

Review of Fraternity and Sorority Houses Exemption to Chapter 285, Rooming Houses

Date: April 26, 2018

To: Licensing and Standards Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

At its meeting on June 19, 2017, the Executive Committee directed staff to undertake a review of the rooming house licensing exemption for fraternity and sorority houses and cooperative student housing. This review included a study on the feasibility of licensing fraternities and sororities as businesses or as rooming houses and a comprehensive approach to address issues of noise, waste, and behaviour relating to fraternity and sorority houses.

This report recommends amending the former City of Toronto bylaw, Chapter 285, Rooming Houses, to create reporting requirements for fraternity and sorority houses to be met in order to continue to qualify for exemption from a rooming house licence. It also recommends providing greater clarity on what constitutes cooperative student housing. To address community concerns, staff also outline proactive outreach and education sessions to be undertaken. Highlights of the recommendations include:

- New annual reporting requirements for fraternity and sorority houses that will include:
 - (a) confirmation of active membership in an international or national fraternity or sorority;
 - (b) confirmation of accommodation for more than three students who are members of the active chapter; and
 - (c) contact information for the national or international student fraternity or sorority, and the local chapter.
- Proactive outreach and education sessions that will be coordinated with other divisions such as Toronto Fire Services, on issues of health and safety, noise, and property maintenance that would be targeted for fraternity and sorority house residents.
- Better defining what constitutes cooperative student housing that qualifies for exemption from a rooming house licence.

Chapter 285, Rooming Houses, currently exempts fraternity and sorority houses and cooperative student housing from the requirement to obtain a rooming house licence.

Fraternity and sorority houses are defined as containing more than three dwelling rooms and providing accommodations for more than three students who are members of a bona fide nationally or internationally chartered student fraternity or sorority. Cooperative student residences are exempted if they are owned or leased by a non-profit, contain more than three dwelling rooms, and provide accommodation for more than three students who are members of the non-profit, non-share corporation owning or leasing the dwelling. Currently, there is no requirement for proof of status to be provided in order to validate the exemption, it is not required unless enforcement occurs.

In Chapter 285, Rooming Houses, a rooming house is defined as a form of shared housing that provides separate and private bedrooms to tenants and shared rooms such as kitchens or bathrooms. Bedrooms in rooming houses may include food preparation facilities or sanitary facilities, but not both. If not exempted, fraternity and sorority houses could meet the definition of a rooming house under Chapter 285, Rooming Houses, and be required to obtain a rooming house licence to operate. There are other aspects of law related to various forms of living arrangements that also must be considered in determining licensing requirements.

Rooming houses in the former City of Toronto and Etobicoke must be licensed and are subject to annual or bi-annual inspections to ensure compliance with applicable legislation including the Ontario Fire Code, the Building Code, the Health Protection and Promotion Act, and Property Standards Bylaws.

This report includes feedback received from public consultations on community concerns arising from fraternity and sorority houses as well as possible solutions. The consultation process included one public meeting in November 2017 where over 30 participants attended including students, residents, residents' associations, local Councillor's staff, and fraternity and sorority members. Individual stakeholder meetings were organized for residents' associations and student union representatives together, and a separate meeting was organized for members and representatives of fraternity and sorority houses. Some of the key feedback received included:

- Local residents were concerned about noise caused by fraternities and sororities hosting social events that can move onto the street, impacting neighbours and sometimes resulting in assaults and violence.
- Most residents wanted fraternity and sorority houses to be licensed as rooming houses to help make them more accountable.
- Fraternity and sorority representatives stated that any complaints they receive are usually resolved and that the City has been active in enforcing noise, waste or property standard violations.
- Fraternity and sorority representatives expressed a need for greater dialogue with the surrounding residents to help address issues as they arise.

These public consultations took place as part of a broader examination of the Rooming House bylaw which staff will report back on in 2019.

Legal Services and Toronto Fire Services were consulted in preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council amend former City of Toronto bylaw, Chapter 285, Rooming Houses to require fraternity and sorority houses (called a "chapter") to submit an application as required by the Executive Director, Municipal Licensing and Standards by September 1 of each year, with the following information:

a. certification that they are active chapters of a national or international student fraternity or sorority and that the building provides accommodation for more than three students who are members of an active chapter of a bona fide national or international student fraternity or sorority; and

b. the name, mailing address, email address and telephone number of a contact person for the local chapter of the fraternity or sorority and of a contact person for the national or international student fraternity or sorority.

