with the Charter or they will be held to have no force and effect.

In the expert's opinion, prepared in consultation with the two external legal experts, the City's zoning regulations applicable to group homes (i.e. separation distances) first enacted in the late 1970s and early 1980s were implemented without a careful, thorough, objective study of the planning rationale. He concluded that without this, they would fail the test of compliance with the Ontario *Human Rights Code* and that they were without evidence to support that the removal of the separation distance will cause the City any "undue hardship" as required by Code analysis. The *Canadian Charter of Rights and Freedoms* has its own test and the expert found that it was possible that a claimant could convincingly argue that the by-law provisions on group homes treat them differently, single them out, and discriminate against them by perpetuating disadvantage or by being prejudicial to them." He concluded that he had not been presented with a studied justification from the City to support the separation distances and that therefore, he was

of the opinion that the City should "err on the side of caution and modify the definition of group homes and remove the separation distance".

What Is a Group Home under Zoning By-Law 569-2013

When considering zoning by-law requirements for group homes, it is important to be clear what is classified as a "group home" and what is not. As stated, the recommendation in this report does not pertain to "rooming houses" or to group homes used for a correctional purpose.

The definition of "group home" in Zoning By-law 569-2013 includes specific criteria to identify the use and distinguish it from other supportive living arrangements. According to the definition, a group home is licensed or funded by the government of Ontario or Canada and provides "supervised living accommodation" to its residents who live "together in a single housekeeping unit because they require a supervised group living arrangement." The facility must meet all the criteria necessary and if any of the elements are missing, it would not be classified as a group home. There are similar qualifications in the definition of residential care home.

Group homes are not like "rooming house" living arrangements because the definition specifies that the residents of a group home live together in a "single house-keeping unit". Currently, Zoning By-law 569-2013 applies rooming house zoning regulations of the former municipalities of Etobicoke, Toronto and York in the areas where their general zoning by-laws permitted rooming houses. There are small differences in the definitions of rooming house between the three sets of regulations, but the common features include exclusive occupancy of rooms with shared sanitary and/or food preparation facilities. The term "single house-keeping unit" does not contemplate separate exclusive use of a dwelling room and shared use of other facilities. The use of the term "single housekeeping unit" also distinguishes a group home from a retirement home and a seniors community house.

The required feature of supervision in the living accommodation and group living arrangement of a group home is a distinct characteristic not shared with many supportive housing programs. Supportive housing typically provides services at the place of residence on a daily or less frequent basis. These facilities are not a group homes because there is no supervised component to the living accommodation or the requirement of a supervised group living arrangement.

As discussed in detail in Attachment 1, the types of provincially funded or licensed facilities that would fall under the definition of group home or residential care home in Zoning By-law 569-2013 are:

"Group Homes" for children and youth under the Ministry of
Children and Youth Services

"Supported Group Living Residences" provided by a "service agency" under the Ministry of Community and Social Services

"Community Resource Centres" under the Ministry of Community Safety and Correctional Services

The requirement that a group home be licensed or funded under Province of Ontario or Government of Canada legislation is another distinguishing element of group homes. Group home operators that are not licensed or funded by the provincial or federal government do not meet the definition and are not subject to group home provisions in the Zoning By-law. This type of group home will be identified as another use. Depending on the circumstances, these operations could fall into the category of rooming house and will be subject to the zoning and licensing standards for a rooming house.

Under the Provincial Ministry of Community Safety and Correctional Services there is a type of community living model that was originally known as a Community Resource Centre and it is designed to allow specific offenders to serve their time while getting training or working in a community setting and living in a group home. These Provincial facilities are no longer in use, however, the federal government continues to support the 'half-way house' model of community setting and living.

These facilities could be considered a type of a group home as they are government regulated and the occupants are required to be there. Residents attend training or work within the community and require access to transit. For this reason, correctional group homes are required to be on major streets and are not allowed in RD zones. However, the new Zoning By-law does not include a definition. It is proposed to include a definition of a "Correctional Residence" so as to distinguish it from other group homes for the purposes of its location requirements. The planning expert was not requested to provide comment and opinion on this matter.

