

**From:** [Daphna Nussbaum](#)  
**To:** [councilmeeting](#)  
**Subject:** My comments for 2019.PH3.2 on March 27, 2019 City Council  
**Date:** March 26, 2019 3:24:23 PM

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March 20, 2019

Deputation

To: Planning and Housing Committee

Re: Item 3.2 – Zoning Revisions for Municipal Shelters

My name is Kathy Laird and I am a member of the Human Rights Working Group of the Toronto Alliance to End Homelessness (TAEH). On behalf of the Working Group, I am urging the Planning and Housing Committee to approve the staff recommendation to amend the zoning by-law to increase zoning permissions for the **residential use** called municipal shelters.

We all recognize that the real answer to homelessness is a broad range of types of permanent affordable housing, with support as needed to help people to be successful in that housing. We continue to advocate for action by all levels of government to increase the availability of permanent affordable housing.

We commend the City for consulting with community members in a discussion of the zoning permissions which are necessary and appropriate to ensure that all people are able to live in the neighbourhoods of their choice. We were pleased to be part of that consultation process.

Current zoning regulations permit shelters in all residential zones in the City, subject to a 250 metre separation from another shelter; and a requirement that they be located on a major or minor arterial road or an intersecting street within 80 metres of the major street.

In 2003 when these two restrictions in the Municipal Shelter By-law were put in place, I litigated a challenge before the Ontario Municipal Board in my former role as Legal Director of the Advocacy Centre for Tenants Ontario. Our challenge was brought on behalf of the Dream Team, a group of individuals living with mental health issues. We based our OMB application on human rights considerations under the Ontario *Human Rights Code* and the Canadian *Charter of Rights and Freedoms*. Our case was supported, in part, by the Report to Council from the City's Planning staff, advising the Planning Committee and Council, that there was no planning rationale for a minimum separation distance between shelters or for the arterial road requirement.

About 6 years later, the Human Rights Legal Support Centre, on behalf of the Dream Team, filed another human rights application challenging minimum distancing requirements, this

time at the Human Rights Tribunal of Ontario, against the City of Toronto and 3 other Ontario municipalities. I am familiar with this litigation because I was executive director at the Centre at the time. That complaint challenged separation distances between group homes for people with disabilities. After lengthy consideration, the City of Toronto amended the zoning by-law to remove the separation distances between group homes, acknowledging that they were discriminatory. On this basis, the Human Rights Legal Support Centre settled the Dream Team's human rights application against the City. All of the other municipalities eventually followed Toronto's lead and removed mandatory distancing from their by-laws.

Yet, to this day, there continue to be equally discriminatory provisions in the zoning by-law. For example, a Seniors Community House, defined as a place for persons over the age of 65 years, must be a minimum distance of 250 metres from another Seniors Community House.

And Crisis Care Shelters, similar to the Municipal Shelters under consideration here today, except not operated by or for the City, continue to require a 250 metre separation distance.

The Human Rights Working Group applauds City Planning staff for bringing forward these recommendations today and acknowledging that separation distances between Municipal shelters have no planning rationale and do not have the desired effect of promoting distribution of this kind of shelters across the City.

We urge this committee, and City Council, to remove these unnecessary and discriminatory restrictions on Municipal Shelters. And we urge you to direct Planning staff to carefully examine the similar restrictions on other residential uses.

With an increasingly expensive housing market and a shortage of appropriate affordable housing options for low income people, it is time to remove restrictions on the location of a broad range of housing types, particularly restrictions which have the effect of reducing access to needed shelter for people who are vulnerable.

We urge you to support changes to the zoning by-law to ensure that all people have the ability to live in the community of their choice without discrimination on the basis of their poverty.

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