



Group Homes and Supportive Housing Study

CITY OF BRAMPTON

FINAL DRAFT | NOVEMBER 2020



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EXECUTIVE SUMMARY

Brampton City Council expressed concerns that its existing group home and supportive housing policies and provisions were outdated and inconsistent. On November 20, 2019, an Interim Control By-law was enacted to prohibit new “Supportive Housing Facilities” and “Group Housing Facilities” for a six-month period. The Interim Control By-law allowed the City of Brampton to undertake a review of its Official Plan policies and Zoning By-law provisions as they relate to group homes and supportive housing facilities. The Interim Control By-law expired on August 24, 2020. For the purposes of this report, “supportive housing” is a general term applied to all forms of housing where residents require some form of support in their day-to-day lives, and includes group homes, seniors’ homes and long-term care homes.

The purpose of this Group Homes and Supportive Housing Study was to respond to current provincial legislation and regulations, simplify the group home registration process, and align with current practices in supportive housing. The Study was also driven by the need to increase the availability of supportive housing options for vulnerable populations in line with Regional initiatives.

This Study involved outlining the in-effect policy framework, a best practice review to consider approaches taken by other municipalities, a review of research and opinion papers regarding supportive housing, and consideration of recommendations from groups such as the Ontario Human Rights Commission and the Ontario Association of Children’s Aid Societies.

Based on the findings of the policy and best practice review, it was determined that the City of Brampton Official Plan and Zoning By-law require updates to better clarify the various forms of supportive housing to reduce the potential for disputes surrounding planning applications for supportive housing. It was also found that the current definitions of the Official Plan and Zoning By-law require comprehensive revisions to align with the Ontario Human Rights Code, and that the City’s registration process should be maintained, subject to further direction regarding public notification.

The Study recommends the removal of existing definitions from both the Official Plan and Zoning By-law and replacing those definitions with new definitions for Supportive Housing Type 1, Supportive Housing Type 2, and Residential Care Home. The proposed Official Plan and Zoning By-law amendments also update the permitted zones and land use designations where supportive housing uses are permitted. The amendments also remove minimum separation distances and restrictions on the number of supportive housing units within a defined area (currently shown on Schedule D of the Zoning By-law). Further, public notification, and public meetings and open houses are recommended to be removed from the formal registration process where non-correctional supportive housing forms are permitted “as-of-right” (i.e., do not require a Planning Act application to permit the use).

1 INTRODUCTION

1.1 PURPOSE OF STUDY

The City of Brampton (the City) enacted an Interim Control By-law (ICBL) on November 20, 2019 for a portion of the City to prohibit the registration and creation of new ‘Supportive Housing Facilities’ and ‘Group Homes’ (Type 1 and Type 2) for a six-month period. On August 24, 2020, the ICBL expired and no longer prohibits these types of applications from being processed.

The reasoning for the ICBL was to allow a review of the City’s policies and zoning by-law provisions to be completed, prior to the approval of any applications for new group homes. Council expressed concerns that the existing Group Home and Supportive Housing policies are outdated and that there are inconsistencies in certain by-law standards, such as caps on the number of facilities permitted in an area.

As part of their review, the City has retained WSP to undertake a Group Homes and Supportive Housing Study to support an implementing Official Plan and Zoning By-law Amendment. The City has expressed concerns over inconsistencies in, among other things, the appropriateness of:

- The clarity of current definitions for supportive housing forms;
- The minimum separation distance standards; and
- The limits on the number of facilities permitted in given areas.

The ICBL prevented new ‘Supportive Housing Facilities’, a ‘Group Homes Type 1’ or a ‘Group Home Type 2’ within the defined area. ‘Retirement Home’, ‘Nursing Home’ and a ‘Senior Citizen Home’ is permitted where the specified use is a permitted use in the applicable zone. The ICBL stated that “the following terms shall be applied in accordance with the definitions as set out in Section 5 of the Zoning By-law 270-2004, as amended”:

- Group Home Type 1
- Group Home Type 2
- Nursing Home
- Retirement Home
- Senior Citizen Residence
- Supportive Housing Facilities

This report includes a best practice review to consider current approaches taken by other municipalities in Southern Ontario, reviewed research and opinion papers completed on the subject of supportive housing, and considered recommendations from groups such as the Ontario Human Rights Commission and Ontario Association of Children’s Aid Societies.

