

January 26, 2024

Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Nancy Martins

Re: PH9.14 - Fraternities should not be exempt from the Multi-Tenant  
Housing Bylaw (Ward All)

Dear Councillors,

Please find below a briefing of the technical questions which support our position that our owner-occupied properties (by virtue of membership) are not now and never have been MTHs (Rooming Houses). As you may be aware, we have been providing safe and affordable housing to 300+ students for more than 100 years.

We would like you to refrain from any amendments to the MTH By-law with respect to our properties. Additionally, since this question has been asked and answered definitively by staff several times over the past decades, it is a decided matter that will only waste the resources of staff if the committee asks staff to report yet again on the topic.

This affects our 500+ members who live in the Annex in dorms & apartments and in our Chapter Houses. Like the perennial “bicycle licensing” requests, we’d like the committee to put this topic to rest right here at committee. We remain committed to being good neighbours who make positive contributions to our community and the city at large.

Sincerely,  
Kevin

**Kevin Tuttle, President**  
***SoFra Federation of Toronto***  
Cell/ Text: 416-302-2775

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**1) Paragraph (3) was amended to exempt us from the by-law and now does not inadvertently conflict with the by-law itself.**

MULTI-TENANT HOUSE –

(1) A building with four or more multi-tenant house rooms, inhabited or intended to be inhabited by persons who do not live together as a single housekeeping unit.

ANSWER: **Our student members decidedly live together as a single housekeeping unit** sharing chores, meals and expenses among many other things.

(b) Is available for rent;

ANSWER: **Our student members pool their money** to cover all the operating costs and **any short-fall is covered by the alumni**. They do not "rent" single bedrooms from the sorority or fraternity and as **members of the organization are owner-occupiers**.

(4) A multi-tenant house does not include:

(d) Co-operative student residences owned or leased by a non-profit, non-share corporation and providing housing accommodation on a co-operative basis;

ANSWER: Our organizations are **"definitively" co-operative student residences owned or leased by a non-profit, non-share corporation**, as this is exactly the language in each of our articles of incorporation from the 1870s to the 1940s.

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**2) From 1879 to 2018 our properties were never considered Rooming Houses and when the status was reviewed several times by city staff and the city solicitor, the conclusion every time was that we are not MTH.**

Here is the history of our homes with the City

Over the past fifty years, city staff have conducted multiple extensive reviews of our homes. Each time the findings were presented to committee and later adopted by City Council.

- For nearly 100 years Fraternity and Sorority houses were listed as a land use separate and distinct from that of a rooming house.
- In July of 1983 the Commissioner of Buildings reported to the Neighbourhoods Committee that our homes are not a form of rooming house and defined them as such in By-law 73-68.
- Later in 1983 an amendment to By-law 502-80 made this distinction clear in the form of a "does not apply to:" definition for our homes.
- A further amendment to By-law 502-80 added a "notwithstanding" clause in order to unequivocally distinguish our homes as separate from that of rooming houses. o Notwithstanding section 3, for the purposes of this By-law a "co-operative student residence" and a "student fraternity house" are deemed not to be a rooming house." (744-83)
- With the harmonization of By-law 502-80 into Chapter 285 and another review of our homes by staff these definitions and the specific acknowledgement that our homes were still not considered rooming houses by the city was carried forward.
- In 1995 the language and legal terminology found in Chapter 285 was modernized. According to staff the "notwithstanding" clause was no longer permitted in municipal legislation. As such staff took it upon themselves (without consulting Fraternities and Sororities) to substitute the "notwithstanding" clause with a lesser "exemption" in

Chapter 285-8. In hindsight this substitution was an error that changed the very intent of our home's inclusion in the by-law in the first place.

- In 2010 as the harmonization of the zoning by-law was being conducted by the city an exhaustive review of our homes was again undertaken by staff from Planning and ML&S. After careful review staff concluded that our homes were not subject to business licensing nor were our homes organized as rooming houses and subject to licensing under Chapter 285. This was clearly stated in a report to Council from June of 2011 (see PDF).
- In 2018 when tasked with determining if our homes could be considered a form of multi-tenant housing and subject to licensing, staff from ML&S reported back to the Executive Committee EX26.45 and declined to include our homes (see PDF).

The narrative presented that our homes were granted some special favour all those years ago that protected them from licensing is false as outlined above by decades of review by city staff.

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### **3) Issues raised by neighbours can and are addressed by existing laws just like all other 400,000 Private Residences in Toronto.**

These aggregate numbers from 2017 (detailed PDF below). There were 166 complaints filed over a four year period 2013-2017. Of those, **less than 1 complaint per house** per year was found to be valid requiring a response from the City.

