



**STAFF REPORT
ACTION REQUIRED**

**Amendments for all Zoning By-laws
Group Home Separation and Occupant Numbers**

Date:	December 10, 2013
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2014\Cluster B\PLN\PGMC\PG14001

SUMMARY

This report responds to Planning and Growth Management Committee's direction to the Chief Planner and Executive Director of City Planning (PG27.6) to hold a public open house and prepare a final report and draft by-law for the purpose of a statutory public meeting at the January 13, 2014 meeting of the Planning and Growth Management Committee.

The attached draft zoning by-law amendments have the effect of eliminating the minimum number of occupants in a group home and the separation distance between group homes.

RECOMMENDATIONS

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

1. City Council amend City of Toronto Zoning By-law No. 569-2013; former City of Toronto By-law 438-86; former City of North York By-law 7625; former City of York By-law 1-83; former Borough of East York By-laws 6752 and 1916; former City of Etobicoke Zoning Code; and, former City of Scarborough Zoning By-laws 10076, 12797, 8786, 9350, 9174, 9396, 8978, 9364, 9508, 10048, 9676, 10827, 9089, 9276, 12466, 14402, 12181, 17677, 11883, 9366, 9812, 15907, 10010, 16762, 10717, 12360, 950-2005, 9511, 10327, 9510, substantially in accordance with the draft zoning by-law amendments included in Attachment 1.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to each Zoning By-law amendment as may be required.

Financial Impact

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

DECISION HISTORY

A February 28, 2013, staff report from the Chief Planner and Executive Director, City Planning, and the City Solicitor, Legal Services presented the finding 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 the item 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 at it pertains to persons with disabilities or whether alternative approaches may be used. Staff were 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 carries forward regulations that require a 250 metre separation distances between group homes and residential care facilities. This separation distance requirement has 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.

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

On October 22, 2013, a staff report from the Chief Planner and Executive Director, City Planning, recommended the removal of the group home separation distance requirement in all zoning by-laws and the elimination of the minimum occupant requirement in a group home.

As directed by Committee, a notice of open house for November 28, 2013 was posted in a Toronto newspaper for the purpose of consulting with the public on the proposed changes to group home regulations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG27.6>

ISSUE BACKGROUND

The Dream Team, an advocacy organization representing persons with mental health issues, brought an Application to the Human Rights Tribunal of Ontario on behalf of eight of its members. The Application alleges that provisions in the zoning by-laws of the pre-amalgamation municipalities, which remain in force, and in the draft City-wide Zoning By-law, that impose mandatory separation distances for "group homes" and "residential care homes," discriminate against persons with disabilities contrary to the Ontario Human Rights Code ("the Code").

The Dream Team is seeking an order from the Tribunal declaring the provisions 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.

By-law 569-2013, which was enacted on May 9, 2013, has regulations that were brought forward from previous zoning by-laws that require separation distances between group homes and residential care facilities.

There are three appeals to the Ontario Municipal Board against By-law 569-2013 contesting the inclusion of the separation distance requirement for group home and residential care facilities. If the separation requirement is removed, these three appeals and the Ontario Human Right Tribunal challenge should be addressed and those appeals may be withdrawn.

COMMENTS

On October 22, 2013, a staff report from the Chief Planner and Executive Director, City Planning, recommended to the Planning and Growth Management Committee the removal of the group home separation distance requirement in all zoning by-laws and the elimination of the minimum occupant requirement in a group home. The Committee requested that the public be consulted on the proposed changes and that a final report be submitted to the January 13, 2014 meeting of the Committee.

On November 28, 2013 City Planning staff hosted an open house on the proposed changes to the group home zoning regulations. Staff presented an historical overview of regulations governing group homes found in the various zoning by-laws of the former municipalities and the newly enacted city wide zoning by-law. It was explained that the proposed zoning changes address the concerns raised in the context of the human rights concerns raised with current regulations. The open house attendees were supportive of the proposed group home zoning regulation changes.