Recommendations on revisions to the City’s definitions, Official Plan policy and zoning by-law standards for supportive housing forms are then included within the report, for the City’s consideration. For the purposes of this report “supportive housing” is a general term used to apply to all forms of housing where residents require some form of support in their day-to-day lives, and shall include group homes, seniors’ residences and long-term care homes.

2 PROVINCIAL OVERSIGHT AND LEGISLATION

The Provincial government has been largely responsible for the funding, approving and licensing of group homes through legislation. This section summarizes the specific legislation that governs planning and group homes in Ontario.

2.1 PLANNING ACT

The Planning Act is the principal legislation that describes how municipalities may plan, manage and regulate land use in Ontario's communities. The Planning Act outlines matters of Provincial interest and enables the Province to issue Policy Statements to provide direction to municipalities on matters of Provincial interest.

The Planning Act enables municipal councils to pass a variety of tools to plan and regulate the use of land and the placement of buildings and structures on a lot. Under Section 16 of the Planning Act, most municipalities, including the City of Brampton, are required to prepare and adopt Official Plans in accordance with the requirements of the Act. Official Plans contain goals, objectives and policies to guide decision making on land use planning matters. Municipal decisions, by-laws and public works are required to conform to the policies of the Official Plan (Section 24(1)).

Section 2 of the Planning Act lists matters of Provincial interest that the Minister, the council of a municipality, a local board, a planning board and the Tribunal shall have regard to when carrying out their responsibilities under the Planning Act. The matters relevant to the provision of housing are:

- The adequate provision of a full range of housing, including affordable housing;
- The orderly development of safe and healthy communities; and
- The accessibility of persons with disabilities to all facilities, services and matters to which this act applies.

The provision and accommodation of supportive housing facilities such as group homes is an important part of providing a range of housing that is accessible.

Section 34 of the Planning Act enables councils to pass zoning by-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as parking and loading requirements and lot requirements. Additionally, zoning by-laws may be used to prohibit the use of land or erection of buildings and structures in certain hazardous areas or areas of natural heritage or archeological importance.

Zoning by-laws are legally enforceable documents with very precise requirements for each property in the municipality. A property owner is not entitled to obtain a building permit unless their proposed building, structure or change in land or building use is consistent with the requirements of the zoning by-law. Further, persons who have erected a building or structure, or changed the use of land or the use of a building which is not consistent with the zoning by-law that is in effect, may be subject to penalties as outlined in the Planning Act.

There are also limitations as to what zoning by-laws can regulate. Section 35(2) of the Planning Act says municipalities may not pass zoning bylaws that distinguish between people who are related and people who are unrelated in respect of the occupancy or use of a building. For example, a zoning bylaw cannot stipulate that a family rather than roommates must occupy a house.

Zoning By-laws are an efficient tool to regulate housing in municipalities, including supportive housing facilities such as group homes. The By-laws can range in the type of regulation that is applied including specific definitions, where the housing facilities are permitted, and additional requirements such as parking.

2.2 MUNICIPAL ACT

The Municipal Act, 2001 sets out rules for all municipalities in the Province of Ontario, except for the City of Toronto – which is governed by the City of Toronto Act, 2006. The Act gives municipalities broad powers to pass by-laws and govern within their jurisdiction.

Section 163 of the Municipal Act, titled “Restrictions re. Group Homes” sets out the definition and requirements for group homes within municipalities in Ontario. The Act defines group homes as:

“group home” means a residence licensed or funded under a federal or provincial statute for the accommodation of three to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. 2006, c. 32, Sched. A, s. 82.

The Act allows municipalities to enact a business licencing by-law for group homes only if the municipality permits the establishment and use of group homes under section 34 of the Planning Act (i.e., in the Zoning By-law). A business licencing by-law for group homes can restrict the establishment of group homes to only those with a licence who may be required to pay licence fees and/or provide the municipality information in regard to the business name, ownership and contact information.

The Municipal Act provides direction for land use planning purposes; however, it does not directly legislate Official Plans or Zoning By-laws, which are legislated through the Ontario Planning Act.