At the December 2023 City Council Meeting where council voted 19-7 in our favour, Carleton Grant (Executive Director, ML&S) reconfirmed that all issues raised can currently be addressed under existing by-laws (at 2:26:50):

<https://www.youtube.com/live/WqEKBGHrtgU?si=tU0RAG-wJXAqtU8f>

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4) **Financial Burdens:** Although we do not accept the premise that our Chapter Hoses are MTH, MTH's must comply with whole other regimes of building code, fire code and others that we currently as Private Residences do not currently need.

This may require hundreds of thousands of dollars in retro-fitting to our heritage homes which as small not-for-profit organization we can ill afford.

**Kevin Tuttle, President**  
***SoFra Federation of Toronto***

**Licensing of Fraternity and Sorority Houses**

<b>Date:</b>	June 14, 2011
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2011\Cluster B\MLS\SLS11015

**SUMMARY**

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This report is a response to a request from the Licensing and Standards Committee to have the Executive Director, Municipal Licensing and Standards bring forward a licensing proposal for Fraternities and Sororities.

After consultations with City divisions, area residents, and representatives of the Fraternity and Sorority houses, staff have concluded that Fraternities and Sororities can neither be licensed as businesses, under Toronto Municipal Code Chapter 545, Licensing, nor under the former City of Toronto's Municipal Code Chapter 285, Rooming Houses.

In the course of consultations, staff discovered that the issues of noise, garbage and other nuisances were not exclusively attributed to the residents of Fraternity and Sorority houses, but also to other student residents in the area, as well as visitors to the local nightclubs. As such, staff will be undertaking a multi-pronged comprehensive approach to more effectively address the issues identified.

The City Solicitor was consulted in the preparation of this report.

## **FINANCIAL IMPACT**

There is no financial impact arising from the proposals in this report beyond what has already been approved in the current year's operating budget for Municipal Licensing and Standards.

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

## **DECISION HISTORY**

At its March 30, 2011 meeting, the Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards, report back to the Committee on a licensing proposal for Fraternities and Sororities.

<http://www.toronto.ca/legdocs/mmis/2011/ls/bqrd/backgroundfile-36733.pdf>

## **ISSUE BACKGROUND**

There is a concentration of Fraternity and Sorority Houses located in Ward 20, Trinity Spadina. The population of these houses consists mainly, but not exclusively of undergraduate students attending at the St. George campus of the University of Toronto. The Fraternity and Sorority houses are often converted large single family homes located off campus on city streets amongst other residential homes. There is a lengthy history of the Fraternity and Sorority residents failing to meet the expectations of their full-time neighbours, with most of the complaints respecting noise and property standards issues, especially garbage, arising from behavioural issues, especially excessive partying.

At public consultations with residents of the area, it became quite clear that the primary cause for concern were disturbances in the early hours of the mornings which the full-time residents believed were largely perpetrated by members (both residents and visitors) of Fraternities and Sororities.

## **COMMENTS**

As a result of the ongoing issues, residents have suggested that greater regulation, perhaps licensing, should be imposed to increase the regulatory leverage over Fraternities and Sororities. This report examines the viability of this proposal and describes the actions that Municipal Licensing and Standards is prepared to undertake to address the issues in the community.

### **Fraternities and Sororities**

Fraternal organisations around the world have existed for centuries. Fraternities and Sororities, or “Greek letter organisations” as they are often called to differentiate them from other fraternal groups, are social organisations for undergraduate students only (often referred to as “actives”). The Phi Beta Kappa Society, founded in 1776 at the College of William and Mary in Williamsburg, Virginia, is generally recognised as the first Greek-letter student society in North America and is also credited with establishing the “chapter” system at different campuses, following the pattern of the Masonic lodges. Most Fraternities and Sororities present themselves as societies to help their members

better themselves in a social setting. They can be specifically organised for service to the community, for professional advancement, or for scholastic achievement.

There are several large national organisations in the United States with hundreds of chapters. Several national fraternities also have chapters in Canada. The central business offices of these organisations, commonly referred to as "Nationals", may place certain requirements on individual chapters to standardise rituals and policies regarding membership, housing, finances, or behaviour. These policies are generally codified in a constitution and bylaws. Virtually all Fraternities and Sororities have adopted some version of governance with executive officers who report to a board of trustees, and a 'legislative' body consisting of periodic conventions of delegates from all the chapters.

Members of Fraternities and Sororities often live together in a large house or distinct part of the university dormitories. This is intended to emphasize the bonds of brotherhood or sisterhood and to provide a place of meeting for the members of the organisation as well as alumni. For reasons of cost, liability, and stability, housing is usually owned or overseen by an alumni corporation or the organization's national headquarters.