2. City Council amend Chapter 285, Rooming Houses to update the definition of a cooperative student residence to describe it as a student residence owned or leased by a non-profit housing cooperative that has more than three dwelling rooms with the object of providing housing to more than three students who are members of the cooperative.

3. City Council direct the Executive Director, Municipal Licensing and Standards, to conduct research and public consultation on potential licensing requirements for fraternities and sororities and report back to Licensing and Standards Committee in 2019.

FINANCIAL IMPACT

There are no financial impacts beyond what has already been approved in the current year's budget.

The Acting Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of June 19, 2017, Executive Committee adopted with amendments [EX26.45 Licensing Exemption for Fraternities and Sororities](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX26.45) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX26.45>), and directed the Executive Director of Municipal Licensing and Standards to review and report back on the feasibility of licensing fraternities and sororities as businesses or as rooming houses and a comprehensive approach to address issues of noise, waste, and behaviour relating to fraternity and sorority houses.

At its March 29, 2012 meeting, the Licensing and Standards Committee adopted [LS12.3 Issues Relating to Neighbourhoods Near Post-Secondary Institutions](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS12.3a), (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS12.3a>) and directed the Executive Director of Licensing and Standards to set up a working group comprised of representatives from relevant City Divisions, Toronto Police Services and other organizations deemed necessary to make recommendations on issues in neighbourhoods near post-secondary institutions.

At its March 30, 2011 meeting, the Licensing and Standards Committee adopted [LS2.6 Fraternity and Sorority House Residences](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS2.6) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS2.6>), and directed Executive Director, Municipal Licensing and Standards, to report back to Licensing and Standards Committee.

At its June 29, 2011 meeting, the Licensing and Standards Committee received for information [LS5.9 Licensing of Fraternity and Sorority Houses](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS5.9) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS5.9>) that examined licensing options for fraternities and sororities.

At its March 30, 2011 meeting, Licensing and Standards Committee adopted [LS2.6 Fraternity and Sorority House Residences](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS2.6) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS2.6>), and requested that the Executive Director, Municipal Licensing and Standards to consult with affected adjacent property owners, The Annex Residents' Association, the local Councillor, the University of Toronto and local fraternity and sorority houses as well as other relevant city agencies and to report back to Committee on a licensing proposal.

COMMENTS

Review of Exemptions in Chapter 285, Rooming Houses

At its meeting on June 19, 2017, the Executive Committee directed staff to undertake a review of the licensing exemption for fraternity and sorority houses and cooperative student housing. This included a review on the feasibility of licensing fraternities and sororities as a businesses or as rooming houses and a comprehensive approach to address issues of noise, waste, and behaviour relating to fraternity and sorority houses.

Historically, fraternity and sorority houses have been exempted from the requirement to obtain a rooming house licence if they are members of a bona fide nationally or internationally chartered student fraternity or sorority. Currently, proof of this status is not required.

There is a concentration of fraternity and sorority houses in Ward 20, Trinity-Spadina. The population of these houses consists mainly, but not exclusively, of undergraduate students attending the University of Toronto. The University of Toronto has no relationship with fraternities and sororities and does not permit them to have on-campus events or promote their activities on campus.

The fraternity and sorority houses are often in converted large, detached homes located off campus on city streets amongst other residential homes. Fraternity and sorority houses serve to provide student accommodations and are used for student events and activities. Concerns have been raised by neighbours about these properties relating to issues of noise and property maintenance, garbage, and behaviour.

As part of the exemptions to Chapter 285, cooperative student housing are not required to have a rooming house licence. During the review, staff did not find a significant number of complaints against cooperative student housing and no issues with this type of housing were raised during the public consultations. An issue identified by staff during the review is the definition of cooperative student housing in Chapter 285. The current definition is too broad and can capture types of housing arrangements other than what is intended. As such staff recommend updating the definition but not removing the exemption.