2.3 MINISTRY OF CHILDREN, COMMUNITY AND SOCIAL SERVICES

The Ministry of Children, Community and Social Services work includes the provision of ‘Social Assistance’, ‘Programs for Adults with a Development Disability’, ‘Community Services’ and ‘Child and Spousal Support Orders’.

Under its responsibility for Programs for Adults with a Development Disability, the Ministry is authorized by law to approve and issue a licence to operate a group home that houses children with developmental abilities and special needs. It is part of the Ministry’s responsibility to assess and determine whether basic care and safety requirements, set out in the Child, Youth and Family Services Act, 2017 as well as other regulations and policies are being met and to take action when these requirements are not being met.

The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 (SIPDDA) defines Ontario’s developmental disability laws. The SIPDDA includes a specific

definition for development disability along with who gets support and why. One of the residential supports provided is Supported Group Living Residences which are defined as:

“supported group living residence” means a staff-supported residence operated by a service agency, in which three or more persons with developmental disabilities reside and receive services and supports from the agency,

The SIPDDA enables the establishment of standards for the construction and maintenance of such residences, the health and safety of residents, the requirements for staff and volunteers and their qualifications, the provision of services and supports to residents, the maintenance of records and the rules governing physical restraint of residents and the training of staff in relation to the use of physical restraint.

2.4 MINISTRY FOR SENIORS AND ACCESSIBILITY

The Ministry for Seniors and Accessibility helps seniors and people with disabilities find community and housing support. The Ministry provides information on long-term care homes and retirement homes, including availability of subsidies. The Retirement Homes Act, 2010 was introduced by the Province to protect seniors living in retirement homes, requiring licenses and compliance requirements, such as assessments for mandatory standards of care services and mandatory fire and safety plans.

The Retirement Homes Regulatory Authority (RHRA) was created by the Act, and is overseen by the Ministry. The RHRA license and inspect retirement homes, maintain a register of homes, investigate complaints, and enforce the Act. The RHRA explains that the definition for “retirement home” under the Act is:

“A building or related group of buildings, or a part of a building or a part of a related group of buildings, with one or more rental units of living accommodation that meets the following criteria:

- *Occupied primarily by persons who are 65 years or older;*
- *Occupied or intended to be occupied by at least six persons who are not related to the operator of the home;*
- *Makes at least 2 of the 13 care services set out in the Act available, directly or indirectly, to residents.*

Care services include, among other things, drug administration, clothing assistance, bathing assistance, provision of meals, and any service provided by the College of Nurses of Ontario while engaging in the practice of nursing.

3 PROVINCIAL AND REGIONAL POLICY FRAMEWORK

3.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2020 (2020 PPS) came into effect on May 1, 2020 and replaces the previous 2014 PPS. The 2020 PPS is issued under the authority of Section 3 of the Planning Act. The current 2020 PPS is a statement of the Province’s position on land use planning matters. The PPS promotes the development of healthy, livable and safe communities, and the efficient use of land and infrastructure through more compact development, a mix of uses, and access to multiple modes of transportation. Decisions on land use planning matters, including the goals, objectives and policies of Official Plans, must be consistent with the Provincial Policy Statement.

The Provincial Policy Statement was updated in 2020 as part of the Province’s “More Homes, More Choice: Ontario’s Housing Supply Action Plan” which included updates to the Growth Plan for the Greater Golden Horseshoe and the passage of Bill 108 that introduced changes to the Planning Act, Development Charges Act, and other legislation. The goal of 2020 PPS is to increase the mix and supply of housing and to streamline the approvals process.

Section 1.4 ‘Housing’ states at policy 1.4.3 that planning authorities shall “*provide for an appropriate mix and range of housing options*” so that projected housing needs of current and future residents are met. The 2020 PPS states that in order to achieve this, planning authorities should permit and facilitate:

“all housing options required to meet the social, health, economic well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.”

The 2020 PPS also requires new housing to be directed towards locations with appropriate levels of infrastructure and public service facilities, and to establish residential development standards which minimize housing costs and facilitate compact form, while maintaining levels of health and safety.

Recent Provincial policies and legislation have emphasized the importance of encouraging the development of a range of new housing, as noted above. The 2020 PPS specifically emphasizes that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet the social, health and well-being requirements of current and future residents, including special needs requirements.