### **Licensing of Fraternities and Sororities**

Municipal Licensing and Standards administers and enforces two distinct licensing regimes: **business licensing**, under Toronto Municipal Code Chapter 545, Licensing, and **rooming house licensing**, under former City of Toronto Municipal Code Chapter 285, Rooming Houses.

Under Chapter 545, with some noted exceptions, the City may license any business. Although business is not defined in the underlying legislation or in the by-law, a business is generally accepted to be an industrial, commercial, or professional operation that provides goods and services for sale, and which has a profit for its residual owners as a primary motive. The City licenses approximately 52,000 such businesses. The purpose of licensing is to regulate where there is a valid municipal purpose for doing so. In general terms, a valid municipal purpose includes health and safety, consumer protection and nuisance control.

**In the opinion of staff, Fraternities and Sororities clearly do not fall under the definition of business and as such cannot be licensed under business licensing.**

Under former City of Toronto Municipal Code Chapter 285, Rooming Houses, the City may, in the former City of Toronto, license rooming houses.

Under the existing zoning by-law of the former City of Toronto, a rooming house is defined as:

A building that:

1. Contains dwelling rooms designed or intended for use as living accommodation by more than three persons; and

2. 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.

Where permitted in the former City of Toronto, a rooming house is required to have been originally constructed as a detached or semi-detached house that: meets the minimum size of rooms requirement; has a minimum number of washrooms; exhibits no substantial change to the exterior appearance of the dwelling; satisfies the requirement that if in a former semi-detached house, both halves of the building must be a rooming house; has a maximum number of dwelling rooms depending on the zone category and location; and meets the parking standard of 1 space for each 3 rooms, in excess of 3 rooms. In the mixed use and reinvestment zones, the rooming house regulation has no qualifications based on type of building and size of rooms, provided the maximum number of rooms does not exceed 25.

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).

Chapter 285 requires that rooming houses be licensed. A rooming house is defined by Chapter 285 as “A building that contains dwelling rooms and may also contain one (1) or more dwelling units, where:

1. The dwelling rooms, in total are used or designed or intended for use as living accommodation by more than three (3) persons; and
2. The living accommodation is provided in exchange for remuneration.”

Chapter 285 goes on to provide a number of exceptions including a specific exception for “A student fraternity or sorority house that is a dwelling:

1. Containing more than three (3) dwelling rooms; and
2. In which accommodation is provided for more than three (3) students who are members of a bona fide nationally or internationally chartered student fraternity or sorority.”

Thus, under the rooming house by-law for the former City of Toronto Fraternity and Sorority houses cannot be licensed. It is important to note that student co-operative housing is also exempted from licensing.

At the staff-held consultations, it was pointed out by a number of residents that the Fraternity and Sorority houses were not the only sources of noise and other nuisances. Local student co-operatives were also singled out as being problematic. For this reason, staff believe that any regulatory solution aimed at Fraternity and Sorority houses would have to be aimed at co-operatives and other similar housing arrangements as well. This extends well beyond the scope of the specific request from the Committee. Staff note, however, that the Licensing and Standards Committee, in a separate motion, has also asked staff to come back with recommendations to deal with the broader question of

nuisance control relating to student housing. The question of licensing in this context shall be revisited at that time.

There are two key issues respecting licensing that should be highlighted. The first is that the City does not have the authority to license people or organisations purely on the basis of their affiliation. The City, with a valid municipal purpose, may license people or organisations conducting specific activities, such as providing rental housing. This activity, of course, is provided by a much broader range of groups than Fraternities and Sororities.

The second point relates to the nature of the regulatory power of licensing. If the City were to license landlords, it could only hold landlords responsible for their actions as they pertain to the requirements of the bylaw. Licensing could not regulate the behaviour of those living in the licensed accommodations. Except in very limited circumstances, in which the actions of the landlords could be shown to have explicitly permitted or abetted behaviours that resulted in specific violations, the City would not be able to hold the landlords accountable for the actions of their lodgers.

### **The Withholding of Film Permits and Other Punitive Measures**

Staff neither believe that the City has the authority nor that it is appropriate to tie the issuance of film permits to noise, waste, or other property standards violations. City Council has already agreed to withdraw the ongoing City-imposed moratorium on film permits for Fraternities and Sororities.

As already indicated, it is problematic to hold the owners of the Fraternity and Sorority houses responsible for issues arising from the actions of the occupants of the houses, and vice-versa. It is also problematic to impose punitive measures unrelated to the offences, where there are already regulations in place that specify a process of enforcement and penalties for non-compliance.