The attached draft by-law amendment proposes to amend the definition of group home and residential care facilities in all applicable zoning by-laws of the former municipalities in the City and By-law 569-2013 by eliminating any reference to the minimum number of

residents and any reference to the characteristics of the individuals occupying a group home or residential care home.

The attached by-law amendment also amends all applicable zoning by-laws of the former municipalities of the City and By-law 569-2013, by eliminating the separation requirement for group homes and residential care facilities.

CONTACT

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SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Draft By-law

[P:\2014\Cluster B\PLN\PGMC\PG14001]

Attachment 1: Draft By-law

Authority: Planning and Growth Management Committee ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend City of Toronto Zoning By-law No. 569-2013; former City of Toronto By-law 438-86; former City of North York By-law 7625; former City of Scarborough By-laws: Agincourt Community By-law 10076, Agincourt North Community By-law 12797, Birchcliff Community By-law 8786, Bendale Community By-law 9350, Birchmount Park Community By-law 9174, Cliffcrest Community By-law 9396, Centennial Community By-law 12077, Clairlea Community By-law 8978, Cliffside Community By-law 9364, Dorset Park Community By-law 9508, Eglinton Community By-law 10048, Guildwood Community By-law 9676, Highland Creek Community By-law 10827, Ionview Community By-law 9089, Kennedy Park Community By-law 9276, L'Amoreaux Community By-law 12466, Malvern Community By-law 14402, Malvern West Community By-law 12181, Maryvale Community By-law 9366, Midland St. Clair Community By-law 842-2004, Milliken Community By-law 17677, Morningside Heights Community By-law, Morningside Community By-law 11883, Oakridge Community By-law 9812, Rouge Community By-law 15907, Scarborough Village 10010, Steeles Community By-law 16762, Sullivan Community By-law 10717, Tam O'Shanter Community By-law 12360, Upper Rouge Community By-law 25278, Warden Woods Community By-law 950-2005, Wexford Community By-law 9511, West Hill Community By-law 10327, Woburn Community By-law 9510, and Employment By-law 24982; former City of York By-law 1-83; former Borough of East York By-laws 6752 and 1916 and former City of Etobicoke Zoning Code, to eliminate a separation requirement for group homes and residential care homes, to change the definition of a group home and residential care home by eliminating reference to the characteristics of the occupants and to remove the requirement for a minimum number of occupants in a group home.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Replace the definition of 'Group Home' in:
 - (A) Section 2.50.a., of former Borough of East York Zoning By-law (Leaside) 1916;

- (B) Section 4.15 A, of former Borough of East York Zoning By-law 6752;
- (C) Chapter 304-3, of former City of Etobicoke Zoning Code;
- (D) Section 2.42.3, of former City of North York Zoning By-law 7625;
- (E) Clause V- Interpretation (f) Definitions, of former City of Scarborough Zoning By-laws 10076, 12797, 8786, 9350, 9174, 9396, 8978, 9364, 9508, 10048, 9676, 10827, 9089, 9276, 12466, 14402, 12181, 17677, 11883, 9366, 9812, 15907, 10010, 16762, 10717, 12360, 950-2005, 9511, 10327, and 9510;
- (F) Clause IV- Definitions, of former City of Scarborough Morningside Heights Zoning By-law and by-laws 25278 and 24982;
- (G) Section 2 (57) DEFINITIONS, of former City of York Zoning By-law 1-83; and
- (H) Chapter 800 (325) of City of Toronto Zoning By-law 569-2013;

so that it reads:

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

2. Replace the definition of 'Residential Care Facility' in:

- (A) Clause V- Interpretation (f) Definitions, of former City of Scarborough Zoning By-laws 10076, 12797, 8786, 9350, 9174, 9396, 8978, 9364, 9508, 10048, 9676, 10827, 9089, 9276, 12466, 14402, 12181, 17677, 11883, 9366, 9812, 15907, 10010, 16762, 10717, 12360, 950-2005, 9511, 10327 and 9510;
- (B) Clause IV- Definitions, of former City of Scarborough Morningside Heights Zoning By-law and by-law 24982; and
- (C) Section 2(1) DEFINITIONS AND INTERPRETATION, of former City of Toronto Zoning By-law 438-86;

so that it reads:

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;
- (c) is for more than ten persons, exclusive of staff; and
- (d) an **apartment building** used for the purpose of supportive housing or social housing is not a **residential care home**.