3.2 GROWTH PLAN, 2019

Effective May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), herein referred to as the 2019 Growth Plan, replaces the 2017 Growth Plan for the Greater Golden Horseshoe. The 2019 Growth Plan is part of the Provincial Government’s More Homes, More Choice: Housing Supply Action Plan, which aims to address the needs of the Region’s growing population, its diversity, its people and its local priorities. Section 3(5) of the Planning Act requires that all decisions that affect a planning matter shall conform to the Growth Plan.

The 2019 Growth Plan establishes a growth management strategy to the year 2041 for municipalities within the Greater Golden Horseshoe Area. The 2019 Growth Plan aims to direct the accommodation of forecasted growth to complete communities which are well designed to meet the population's needs for daily living. This should be achieved through the provision of an appropriate mix of jobs, local services, public service facilities and a range of housing to accommodate a range of incomes, persons and household sizes through an entire lifetime.

The 2019 Growth Plan encourages the provision of affordable housing and a diverse range of housing options including special needs housing. Section 2.2.6 of the Growth Plan specifies that land use planning should align with applicable housing and homelessness plans required under the Housing Services Act, 2011 – which defines special needs housing as *“housing intended for use by a household with one or more members who require accessibility modifications or provincially funded support services in order to live independently in the community”*.

3.3 REGION OF PEEL OFFICIAL PLAN

The Region of Peel Official Plan (the Regional OP) was adopted by Regional Council in 1996, with its latest consolidation being December 2018. The Region of Peel initiated 'Peel 2041' in 2013, its current Regional Official Plan review. The review is undertaken to ensure conformity with provincial plans and policies, and to reflect the changing needs and demographics of the Region. The Region's current schedule identifies the Regional Official Plan Amendment as being adopted by Council in 'Winter 2021'.

The Regional OP is Regional Council's long-term policy framework for decision making. It sets the Regional context for detailed planning by protecting the environment, managing resources, directing growth and setting the basis for providing Regional services in an efficient and effective manner. The Regional OP provides direction for future planning activities and for public and private initiatives aimed at improving the existing physical environment. The Regional OP provides policy direction for growth and development for the City of Brampton.

The provision of a full range of housing is a key objective of the Regional OP. The Region of Peel is committed to achieving a supply of accessible, adequate and appropriate housing of all types, sizes, densities and tenures to meet the existing and future needs for residents.

Section 5.8.6 outlines the Region's objective to make housing available for the diverse populations of the Region along with those residents with special needs. The definition of Special needs housing in the Regional OP includes group homes. It is the policy of the Regional Council to:

- Encourage the area municipalities to develop policies in their official plans to support the development of special needs housing in locations with convenient access to existing or planned infrastructure (e.g. transit), amenities and support services.
- Encourage the area municipalities to explicitly identify special needs housing as permitted uses in residential or other suitably zoned lands where appropriate in area municipal zoning by-laws.
- Encourage the area municipalities to review their requirements for minimum distance and maximum number of boarding houses, group homes, lodging houses, rooming houses, and other similar types of homes to ensure the development of housing which meets the social, health and well-being requirements of current and future residents.

- Encourage the area municipalities to identify additional areas where special needs housing is permitted, to ensure they are in close proximity to amenities, support services and other existing services, such as transit.

3.4 POLICY FRAMEWORK SUMMARY

The Planning Act and policy framework are consistent in their direction to municipalities regarding provision of housing. Provision of an appropriate mix and range of housing options for current and future residents, including housing for those with special needs requirements, is a key theme. Housing policy should contribute to the creation of safe and healthy communities, where all residents might benefit from access to transit, amenities and employment opportunities, and for those who require it, specific support services.

The 2020 PPS represents the most up-to-date provincial policy direction for the provision of housing in Ontario, where it specifically highlights requirements for planning authorities to permit and facilitate housing options to meet the “social, health, economic well-being requirements” of residents, including “special needs requirements”.

The Regional OP encourages municipalities to “*explicitly identify special needs housing as permitted uses in residential or other suitably zoned lands where appropriate in area municipal zoning by-laws*” and that Official Plan policies should support special needs housing in locations with convenient access to existing or planned amenities and support services. The Regional OP goes on to advise use of minimum separation distances for special needs housing should be reviewed.