Staff believe that it is a better option to move forward with some of the positive initiatives that have been generated by members and representatives of the Fraternities and Sororities and the area residents. These initiatives continue to evolve and hold the promise of a grass-roots solution to the issues in the community.

### **Establishment of Joint Working Group**

At the request of representatives from the Fraternities and Sororities, a meeting between them and the local residents, as well as the Ward Councillor, took place on April 20, 2011. This meeting formed the foundation for a series of subsequent meetings that evolved into a joint working group.

The aim of the Working Group is to establish a framework for dealing with the root of neighbourhood nuisance issues. Already both groups have agreed that there is a need for greater and facilitated communication when issues do arise. As a result, they have agreed to establish a web site that will contain the contact information of key contacts for both sides, including a 24-hour contact person for each Fraternity and Sorority house.



A key challenge has been to ensure there is an appropriate accountability mechanism in place, if there is a breakdown in the protocol. The Working Group has tentatively agreed that when issues arise there will be a complaint escalation system by which issues will first go to the designated contact person or persons for the specific Fraternity or Sorority.

If the issues are not resolved in a satisfactory manner at the initial level, the complaint may be bumped up to the Greek Council. This is a body that acts as a regulatory council and can influence individual chapters under the threat of “shunning”. The shunning of a chapter means that it is excluded from Greek events. Others are also forbidden from participating in the shunned chapter’s events.

If the matter cannot be resolved satisfactorily by the Greek Council, it may be bumped up further to the international bodies that charter the chapters. In extreme cases, chapters could lose their charter.

Both sides continue to be committed to finding a mutually beneficial solution. Staff believe that the City should support this effort, as any grass-roots initiative and eventual solution is more likely to be both effective and efficient.

### **Outreach and Information Sessions**

In conjunction with Fire Services and the Police, ML&S, in consultation with representatives of the Fraternities and Sororities and the area residents, could provide outreach and information sessions at specified times during the year. These sessions would outline the rights and obligations of all community members, as well as provide an overview of the relevant by-laws.

As a new batch of students and pledges move into the neighbourhood, the City could work with the Residents Association to develop sessions that include information on which by-law issues routinely cause problems between student residents and full time residents, and how the City can be of assistance to student residents with regards to maintenance issues. These could take place every September and be conducted in a number of formats.

It is worth noting that in other municipalities tertiary institutions are taking an active role in the roll-out of such programs. For example, the University of Western Ontario in London, Ontario has instituted the L.E.A.R.N (Liquor Enforcement and Reduction of Noise) program, which pairs up the police and by-law enforcement to do outreach at the start of the school year, with a visit being paid to every on-campus student residence, Fraternity or Sorority house, student co-operative or other known form of student housing. The officers introduce themselves, and leave literature on relevant by-laws, how to make a complaint, and what constitutes a good neighbour. They also relate past incidents that have caused problems. Although not essential, the effectiveness of such an initiative in Toronto would likely be enhanced if the relevant universities and colleges took an active role and promoted the program.

### **More Focused and Better Co-ordinated Enforcement**

During the public consultations, both the neighbourhood's full time residents and the residents and representatives of the Fraternity and Sorority houses expressed their desire to have the existing City by-laws fully enforced. It was also determined that many of the activities tied to the nuisances tend to be more pronounced at certain times of the year. When classes begin in September, during the culmination of the rushing season, and at the end of final exams in late April are all times of significant activity that may create nuisance issues.

Thus, in conjunction with the Toronto Police Service, ML&S could arrange for pro-active work in the neighbourhood. Enforcement blitzes could be conducted during times of peak activity in the area.

A standard operating procedure could also be established to provide a guide to enforcement staff conducting investigations with regards to ongoing noise issues at rental properties which are not owner occupied. This could allow the City to deal with noise problems much more effectively and, at the same time, free up Police resources.

Ongoing or chronic concerns could be referred to the Toronto Multi-jurisdictional Enforcement Team (TMET). This team includes a number of City divisions as well as the Police and agencies from both the provincial and federal governments. TMET could bring to bear the enforcement expertise of all of its members to bring about an effective resolution to more complex issues. This approach will be discussed in more detail in the staff report concerning neighbourhood issues with student housing.

### **CONTACTS**

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### **SIGNATURE**

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Jim Hart  
Executive Director  
Municipal Licensing and Standards

### 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

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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

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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

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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

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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

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### **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**

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## **SIGNATURE**

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Tracey Cook  
Executive Director  
Municipal Licensing and Standards

## FRATERNITY AND SORORITY RESPONSE TO AMENDED LS25.2

Mayor Tory and Councillors,

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

We respectfully ask that item LS25.2 regarding the removal of the exemption for Fraternity and Sorority houses from Chapter 285 and the further investigation of their possible licensing be either received or deferred.

