



**Ontario Human
Rights Commission**

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October 21, 2013

Planning and Growth Management Committee
City Clerk's Office, Toronto City Hall
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VIA EMAIL

The Planning and Growth Management Committee:

**Re: PG 27.5 Framework for Considering City-wide Zoning By-law Regulations
for Dwelling Room Accommodation and
PG 27.6 Review of Zoning Provisions Pertaining to Group Homes**

The Ontario Human Rights Commission (OHRC) would like to bring several items to the attention of the Planning and Growth Management Committee as the Committee considers the Chief Planner's reports on group homes and dwelling room accommodations at its October 22, 2013 meeting.

Dwelling room accommodations (PG 27.5)

The Chief Planner's proposed framework for the city-wide zoning regulation of dwelling room accommodation allows dwelling room units in residential multiple (RM), Residential Apartment (RA, RAC) and mixed-use zones (CR, CRE). However, in many residential zones, this form of housing appears to be barred, or subject to significant limits.

As we emphasized in our submission on the Planning and Growth Management Committee's report PG21.1 on March 6, 2013, the OHRC holds that this type of accommodation should be allowed as of right in Toronto's residential neighbourhoods, consistent with the same land use principles as any other housing. Dwelling room accommodation is an essential form of affordable housing and is particularly important to people with disabilities, single people who receive public assistance, newcomers and other groups protected by Ontario's *Human Rights Code*. Limiting dwelling room accommodations has a disproportionate impact on these groups.

According to the Chief Planner's report, minimum separation distances currently apply to dwelling room accommodations in some parts of the City. It appears that MSDs may continue to apply to dwelling room accommodations in some areas in the new zoning framework. Minimum separation distances limit the sites available for development and restrict the number of sites that are close to services, disadvantaging people who are in need of housing. In the OHRC's view, applying minimum separation distances to dwelling room accommodations may leave the City vulnerable to applications under the *Code*.

Group homes (PG27.6)

In March 2011, the OHRC intervened in a legal challenge against the City regarding minimum separation distances (MSDs) for group homes. After that challenge was launched, the City agreed to seek an expert opinion about the application of MSDs to group homes. In keeping with the expert's opinion, the Chief Planner recommends that MSDs no longer apply to group homes. The OHRC strongly supports this recommendation.

In her report, the Chief Planner indicates that certain types of supportive housing do not "fall under the group home definition in the Zoning By-law." Those types include assisted living for high-risk seniors, assisted living service in supportive housing, mental health supportive housing, and supportive housing for people with problematic substance use. If the recommendations are accepted, it is unclear what, if any, zoning or other regulations will apply to these accommodations and whether legitimate planning rationales exist to support such regulations.

Concluding comments

We note that the City is planning public consultations on both proposed bylaw changes and has stated an intent to ask attendees about their particular concerns with illegal rooming houses. As set out in the OHRC's guide, *In the Zone: Housing, human rights and municipal planning*, the City should ensure that such meetings focus on legitimate land use issues – parking, built form, setbacks, and so on – rather than on the people who live in the housing. This can be done by setting out ground rules for the meeting, actively objecting to any discriminatory language or prejudicial comments, and redirecting the discussion back to planning issues.

We would be happy to assist the Committee as it considers these issues. Please contact Jacquelin Pegg at 416-326-9863 if you have any questions.

Yours truly,



Barbara Hall, B.A, LL.B, Ph.D (hon.)
Chief Commissioner

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