Permitting supportive housing forms in residential areas without restrictions, such as minimum separation distances or limits on group home numbers per area, is the direction provided throughout the provincial and regional policy framework; this should be given significant consideration in the review of Brampton’s supportive housing Official Plan policies and Zoning By-law provisions.

4 CITY OF BRAMPTON EXISTING SUPPORTIVE HOUSING FRAMEWORK

4.1 OFFICIAL PLAN DEFINITIONS AND POLICIES

The Brampton Official Plan 2006 (September 2015 office consolidation) includes definitions and policies related to supportive housing and group homes.

As it relates to this Study, the Official Plan provides the following definitions:

- Group Homes
- Auxiliary Group Home
- Long-term Care Home
- Rest Home
- Retirement Home
- Supportive Housing Facilities

Specific policies regarding the above definitions are provided for within Sections 4.2 ‘Residential’, 4.4 ‘Employment’ and 4.9 ‘Institutional’ of the Official Plan. This section outlines the existing definitions and policies, and provides initial assessment with regards to the City’s current approach, highlighting opportunities for potential clarification, simplification and consolidation.

The Official Plan’s current supportive housing framework can be summarized as follows:

| Supportive Housing Type | Definition Summary | Policy Requirements | Permitted Designations |
|-------------------------|---|---|---|
| Group Home Type 1 | Detached dwelling 4 – 6 people under supervision Shall not include Group Home Type 2 or SHF Approved under applicable Provincial Act | Occupy part or the whole of the dwelling unit; Conform in size, height and general appearance with other dwellings in the host neighbourhood; To prevent a concentration of group homes in any one area, standards, including a minimum distance separation, shall be adopted by the City of Brampton; and, | Official Plan Schedule A: Residential Estate Residential Village Residential Major Institutional Business Corridor Regional Retail Office |

| Supportive Housing Type | Definition Summary | Policy Requirements | Permitted Designations |
|-----------------------------------|--|---|---|
| | | All group homes shall comply with the relevant zoning and registration requirements. | |
| Group Home Type 2 | <p>Detached dwelling or dwelling in commercial building</p> <p>4 – 10 people under supervision</p> <p>For correctional housing forms and Group Homes over 6 persons.</p> <p>Shall not include Group Home Type 1 or SHF</p> <p>Approved under applicable Provincial Act</p> | As Type 1 | As Type 1 |
| Auxiliary Group Home | <p>Dwelling unit</p> <p>Up to 3 people</p> <p>Shall not include Group Home Type 1 or 2, or SHF</p> <p>No reference to approvals under Provincial Acts</p> | Comply with zoning and registration requirement | <p>Single detached dwellings, semi-detached dwelling units and multiple dwelling units.</p> <p>Official Plan Schedule A:</p> <p>Estate Residential</p> <p>Village Residential</p> <p>Residential</p> <p>Major Institutional</p> |
| Supportive Housing Facility (SHF) | <p>Place for accommodation</p> <p>Supervised group living</p> <p>No range on number of residents</p> <p>No reference to approvals under Provincial Acts</p> | <p>Comply with Zoning By-law requirements</p> <p>Regard to several general development requirements e.g. adequate on-site parking</p> | The City shall permit supportive housing facilities for more than 10 persons located in any area designated Major Institutional |
| Retirement Home | <p>A place or dwelling</p> <p>Over 8 persons under supervision</p> <p>Shared facilities</p> | <p>Comply with Zoning By-law requirements</p> <p>Regard to several general development requirements e.g. adequate on-site parking</p> | Residential, Commercial and Institutional and Public Uses |

| Supportive Housing Type | Definition Summary | Policy Requirements | Permitted Designations |
|-------------------------|---|--|---|
| | <p>No reference to approvals under Provincial Acts</p> <p>Does not include Group Homes, SHF, or correctional housing forms</p> | | |
| Rest Home | <p>A place or dwelling</p> <p>3 – 8 residents under supervision</p> <p>Shared facilities</p> <p>No reference to approvals under Provincial Acts</p> <p>Does not include Group Homes, SHF, or correctional housing forms</p> | No specific policies | No specific policies |
| Long Term Care Centre | <p>Residential facility</p> <p>No range on number of residents</p> <p>24-hour care and shared facilities</p> <p>Approved under applicable Provincial Act</p> | Comply with Zoning By-law requirements | Residential, Commercial and Institutional and Public Uses |

4.1.1 DEFINITIONS

The definitions contained within the Official Plan are outlined below in full.