Historically, the City has regarded fraternity and sorority houses as 'single housing-keeping units' because of the nature of their organization and land use. Potentially licensing them as rooming houses under Chap. 285 will not address issues of property standards and community safety, as they are already well-regulated by the City through the Property Standards By-law. The licensing of our homes will only impose a severe and unnecessary regulatory and financial burden that will affect our ability to provide affordable student housing to our members. We look forward to continuing to consult with staff.

### Issues related to property standards complaints at Fraternity and Sorority houses

- Out of 166 complaints filed against our 18 properties over a four-year period, **only 49 of those complaints necessitated a response** from MLS bylaw enforcement. **That amounts to less than one occurrence per house per year.** The potential licensing of our homes under **Chapter 285 will not address issues related to property standards** any further than they already are.
- We have an **ongoing relationship with both MLS staff and management.** They have our contact information and **they have been able to reach us at any time if they feel there is an issue requiring attention.**

### Issues related to the safety of our members and their guests while in our homes

- Fraternity and Sorority houses are very safe places for our undergraduate members and their guests. Each house **must adhere to the highest standards for fire and safety infrastructure as mandated by our International organizations, our local insurers and the building code.**
- **Fraternity and Sorority houses must have this safety infrastructure certified as being in good working order annually.** Fraternity and Sorority houses include most or all of the following safety features. **External fire escapes, integrated particulate, smoke and carbon monoxide detectors, emergency lighting, fire doors, integrated sprinklers and strategically placed fire extinguishers.**
- The TPS and the TFS have commented that they do not feel our properties are a concern for them.

### Issues related to statements about “rampant sexual assaults” taking place in our homes

- Any statement that accuses **hundreds of men and women of being complicit in “rampant sexual assaults”** is **unwarranted, defamatory and criminally damaging** to our members.

- Our TPS contact, an **officer with 9 years of experience at 53 Division is confident** in stating that **Frat houses in the Annex are not rampant** with sexual assaults; and that if they were, he would have been very concerned.
- By **falsely accusing so many**, the important issue of sexual assault has once again been trivialized. These **accusations are only meant to distract you** and to curry favour.
- **This item is in no way related to the important issue of preventing sexual assaults on campus, an issue taken very seriously by all of our organizations.**

#### Issues related to criminal activity occurring in proximity to our homes

- 78 individual Criminal activity incidents have been **unjustifiably attributed to our homes and used to substantiate the need to license** them. The **Toronto Police service and MLS** have been clear in stating that these **incidents are only listed as being in proximity to our homes**. The TPS has been clear that these incidents may or **may not be related to our homes** and that only a **costly FOIR can clarify that question**.
- In speaking with the **53 Division Community Response Unit** we have been told that **although some of these incidents are attributable to our homes, the majority are not**. They also have stated that **the concentration of Fraternity and Sorority houses is not the source or the cause of criminal activity in the area, and to suggest otherwise would be very misguided**.
- **We speak regularly with 53 Division CRU and have a good relationship** that by their account has had a positive impact. **We will continue to maintain this relationship** and continue to address any issues they feel are of concern.

#### Issues related to the licensing of Fraternity and Sorority houses under Chapter 285

- **Fraternities and Sororities are not-for-profit private social and philanthropic associations** comprised of undergraduate and alumni members. In a 2011 report, staff from **Licensing and Standards made the determination that Fraternities and Sororities were not businesses or subject to licensing under Chapter 545 or Chapter 285**.
- Fraternity and Sorority houses **are owned collectively by the living membership** of their respective associations and **provide affordable housing to their undergraduate members**. **Fraternity and Sorority houses are organized as a “single housekeeping unit”**.
- Our undergraduate **members choosing to live in our homes do so for between two and three years and are by no means short-term residents of Ward 20**.
- The **Ontario Superior Court has determined and the Ontario Court of Appeal** has upheld on multiple occasions, that a **home organized as a “single housekeeping unit” cannot be considered a rooming house, boarding house or lodging house by a municipality**.
- The **removal of the exemption from Chapter 285 will not automatically subject our homes to licensing** by the City; and staff has shown an unwillingness to pursue licensing on a number of occasions. **Any attempt made to license our homes will also affect housing, student or otherwise across the city**. Any home where **more than three individuals reside in a single dwelling unit could find themselves subject to licensing also**. This would have a **detrimental impact on affordable housing availability in the City** as property owners withdraw from the market in order to **avoid licensing or having to contest a rooming house classification by the City**.