

May 2, 2018

From: Christian Chan

To: Councillors and Members of the City of Toronto Licensing and Standards Committee

Via Email

Re: ITEM LS 25.2 - Review of Fraternity and Sorority Houses Exemption to Chapter 285, Rooming Houses

Dear Councillors and Members of the Municipal Licensing Standards Committee,

I introduce myself to you as the outgoing chief executive of the governing council of my Fraternity, Phi Kappa Pi. Phi Kappa Pi is Canada's Oldest and Only National Fraternity, with active Chapters in Halifax, Montreal, Toronto and Vancouver. I am also a long time Annex resident, and grew up in the neighbourhood. I have served as a Director on the Board of Directors of the Annex Resident's Association while I was in planning school and while living at my Fraternity house during undergraduate studies. Now I practice as a Land Use Planner and I am a former Member and Chair of the Toronto and East York Committee of Adjustment. I still live in the Annex, and I can subjectively say and with great bias that it is the best neighbourhood in the world.

Below I would like to respectfully submit to the Committee the following comments with regards to the above-referenced Item before the Licensing and Standards Committee on May 4, 2018:

1. Rooming Houses and Fraternity/Sorority Houses Materially Different:

Rooming Houses

In June 2015 the City issued a Request for Proposal for Rooming House Review Public consultations (Request for Proposal No. 9117-15-7027). Among other concerns, the City identified that there are issues in relation to the vulnerability of populations living in rooming houses, and protecting tenant rights during their tenure. There were life safety complaints in illegal room house operations. City divisions encountered unsafe living conditions including homes where the density of occupants is beyond the capacity of the building to provide healthy or safe living; accommodations that are substantially below those required by building and fire codes; and individuals residing in buildings with significantly diminished standards and not suited for human occupancy, and issues surrounding exploitative landlords. In their multi-tenant housing review and Report of October 12, 2016, the City noted that students living in rooming houses had safety concerns about being housed with non-students. Chapter 285 provides that Dwelling Rooms in Rooming Houses Bedrooms in rooming houses may include food preparation facilities, or sanitary facilities, but not both. Fraternity and Sorority houses do not have dwelling rooms with toilets or kitchens.

Fraternity and Sorority Houses

The above issues observed are not experienced by Fraternity and Sorority Houses or the resident student members living in them. The Fraternity and Sorority houses themselves are living relics of their respective organizations; many of them predating the current licensing and zoning by-laws that are in place in the neighbourhood – and predating the adjacent neighbour's occupancy of their homes. They are materially different from Rooming Houses, and provide a type and tenure of housing that permits undergraduate

students to affordably live in one of the most expensive downtown residential neighbourhoods in Canada, if not the world. They form part of a significant part of the Annex's affordable housing stock, and are tucked in between all the adjacent and surrounding luxury homes and the wealthy owners of those homes. Many of the Fraternity and Sorority houses have existed and operated as such for over a century, even in times when the Annex itself was a neighbourhood in transition and prior to the current wave of luxury gentrification occurring in parts of the Annex. Residents of the Fraternity and Sorority houses are post-secondary students attending nearby universities and colleges. The houses have Chapter Rooms containing more history, monuments, relics and regalia, meeting rooms and administrative offices. The Fraternity and Sorority houses serve as a place to meet, administer the organizations, study and to socialize and a place where older alumni members can mentor and develop future community participants and leaders. I am one such example, having served as Director on the Annex Resident's Association, Member of the Committee of Adjustment, and continue to participate as a citizen and professional in neighbourhood and city-wide affairs. Our members are highly encouraged by visiting alumni members to serve the public in both civil, government, community, philanthropic, spiritual, police and military capacities as undergraduates and learned members of Canadian society. These are not rooming houses.