Group Homes

Group Home Type 1 shall mean a supportive housing facility located within a detached dwelling unit that is occupied by four (4) to six (6) persons, exclusive of staff and/ or receiving family, who live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved pursuant to Provincial Statute within the jurisdiction of the Ontario Ministry of Community and Social Services or the Ministry of Health.

A Group Home Type 1 may provide accommodation, supervision and treatment for: the mentally retarded pursuant to the Homes for Retarded Persons Act, or the Development Services Act; individuals over 60 years of age as a satellite residence under the Homes for the Aged and Rest Homes Act; children under the Child and Family Services Act; persons under the Mental Hospitals Act and Homes for Special Care Act; and persons under the Charitable Institutions Act. No supervision or treatment shall be provided to any person not residing in the group home. A group home type 1 shall not include a residence defined as a group home type 2, supportive lodging house, lodging house, a foster home, or a supportive housing facility.

Group Home Type 2 shall mean a supportive housing facility occupied by four (4) to ten (10) persons, exclusive of staff located within a single detached dwelling, or a dwelling within a commercial building which shall be maintained and operated primarily for: persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, or any Act passed to replace the foregoing Acts; persons who have been released on parole under the provisions of the Ministry of Correctional Services Act, or Parole Board of Canada or any Act passed to replace the foregoing Acts; persons who have been charged under the Young Offenders Act but who have been placed in open or secure custody; persons requiring treatment and rehabilitation for addiction to drugs or alcohol; persons housed in a group home that satisfies all of the requirements of a Group Home Type 1 except that it accommodates in excess of six (6) residents. A group home type 2 shall not include a residence defined as a group home type 1, supportive lodging house, lodging house, foster home, or a supportive housing facility. No supervision or treatment shall be provided to any person not residing in the group home.

Auxiliary Group Home shall mean a supportive housing facility located within a dwelling unit occupied by no more than three (3) persons in need of supervision or guidance but shall not have full time staff attending the home. An auxiliary group home shall not include: group home type 1; group home type 2; supportive lodging house; foster home.

Long Term Care Home

Refers to a residential facility, approved either under the Nursing Act, Charitable Institution Act, Home for the Aged and Rest Home Act, or any other applicable Province of Ontario Act, which provides 24-hour supervision and nursing care and services in a private or semi private accommodation for persons who are no longer able to live independently. Residential accommodation is provided along with shared facilities including dining rooms and common rooms, and other amenities such as lounge, gift shop, beauty salon, chapel, and garden.

Rest Home

Means a place or dwelling for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status, require a supervised living arrangement for their well-being, in which:

- (i) Rooms or room and board are supplied for hire or gain;
- (ii) No less than 3, and no more than 8 persons, exclusive of staff, can be accommodated;
- (iii) There is a common dining room and common sitting room there is [sic] for the residents, but shall not include:
 - a) A group home;
 - b) An auxiliary group home;
 - c) A nursing home;
 - d) A place maintained and operated primarily for, and occupied by, persons placed on parole or inmates;
 - e) A place maintained and operated primarily for the temporary care of, and occupied by, transient or homeless persons; or
 - f) A place maintained and operated primarily for the treatment and rehabilitation of, and occupied by, persons who are addicted to drugs or alcohol.

Retirement Home

Means a place or dwelling for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status, require a supervised living arrangement for their well-being, in which:

- (i) Dwelling units, rooms or room and board are supplied for hire or gain;
- (ii) More than 8 persons in addition to the staff and operator are accommodated in the retirement home;
- (iii) There is a common dining room and common sitting room for the residents, but shall not include,
 - a) A group home;
 - b) An auxiliary group home;
 - c) A nursing home;
 - d) A supportive housing facility;
 - e) A supportive lodging house; or,
 - f) A place maintained and operated primarily for the treatment and rehabilitation of, and occupied by, persons who are addicted to drugs or alcohol.

Supportive Housing Facilities

Shall mean a place for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status require a supervised group living arrangement for their well being, but shall exclude foster homes as defined in the Child and Family Services Act or successor legislation.