3. Replace the wording in:

- (A) Section 5.31 1. a), of former Borough of East York (Leaside) Zoning by-law 1916; and
- (B) Section 5.23 a), of former Borough of East York Zoning by-law 6752;

so that it reads:

- a) accommodates a maximum of ten persons exclusive of staff;

4. Replace the wording in:

- (A) Section 5.31.1. f) of former Borough of East York (Leaside) zoning by-law 1916;
- (B) Section 5.23 f) of former Borough of East York zoning by-law 6752;
- (C) Chapters 320.24.1 B, 330.23.1 B, 330.44.1 B, 340.23.1 B and 350.30.1 B of former City of Etobicoke Zoning Code;
- (D) Section 6(2) (i)(v) of former City of North York Zoning By-law 7625;
- (E) CLAUSE VI - PROVISIONS FOR ALL ZONES 10.2, of former City of Scarborough Zoning By-law 17677;
- (F) CLAUSE VI - PROVISIONS FOR ALL ZONES 11.2, of former City of Scarborough Zoning By-law 16762;
- (G) CLAUSE VI - PROVISIONS FOR ALL ZONES 12.2, of former City of Scarborough Zoning By-law 842-2004, 15907 and 950-2005;
- (H) CLAUSE VI - PROVISIONS FOR ALL ZONES 15.2, of former City of Scarborough Zoning By-law 8786, 8978, 9364 and 9812;
- (I) CLAUSE VI - PROVISIONS FOR ALL ZONES 16.2, former City of Scarborough Zoning By-law 10048, 9676, 10010 and 10327;
- (J) CLAUSE VI - PROVISIONS FOR ALL ZONES 17.2, of former City of Scarborough Zoning By-law 9350, 9174, 9396, 12077, 12077, 10827, 9089, 9276, 11883, 9366, 9511 and 9510;
- (K) CLAUSE VI - PROVISIONS FOR ALL ZONES 18.2, of former City of Scarborough Zoning By-law 10076, 9508 and 10717;
- (L) CLAUSE VI - PROVISIONS FOR ALL ZONES 19.2, of former City of Scarborough Zoning By-law 12181;
- (M) CLAUSE VI - PROVISIONS FOR ALL ZONES 20.2, of former City of Scarborough Zoning By-law 12797 and 14402;
- (N) CLAUSE VI - PROVISIONS FOR ALL ZONES 21.2, of former City of Scarborough Zoning By-law 12360;
- (O) CLAUSE VI - PROVISIONS FOR ALL ZONES 22.2, of former City of Scarborough Zoning By-law 12466;
- (P) CLAUSE V - PROVISIONS FOR ALL ZONES 25.2, of former City of Scarborough Morningside Heights Zoning By-law;
- (Q) CLAUSE V - PROVISIONS FOR ALL ZONES 13.2, of former City of Scarborough Zoning By-law 24982;
- (R) CLAUSE VI – GENERAL PROVISIONS 2.8.2, of former City of Scarborough Zoning By-law 25278;
- (S) Section 6(2)(6)(ii), of former City of Toronto Zoning By-law 438-86;
- (T) Section 3.4.5(b), of former City of York Zoning By-law 1-83; and

(U) Regulation 150.15.30.1 (1), of City of Toronto Zoning By-law 569-2013;

so that it reads:

[deleted]

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk