

**A New Regulatory Framework for Multi-tenant Houses  
- Supplementary Report - City Solicitor**

**Date:** September 23, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** All

**REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation that affects the City of Toronto.

The attachment to this report contains advice or communications that are subject to solicitor-client privilege and litigation privilege.

**SUMMARY**

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This report is supplementary to PH25.10 which was deferred to the October Council meeting.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client and litigation privilege and relates to ongoing litigation against the City.

**FINANCIAL IMPACT**

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The financial implications for this matter are set out in PH 25.10.

**DECISION HISTORY**

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The decision history is set out in PH25.10.

**COMMENTS**

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Currently, there are two challenges to the rooming house provisions of the City's comprehensive Zoning By-law 569-2013 ("By-law 569-2013"). These challenges are

appeals to the Ontario Land Tribunal ("OLT"), that were filed in May 2013 by the Advocacy Centre for Tenants Ontario ("ACTO") and Rupert Community Residential Services of Toronto ("Rupert"). The scheduling of both appeals are currently on hold.

The appeal letters of ACTO and Rupert argue that the current zoning provisions in By-law 569-2013 that regulate rooming houses (section 150 of By-law 569-2013) are inconsistent with both planning law and human rights laws. With regard to planning law, the appellants argue that the current zoning regulations related to rooming houses are not based on good planning and are inconsistent with the Provincial Policy Statement, the City's housing policies, the City's Housing Charter and the Official Plan which seeks to provide a full range of housing across the City and within neighbourhoods including affordable rental housing and shared-congregate living housing arrangements.

With regard to human rights law, the appellants argue that the current by-law provisions that prohibit multi-tenant homes as a residential use on a geographic basis contravene the Human Rights Code (the "Code") and section 15 of the Charter of Rights and Freedoms because they have the effect of excluding people from housing based on personal circumstances including, but not limited to, receipt of public assistance, disability, and family status. The appeals argue that the zoning by-law provisions cannot be justified as reasonable under the Code or saved by section 1 of the Charter, the reasonable limits clause.

Confidential legal advice about the current litigation and other potential litigation is provided in Confidential Attachment 1.

## **CONTACT**

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Antonella Ceddia, Solicitor, Legal Services Division, Telephone: 416-338-2338, Email: [antonella.ceddia@toronto.ca](mailto:antonella.ceddia@toronto.ca)

Amanda S. Hill, Solicitor, Legal Services Division, Telephone: 416-338-5790, Email: [amanda.hill@toronto.ca](mailto:amanda.hill@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Legal Advice