The Group Home Definition and Number of Residents

Group home and residential care home are defined for the purposes of distinguishing them from other residential dwelling types. The land use planning expert takes no issue with defining group homes as a separate residential use as the homes are licensed, supervised and the residents are under the care of the operators. However, the land use planning expert does take some issue with restrictions on the number of persons the definition of group home mentions.

The current definition of group home in Zoning By-law 569-2013 continues to reference the minimum and maximum number of occupants who may reside in a group home. The number of residents is regulated by the Provincial Governments through the licence or service agreements with the group home operator. The reference to "for three to ten persons" in the definition was originally included to more closely tie the use to the provincially used term and provided some clarity to distinguish between a group home and other uses providing similar accommodation.

The land use planning expert recommends eliminating the minimum requirement of 3 persons but believes a maximum of 10 persons is justified based on the intensity of use, impact and compatibility of a larger group home, called a Residential Care Home in the Zoning By-law. In the case of the Residential Care Home, the land use planning expert supports the requirement of a minimum of 11 as it is based on concern the intensity of use, impact on the surrounding area and compatibility with adjacent land uses.

Required Separation Distances For Group Homes

The general zoning by-laws of each of the former municipalities of the City of Toronto included separation distance requirements for group homes. The distances ranged from 245 to 800 metres:

Former City of East York	457 metres
Former City of Etobicoke	800 metres
Former City of North York	300 metres
Former City of Scarborough	300 metres
Former City of Toronto	245 metres
Former City of York	800 metres

In preparing the Zoning By-law 569-2013, 250 metres was included as the City-wide separation distance for group homes because it is the same distance required of other special housing uses permitted in all residential zones: crisis care shelters, municipal shelters and seniors community houses. Separation distances are required between group homes and residential care homes, between both types of shelters and between seniors community houses. They are not applied comprehensively to all these uses.

In considering carefully the expert report, his study of the history of the 'group home use' and the current legislative requirements and issues raised by the human rights litigation, and his findings with respect to objective evidence required to support good planning and also to respond to human rights concerns, there is no planning evidence that exists in support of the need for a 250 metre separation distance between group homes.

In determining if a separation distance should be applied and, if so, what is an appropriate distance, there are no set standards or guidelines. There are no studies on the benefits or the impacts that are addressed through requiring separation distances in zoning by-laws for group homes. Also of note, the Province does not have a separation distance requirement for group homes despite reports from the 1970's suggesting the use of separation distance through land use planning tools. Even if requirement of a separation distance could be substantiated under good planning principles, choosing a distance would also be challenging because the character of neighbourhoods across the City vary greatly.

As the land use planning expert notes, "separation distances are a legitimate and valid zoning tool to mitigate the impacts, nuisances, and externalities generated by certain types of land use". He wrote that "however, I have not found any documented evidence of

any kind of negative externality generated by group homes". The usual list of possible impacts does not apply to group homes. Parking is not an issue since most residents do not drive. That means traffic is ruled out as an impact. Density and form is not a concern since it is required that a group home be in a building originally constructed as a detached house. Being a house, it will likely not generate any other impact that might be different from another house in the neighbourhood. By this analysis, a separation distance between group homes cannot be supported as good planning.

With respect to residential care home, the group home with more than ten persons, the land use planning expert argues that a separation distance may be supported as it could "increase the intensity of use, negative impact and incompatibility with its surrounding". A separation is unnecessary. The residential care home permitted only in zones with higher intensity uses; RM, RA, CR, CRE and I. A residential care home would not create any incompatibility given the built form permitted within these zones. A separation distance for residential care homes in these zones would be the equivalent of requiring a separation distance for apartment buildings.

