



Councillor
Mary-Margaret McMahon

Ward 32 Beaches / East York

councillormcmahon.com

Peter Wallace
City Manager,
Toronto City Hall
100 Queen St. W.
Toronto, ON
M5H 2N2

Dear Mr. Wallace,

Re: Administrative Inquiry Regarding Section 2 (iv) of the Shelter By-law

Zoning By-law 138-2003 (also known as the Shelter By-law) set out four requirements for the location of a new homeless shelter in the City of Toronto. Section 2 (iv) of this By-law stipulated that City Council must approve the location of a shelter.

On appeal to the Ontario Municipal Board in 2004 section 2 (iv) was struck down. The OMB stated that "*Section 2(iv) requiring that the City Council approve a municipal shelter, including its location is a redundancy....the board rejects all of the attempts to justify the inclusion of this provision...The Board also finds that such a provision has repeatedly been rejected by the courts as discriminatory, and an illegal or inappropriate use of zoning powers accorded municipalities.*"

Despite the harsh rejection of section 2(iv) by the OMB, for the last 12 years it has remained on the City's website, been used by City staff and adhered to by City Council.

I am requesting answers to the follow questions:

1. Why was this judgment not followed by the City of Toronto for 12 years?
2. Will the City of Toronto stop the discriminatory and illegal process of requiring Council approval for shelter locations immediately?
3. What are the impacts of the City not following the OMB's judgement in this case?

Thank you,

Mary-Margaret McMahon
Councillor Ward 32
Beaches-East York