



February 28, 2013

City Clerk
Attention: Frances Pritchard
Planning and Growth Management Committee
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Ms Pritchard:

I am writing to the Planning and Growth Management Committee and City Council on behalf of HomeComing Community Choice Coalition, a network of people who are committed to ensuring that all people have the right to live in communities of their choice without discrimination.

On August 5 of 2009, City Council adopted the Toronto Housing Charter which affirmed that "all residents should be able to live in their neighbourhood of choice without discrimination."

On behalf of all those people who live with disabilities and who live in poverty, HomeComing has been participating in the consultations on the harmonization of the zoning by-law since the beginning more than 8 years ago.

HomeComing has provided comments in the past about the proposed harmonized zoning by-law and has identified a very few provisions which we believe stand in the way of all people being able to live in communities of their choice.

These include:

- Chapter 800 of the zoning by-law, which included definitions of residential uses based on personal characteristics of the people who are intended to be housed there. This included Group Home, Residential Care Home, Retirement Home and Seniors Community House.
- 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 and disabled people, can be located by providing for separation distances between them.
- The Specific Use Regulations also include lengthy provisions limiting 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 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 Charter.

These restrictions are also, in our view, discrimination on the basis of age, or on the basis of disability or on the basis of receipt of public assistance. In our view, this is a direct contravention of Section 2 (1) of the Ontario Human Rights Code.

We understand that the City's Planning staff have heard this assertion and have responded with a proposed change. The staff report acknowledges that the language of the definitions of "Group Home" and "Residential Care Home", identifying them as places where people with disabilities live, has been the subject of human rights concerns and is "allegedly problematic" and "potentially inappropriate". Staff propose to address the problem by removing the definition of the people who live in this housing, while retaining the requirement that group homes and residential care homes be subject to separation distances.

To be clear, the definitions in the existing by-laws accurately describe the people that live in these homes. By requiring that they be separated, the opportunity to develop such homes is reduced and the people who need such homes are disadvantaged based on their disabilities. Changing the language of the definition in the by-law does not change who lives in these homes or reduce the extent to which the by-law disadvantages people with disabilities.

The separation distances required between group homes and residential care homes continue to result in discrimination on the basis of disability and should be removed.

I attach my 2010 presentation to the Planning and Growth Management Committee for your information.

Yours sincerely,

Paul Dowling, Project Manager
HomeComing Community Choice Coalition

**HomeComing Community Choice Coalition
Submission to the Planning and Growth Management Committee
August 19, 2010**

My name is Paul Dowling and I am here this morning 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.

I am very pleased to say that the members of this committee and your colleagues on Toronto City Council are eligible to be members of HomeComing, since on August 5 of 2009, City Council adopted the Toronto Housing Charter in which you affirmed that “all residents should be able to live in their neighbourhood of choice without discrimination.”

On behalf of all those people who live with disabilities and who live in poverty, HomeComing has been participating in the consultations on the harmonization of the zoning by-law since the beginning. We appreciate that 6 years has been a long time and we respect the hard work that planning department staff have put into that process over those years. It has been a long time coming.

HomeComing has looked at the proposed harmonized zoning by-law and has identified a very few provisions which we believe stand in the way of all people being able to live in communities of their choice.

These include:

- Chapter 800 of the zoning by-law, which includes definitions of residential uses based on personal characteristics of the people who are intended to be housed there. This includes Group Home, Residential Care Home, Retirement Home and Seniors Community House.
- 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 and disabled people, can be located by providing for separation distances between them.
- The Specific Use Regulations also include lengthy provisions limiting 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 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 Charter.

These restrictions are also, in our view, discrimination on the basis of age, or on the basis of disability or on the basis of receipt of public assistance. In our view, this is a direct contravention of Section 2 (1) of the Ontario Human Rights Code.

We know that the City's Planning staff and this committee have heard this assertion in the past. And there have been three ways in which you have responded:

1. The Planning Department has taken the position that the uses that I have referred to are not residential uses, this is reflected in the definition of Residential Building in Chapter 800 of the proposed by-law. Planning staff 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 her presentation to this Committee on November 4, 2009, Chief Human Rights Commissioner Barbara Hall said:

- "Your By-law talks about group homes, seniors' community houses, 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, housing, planning principles 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." And we know that a complaint has arisen and the City must answer to it.

3. Finally, the Committee and staff have asserted that it is not your intention to reform the zoning by-law at this time. The report that is before you today, says that the challenge is to consolidate the City's existing 43 zoning by-laws in a single by-law with a common language and structure while:

"preserving the spirit and intent of the provisions of those by-laws"

The committee has directed 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.

At the same time, we believe that to pass a by-law at this time, which perpetuates inequality and discrimination, is just wrong. It goes against the values and principles that you and we believe in.

We urge you not to do it.

We urge you to remove from the zoning by-law those few issues which we believe stand in the way of all people having equal rights to live in communities of their choice.

- 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 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.
- Delete the Specific Use Regulations and Lot Regulations applied to Group Homes, Residential Care Homes and Seniors Community Houses.

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.