ANALYSIS

The existing definitions include ambiguous and conflicting language, particularly with regards to what constitutes a 'supportive housing facility'. For example, 'Group Homes' are defined as a type of "supportive housing facility"; however, for both Type 1 and 2 Group Homes, the definition goes on to state that "a group home shall not include...a supportive housing facility".

Certain definitions are closely aligned, for example 'Rest Home' and 'Retirement Home' being defined essentially as a 'supportive housing facility', but with specific resident number ranges (where the definition for supportive housing facility does not include a range for number of residents).

The definitions for 'Group Homes' outlines extensive Provincial legislation under which the supportive housing forms are provided. While there may be merit in differentiating between Type 1 and 2 Group Homes, language could likely be simplified. It is noted that certain legislation referenced within the definitions is also outdated. Through a review of the specific Official Plan policies, opportunities for consolidating definitions may be identified.

The structure of the definitions could be improved, if they are to generally be maintained, and simplified where reference is made to other supportive housing types that are not defined within the Official Plan. For example, the structure of the 'Retirement Home' definition should be revised: the list of uses not included within the definition should not be a sub-list of part (iii), which speaks to common areas for residents.

Further initial analysis of the Official Plan framework is outlined below with specific consideration of Official Plan policies. There may be opportunities to consolidate Official Plan definitions once policies have been reviewed.

4.1.2 POLICIES

Outlined below are the City's current Official Plan policies as they relate to supportive housing. The majority of the policies are contained at section 4.2 'Residential', while also outlining where supportive housing forms may be permitted under the 'Employment' designation at section 4.4, and 'Institutional' at section 4.9. Analysis of the current policy framework is provided, giving consideration to opportunities for clarification, simplification and/or consolidation.

Section 4.2 'Residential' contains most of the policies relating to supportive housing, specifically for Group Homes, Supportive Housing Facilities and Retirement Homes.

Section 4.2.6 'Group Homes' states at policy 4.2.6.6 that:

The City supports the principle of integrating Group Homes into existing and new residential communities as approved by the City and the appropriate government regulatory agency, subject to zoning and registration requirements.

Policy 4.2.6.7 states that the City shall permit group homes in dwellings within areas designated as Estate Residential, Village Residential, Residential, Major Institutional, Business Corridor, Regional Retail, and Office on Schedule "A" to this Plan subject to the following criteria:

- (i) Group homes shall occupy part or the whole of the dwelling unit;
- (ii) Group homes shall conform in size, height and general appearance with other dwellings in the host neighbourhood;
- (iii) To prevent a concentration of group homes in any one area, standards, including a minimum distance separation, shall be adopted by the City of Brampton; and,
- (iv) All group homes shall comply with the relevant zoning and registration requirements.

Auxiliary Group Homes

Policy 4.2.6.8: The City shall permit auxiliary group homes in single detached dwellings, semi-detached dwelling units and multiple dwelling units, all to be within areas designated Estate Residential, Village Residential, Residential and Major Institutional on Schedule "A" to this Plan subject to the following criteria:

- (i) All auxiliary group homes shall comply with the relevant zoning and registration requirements; and,
- (ii) To prevent a concentration of group homes and auxiliary group homes in any one area, standards, including a minimum distance separation, shall be adopted by the City.

Supportive Housing Facilities

Policy 4.2.6.10: The City shall permit supportive housing facilities for more than 10 persons (i.e. retirement homes) located in any area designated Major Institutional on Schedule "A" to this Plan and in the applicable Secondary Plan, subject to the policies of these documents, in particular the Institutional

and Public Uses section of this Plan. No supportive housing facilities shall be permitted to locate in hazardous lands or hazardous sites.

Policy 4.2.6.11: The City shall have regard for the need for group homes, and other forms of supportive housing and shall provide opportunities for their establishment. In this regard, the City may create these opportunities on a planning area basis.

Policy 4.2.6.12: The City will monitor applications for, and the establishment of group homes in order to ensure available opportunities for additional group homes.

Policy 4.2.6.13: Council shall direct staff to review opportunities for the development of group homes when 60 percent of the potential opportunities in the City have been utilized. Staff will report to Council within one year of this direction and recommend appropriate strategies regarding adequate opportunities for this type of housing.