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ATTACHMENTS

Attachment 1 - Provincial Regulation of Group Homes

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Attachment 1 - Provincial Regulation of Group Homes

(A) Ministry of Children and Youth Services

Ministry of Children and Youth Services residential service placements take one of the forms listed below. The largest proportion of children and youth in foster care or group homes are placed by Children's Aid Societies, although some come into these residential settings through other agencies such as mental health agencies. Some residential service placements offer specialized treatments and therapeutic programs; others provide care, support and safety to children and youth at risk.

Foster Care Homes: home-like settings in which one or two children or youth are cared for by a foster parent or parents.

Group Homes: generally larger homes which can accommodate three or more children or youth, as well as staff or surrogate parents who provide 24 hours supervision

Custody or Detention Facilities: accommodation for youth in conflict with the law that have with different levels of security depending on the direction of the courts

All of the above are subject to licensing in accordance with the *Child and Family Services Act* and applicable regulations, but only the staff-supervised group home model would meet the criteria of the definition for group home in the Zoning By-law.

(B) Ministry of Health and Long-Term Care

In the 1980s, the Ministry of Health and Long-Term Care provided for the care and well being of individuals with mental health illnesses in three types of group homes: approved homes, homes for special care and homes under residential and supportive housing programs.

Currently, the primary focus of the Ministry's housing policies relates to accommodation of seniors in long-term care facilities. The Ministry also administers "Assisted Living Services" to support people with special needs who require services at a greater frequency or intensity than home care but not medical monitoring or supervision provided in a long-term care home. Assisted Living Services include:

Assisted Living Service for High-Risk Seniors

Assisted Living Service in Supportive Housing

Mental Health Supportive Housing

Supportive Housing for people with Problematic Substance Use

None of these services or facilities would fall under the group home definition in the Zoning By-law. While support services may be part of the living accommodation in these facilities, the individuals are not required to live there, do not live together as a single house-keeping unit and they do not require supervision.

(C) Ministry of Community and Social Services

There were originally six types of group homes administered by the Ministry of Community and Social Services that provide for the well being of individuals with a wide range of needs or disabilities. The group homes that are either licensed or approved by the Ministry are: Children's Residences, Accommodation Services for Developmentally Handicapped, Satellite Residences for Seniors, Halfway Houses for Alcoholics, Halfway Houses for the Socially Disadvantaged and Halfway Houses for the Ex-offenders.

Today, the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* governs the provision of residential services and supportive services by the Ministry. The Act defines those services as follows:

“residential services and supports”

means services and supports that are provided to persons with developmental disabilities who reside in one of the following types of residences and includes the provision of accommodations, or arranging for accommodations, in any of the following types of residences, and such other services and supports as may be prescribed:

1. Intensive support residences.
2. Supported group living residences.
3. Host family residences.
4. Supported independent living residences.
5. Such other types of residences as may be prescribed;

“supported group living residence”

means a staff-supported residence operated by a service agency, in which three or more persons with developmental disabilities reside and receive services and supports from the agency;

“supported independent living residence”

means a residence operated by a service agency that is not supported by staff and in which one or more persons with developmental disabilities:

- (a) reside alone or with others but independently of family members or of a caregiver, and
- (b) receive services and supports from the service agency.

“service agency”

means a corporation or other prescribed entity that provides services and supports to, or for the benefit of, persons with developmental disabilities and that has

entered into a funding agreement with the Minister under section 10 with respect to those services and supports;

Of all the “residential services and supports” regulated under the Act, only a "supported group living residence" provided by a “service agency” would qualify as a group home under the Zoning By-law.

(D) Ministry of Community Safety and Correctional Services

A Community Resource Centre is a group home provided by the Ministry of Community Safety and Correctional Services and designed to allow offenders to serve their time living in a group home, while receiving training or working in a community setting. As these facilities are government run, or licensed or funded by the Government and the occupants require a supervised living accommodation, a Community Resource Centre would fall under the definition of group home in the Zoning By-law.