Enforcement at Fraternity and Sorority Houses

The City regulates property maintenance issues through a series of bylaws including Property Standards, Residential Waste, Grass and Weeds, Fences, and Noise. These bylaws are applied to fraternity and sorority houses in the same way as they are to all other residential and commercial properties. Investigations are complaint-based and may result in the issuance of an advisory notice or compliance order. In cases where non-compliance for property maintenance continues, the City has authority to remedy the violations and recover the costs through the owner's property taxes, or lay charges. Complaints of conduct beyond bylaw offences, may be directed to the Toronto Police Service. The history of complaints related to the identified properties are detailed below.

Bylaw Enforcement

Staff identified 19 fraternity and sorority houses that are located in Ward 20, and reviewed complaint data on these properties for the five years from 2013 to March 2018. The City received complaints related to 15 of the 19 fraternity and sorority houses. An average of 32 complaints were received in each of the five years, amounting to a total 166 complaints. The most common types of complaints were about waste (86 complaints); noise (40 complaints); and property standards complaints (15 complaints). Of the resulting investigations, 12 have led to the issuance of orders to comply. The breakdown of these complaints can be found in Table 1.

Table 1: Complaints on Fraternity and Sorority Houses from 2013 to March 2018

Year	Total Complaints	Types of Complaints
2013	36	Three most frequent complaints: Waste Property Standards Noise
2014	49	Three most frequent complaints: Waste Property Standards Noise
2015	35	Three most frequent complaints: Waste Noise Long Grass and Weeds
2016	26	Three most frequent complaints: Waste Noise Property Standards
2017	15	Three most frequent complaints Signs Noise Waste
2018*	5	Three most frequent complaints Waste Noise Property Standards
Grand Total	166	Overall top complaints: Waste- 86 complaints Noise- 40 complaints Property Standards- 15 complaints

*Data is from January to March 2018

Staff identified eleven (11) cooperative student housing addresses in Ward 20, Trinity Spadina. At those addresses, only a total of 9 complaints were received over a five year period from 2013 to 2017. And none of the 9 complaints resulted in the issuance of an order to comply.

Toronto Police Service

Residents in the areas surrounding fraternity and sorority houses have expressed concerns about behavioural issues that occur at the fraternity and sorority houses. Toronto Police Services data from January 2014 to March 2018 indicate there were a total of 78 occurrences, that involved police responding to an incident which was at or near 14 of the 19 fraternity and sorority houses. These occurrences were related to theft

under \$5,000 (47%), theft from a motor vehicle under \$5,000 (15%), and sexual assault (12%). A smaller number were related to assault (11%), assault with weapon (4%), and assault bodily harm (3%). It should be noted that occurrences could be in response to a request by a resident at the fraternity or sorority house and that occurrences are marked with the nearest address but do not necessarily confirm an incident at that specific address. The breakdown of these occurrences from 2014 to March 2018 can be found in Table 2.

Table 2: Toronto Police Services Data on Occurrences from 2014 to March 2018

Year	Total Occurrences
2014	18
2015	16
2016	14
2017	15
2018*	15
Grand Total	78

*Data is from January to March 2018

Summary of Public Consultation Findings

City staff organized a public meeting in November on fraternity and sorority houses. Over 30 participants attended, including students, residents, residents' associations, local Councillor's staff, and fraternity and sorority members. Individual stakeholder meetings were organized for residents' associations and student union representatives together, and a separate meeting was organized for members and representatives of fraternity and sorority houses.

Public input

At the public consultation staff heard from residents about their concerns with how fraternities and sororities cause significant noise and host social events that spill out into the street, impacting surrounding neighbours and sometimes resulting in assaults and violence. Some participants indicated that licensing of fraternity and sorority houses as rooming houses would help bring more accountability. Fraternity and sorority representatives explained how any complaints they receive are usually resolved and that the City has been active in enforcing noise, waste or property standard violations. Fraternity and sorority representatives said that any concerns about assaults and violence are unfounded and if they occur should be handled by the police. They also identified that there is little dialogue between the community and fraternity and sorority houses and that more dialogue could improve relations between them and community members without the need for regulation.