2. Zoning and Licensing Definitions, future Issues:

Turning to the more technical aspects of this undertaking, on June 19, 2017, the Executive Committee requested that fraternity and sorority houses be considered as part of the Multi-Tenant Houses (Rooming Houses) review. As a land use planner, I am paying close attention to how the zoning by-law discussion with respect to a "multi-tenant house" (or what I consider a new way to name a "rooming house" for the purposes of interpreting the new Zoning By-law.) A rooming house is not a defined term in Zoning By-law 569-2013, whereas in the Former City of Toronto Zoning By-law 438-86 a "rooming house" is defined as:

"a building that (i) contains dwelling rooms designed or intended for use as living accommodation by more than three persons; and (ii) (may also contain one or more dwelling units, but does not include a converted dwelling and rooming house or other establishment otherwise classified or defined in this by-law".

There are no definitions with respect to fraternity and sorority houses in the old and new by-laws, however there are multiple definitions and descriptive over the years in municipal legislation recognizing the distinct nature of the Fraternity and Sorority houses, in particular By-law 502-80, By-law 744-83 and in Municipal Code Chapter 285, and I believe the Former North York Zoning By-law in fact defines "Fraternity and Sorority Houses".

In addition, as recognized in a Staff Report from the Executive Director, Municipal Licensing and Standards of June 14, 2011, that:

"Fraternities and Sororities are not defined in the zoning by-law of the former City of Toronto. However, the term is specifically mentioned as a permitted residential use (i.e., shared housing containing dwelling rooms) that is classified separately from that of rooming houses (also considered shared housing containing dwelling rooms)."

The above recognizes that Fraternity and Sorority houses have been defined and categorized, and permitted as distinct from Rooming Houses throughout any time this discussion has taken place. Categorizing and defining Fraternity and Sorority houses in the By-law 569-2013 as "multi-tenant houses" would prejudice the Fraternities and Sororities operating the homes, as the definition of "multi-tenant houses" proposed by the City is:

“building containing more than three dwelling rooms that may have private sanitary facilities or shared common facilities for sanitary and cooking. A multi-tenant house is NOT a:

- Apartment Building
- Hotel
- Crisis Care Shelter
- Municipal Shelter
- Nursing Home
- Residential Care Home
- Retirement Home
- Seniors Community House
- Student Residence
- Tourist Home”

Fraternity and Sorority Houses must be added to the list of what is NOT a multi-tenant house in the proposed zoning definition. It is clear to me that consistency must be maintained between the application and the consideration in the By-laws and Municipal Code recognizing Fraternity and Sorority houses as a special, historic and distinct residential land use; a land use that has existed since the turn of the century on most of these properties.

The definition and the application of the old By-laws vis-à-vis the new zoning definitions and permissions must be carried forward to any revisions by the City in By-law 569-2013 included in any amendments to the Municipal Code regarding Multi-tenant Housing as they apply to Fraternity and Sorority Houses. This is necessary in order to not prejudice them in any way and to maintain and recognize their existence in the fabric of the community.

3. Comments and Conditions of passing of the Motion from the Staff Report dated April 26, 2018:

The Staff Report states that “if not exempted, fraternity and sorority houses could meet the definition of a rooming house under Chapter 285”. I disagree. As I have written above, in practice the Fraternity and Sorority Houses are materially different, and should be considered as such.

I have issues with the recommendations proposed by Staff:

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

This condition prejudices “local” Fraternities and Sororities that are not affiliated to a national or international student Fraternity or Sorority. Some current and local Fraternities or Sororities are not affiliated to a “national” or an “international” and would technically not be permitted an exemption, should this condition be approved.

Having the building be certified or confirmed that the Fraternity or Sorority house provides accommodation for more than three students who are members of a Fraternity or Sorority does not take into account the unlikely but occasional time when the University is disrupted by strike or other events preventing or discouraging occupancy of the Houses. Albeit a long time ago, there were times when the entire active membership of a Toronto Chapter has perished in times of war, sacrificing their lives for Canada. Added to that, placing a condition on the landowners that a certain amount of residents must be

associated with the Fraternity or Sorority to be allowed to live at the Fraternity and Sorority Houses themselves is contrary to Section 2(d) of the Charter.

b. the name, mailing address, e-mail 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.

This condition unnecessarily concerns the National and International Executives and Officers for matters of a local nature related to the local Chapter Houses. A number of Fraternities and Sororities have hundreds of Chapter Houses spread throughout North America and response times would better be served from the local Fraternity or Sorority property owners and officers. The correct contact person should be the local property owners or their agents and officers, as in any case in dealing with any issues with City by-law enforcement, or any other municipal authorities. Ownership information is publicly available on the City's tax assessment rolls. It does not make sense to contact the international or national head office when the local property officer (not an undergraduate) can respond quickly and is more tuned-in to matters of a local nature.

It is my recommendation that the condition "a)" should be amended to omit the requirement of at least three students confirmed as members of a Fraternity or Sorority. Certification of existing Fraternity and Sorority houses is unnecessary and wasteful of resources as Fraternity and Sorority houses already publicly identify as such with Greek letters publicly displayed on their houses. The certification should only apply to new Fraternity and Sorority Houses, so as to make it clear to the City that they are not operating as rooming houses nor are subject to licensing fees and inspections as a result.

It is my recommendation that "b)" be amended to read that the contact person(s) shall be the owners of the property(s), or their agents, officers or staff.

4. Relationship with the Universities:

On page 4 of the Staff Report, Comments, the Executive Director writes that U of T has no relationship with Fraternities and Sororities and does not permit them to have on-campus events or promote their activities on campus. This is reflected in the U of T President's letter to the Committee. While a part of that sentence is true, regarding events or promotion on campus, the statement is categorically false and insulting to the contributions that Fraternities and Sororities and their members have made to their Alma Maters. The comment further connotes that there is no link between the institutions of "Fraternity" and "University". U of T has an extensive and storied relationship with Fraternities and Sororities. On the wall at Soldier's Tower at Hart House at U of T are the engraved names several of my Fraternity's war dead and countless others from other U of T Greek Houses who were prepared to sacrifice their lives in the name of Canada. They did not count the cost, even though they had promising futures as U of T students. In fact, U of T recognizes this sacrifice by inviting, in writing, the Fraternities and Sororities to participate in the solemn Remembrance Day Ceremony at Soldier's Tower. Additionally, Sidney Smith Hall is named after a former President of the University of Toronto, who is an alumnus of my Fraternity that oversaw U of T's largest expansion. Some of my Fraternity members who have had specific contributions to U of T and Canada include U of T alumnus Charles Catto, a distinguished alumnus of my Fraternity and Member of the Order of Canada championing aboriginal housing needs through the Frontiers Foundation; U of T and Phi Kappa Pi Fraternity Alumnus Sir Ernest MacMillan (Order of Canada) who was the Dean of the Faculty of Music at the University of Toronto. In addition, our Fraternity intends to make a large monetary donation to the Libraries at U of T – an organization that we seemingly do not have a "relationship" with nor wishes to

recognize Fraternities and Sororities. I take extreme offence to those comments to this regard and question the veracity and objectiveness of the other information provided by in the Tables in the Staff Report targeting our houses, or what other observations Staff have noted from the University interest groups at the community consultations.

Conclusion:

Subject to my comments in Point 3 above and in light of the issues and observations raised in the remainder of my submission, it is my recommendation and respectfully ask the Committee that:

A) Condition “a)” should be amended to:

- Omit the requirement of at least three students confirmed as members of a Fraternity or Sorority. This is unenforceable and contrary to Section 2(d) of the Charter.
- Omit the requirement of certification of existing Fraternity and Sorority houses as it is unnecessary and wasteful of resources as Fraternity and Sorority houses already publicly identify as such with Greek letters publicly displayed on their houses. They have existed there for decades.
- Require certification only for new Fraternity and Sorority Houses, so as to make it clear to the City that such proposals by landowners are not operating as rooming houses nor are subject to licensing fees and inspections as a result, and also to deter landowners who may falsely hold themselves as using their properties as a Fraternity or Sorority housing.
- Amend any reference to the organizations as “local, national, and international student fraternity or sorority so as to not prejudice local fraternities and sororities (ie. those that have just one chapter).

B) Condition “b)” be amended to read that the contact person(s) shall be the owners of the property(s), or their agents, officers or staff.

Thank you,

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