Residents' associations and student union representatives:

Residents' associations and student union representatives shared that they felt there was little enforcement on fraternity and sorority houses by police and the City. They highlighted that this is an on-going issue and that attempts to engage fraternity and sorority houses have so far not succeeded. Residents' associations and student union representatives identified that their most preferred actions to be taken by the City would be to license fraternity and sorority houses and undertake proactive enforcement during peak activity in the area to address nuisances.

Representatives of fraternity and sorority houses:

Representatives of fraternity and sorority houses expressed concern that all community issues were being blamed on students without any evidence. They pointed out that significant noise and community impacts come from surrounding bars. They felt there has been no outreach by nearby residents or the local Councillor's office to them. Representatives of fraternity and sorority houses identified that their most preferred action to be taken by the City would be to support community-led meet-and-greet events that would establish relationships between fraternities and sororities and the local community. In addition, fraternity and sorority house representatives identified that they would be willing to share contact information with local residents to provide a point of contact when issues arise.

Administrative Changes

The findings highlighted in this report indicate fraternity and sorority houses have some adverse impacts on surrounding neighbours. To address these impacts, this report recommends amending Chapter 285, Rooming Houses to create reporting requirements for fraternity and sorority houses to be met in order to continue to qualify for exemption from a rooming house licence. In addition, staff outline proactive outreach and education initiatives that will be coordinated with other divisions such as Toronto Fire Services, on issues of health and safety, noise, and property maintenance that would be targeted for fraternity and sorority house residents. The recommended changes are outlined below:

(a) New annual reporting requirements for fraternity and sorority houses:

In order to qualify for an exemption from the rooming house license, fraternity and sorority houses will have to submit an application before September 1st of each year with:

- a) confirmation of active membership in an international or national fraternity or sorority;
- b) confirmation of accommodation for more than three students who are members of the active chapter; and
- c) contact information for the national or international student fraternity or sorority, and the local chapter.

If a fraternity or sorority house does not apply for an exemption or their application is rejected, the City may, after an investigation, give notice that the property fails to meet the fraternity or sorority exemption and charge the property owner(s) for operating an unlicensed rooming house.

(b) Proactive outreach and education sessions:

Municipal Licensing and Standards will undertake in consultation with representatives of fraternities and sororities and area residents proactive outreach and education sessions that will be coordinated with other divisions such as Toronto Fire Services, on issues of health and safety, noise, and property maintenance. Staff will be more proactive in addressing locations that have frequent waste, noise and other property standards violations. The sessions will be organized for students at specified times during the year such as the beginning and at the end of the semester. This would include information on which bylaw issues routinely cause problems between student residents and nearby neighbours and how the City can be of assistance to student residents in regard to waste, noise and property standards and maintenance issues. This would keep students informed of their responsibilities.

(c) Change to definition of student cooperative housing

To provide clarity on the exemption in Chapter 285, staff recommend updating the definition of cooperative student housing. The proposed definition would better describe this type of housing arrangement and how it must be structured as a student residence owned or leased by a non-profit housing cooperative with the object of providing housing to students. The definition will maintain the requirement for the building to contain more than three dwelling rooms and for accommodation to be provided for more than three students who are members of the cooperative. This change will have no impact on existing cooperatives.

Next Steps

To implement the recommendations, the following actions will be taken over the course of the next few months:

Tasks	Objectives	Timeline
Planning	Develop fraternity and sorority house exemption application and train staff	May to July 2018
Implement exemption application for fraternity and sorority houses	Notify fraternity and sorority houses of new exemption application Publish exemption details on website	July to August 2018
Proactive outreach and education sessions	Develop and organize proactive outreach and education sessions with fraternity and sorority houses during school year	August to December 2018

Further study of Fraternity and Sorority Houses and Licensing Approaches

Municipal Licensing and Standards and City Planning are conducting a broader review of Chapter 285, Rooming Houses. This review will include further examination of fraternity and sorority houses and the potential of licensing requirements. A report back is expected in 2019.

CONTACT

Carleton Grant
Director, Policy and Strategic Support
Municipal Licensing and Standards
Tel: (416) 338-5576
Email: Carleton.Grant@toronto.ca

SIGNATURE

Tracey Cook
Executive Director
Municipal Licensing and Standards