Policy 4.2.6.14: Notwithstanding Sections 4.2.6.7(iii) and 4.2.6.8(i) above:

- a) Where a zoning by-law sets a limit on the number of group homes permitted within a planning area; and,
- b) Where the said limit has been reached, an application for a minor variance to this provision of the zoning by-law, permitting the creation of an additional group home within the subject planning area will not be unfavourably considered by staff solely on the basis that the limit within the subject planning area will thereby be exceeded, or that there are opportunities available elsewhere in the City.

Retirement Housing

Policy 4.2.6.15: The City shall permit Retirement Housing in Residential, Commercial and Institutional and Public Uses designations in the Official Plan, subject to the following provisions:

- (i) Retirement home shall comply with all zoning requirements set out in the City's By-law;
- (ii) In determining the suitability of a site for use as retirement housing, due regard shall be given to:
 - a) The accessibility of the site to public transportation, shopping facilities, Places of Worship, libraries, public parks and other community service facilities;
 - b) Adequate vehicular ingress/egress and on-site parking;
 - c) Adequate on-site landscaped open space suitable for passive recreational use by the residents of the home;
 - d) Siting and landscaping to minimize any adverse impact on adjacent uses;
 - e) Impact of the development on the ecosystem and natural environmental features;
 - f) Appropriate integration of the proposed use with adjacent uses and the host neighbourhood;
 - g) Access to municipal water and sanitary waste;
 - h) Locating away from hazardous lands or hazardous sites; and,
 - i) Accessibility for persons with disabilities.

Policy 4.2.6.16: The City shall encourage the use of the City of Brampton Accessibility Technical Standards in the design and improvement of Retirement Housing.

Section 4.4 Employment

Policy 4.4.1.5: The City shall also permit Supportive Housing Facilities to be permitted within areas designated as Business Corridor that are not within the Lester B. Pearson International Airport (LBPIA) Operating Area subject to the following criteria:

- (i) The supportive housing facility shall have direct access or frontage on an arterial or collector road;
- (ii) The supportive housing facility may occupy a single detached dwelling or any building converted or newly constructed for that purpose but in every case shall occupy the whole of such buildings; and,
- (iii) To prevent a concentration of supportive housing facilities in any one area, the City shall adopt standards including a minimum distance separation between crisis care facilities, group homes or other residential care facilities.

Section 4.9 Institutional

Section 4.9.4 Long Term Care Centres states:

The demand for special needs housing including long term care centres and retirement homes is growing as the population of Brampton matures. In opting for these types of housing, there is a strong tendency for Brampton residents to remain in the community closer to areas and places that are familiar to them. The provision of special housing in appropriate locations throughout the City is essential to improving access to these facilities and enhancing the range of choice of location available to older residents with special housing needs.

Policies for Long Term Care Centres are outlined below:

4.9.4.1 The City shall permit Long Term Care Centres in Institutional and Public Uses, Residential and Commercial designations in the Official Plan, subject to the following provisions:

- (i) The long-term care centre shall comply with all zoning requirements set out in the City's Zoning By-law;
- (ii) In determining the suitability of a site for use as a long-term care centre, due regard shall be given to:
 - a) The accessibility of the site to public transportation, shopping facilities, Places of Worship, libraries, public parks and other community service facilities;
 - b) Adequate vehicular ingress/egress and on-site parking;
 - c) Adequate on-site landscaped open space suitable for passive recreational use by the residents of the home;
 - d) Siting and landscaping to minimize any adverse impact on adjacent uses;
 - e) Impact of the development on the ecosystem and natural environmental features;
 - f) Appropriate integration of the proposed use with adjacent uses and the host neighbourhood;
 - g) Access to municipal water and sanitary waste; and,
 - h) Accessibility for persons with disabilities.

ANALYSIS

The ability to consolidate/simplify supportive housing type definitions and policies within the Official Plan is dependant to a degree upon the Official Plan designations and their suitability for accommodating certain supportive housing types. The number and type of residents is predominantly what differentiates

the supportive housing types currently, otherwise, many of the policies are generally aligned in terms of which Official Plan designations they are permitted to be located within. This study has reviewed the significance of number and types of residents in defining supportive housing types for land use planning purposes, identifying opportunities for consolidating policies and definitions.

Every supportive housing type is required to comply with the relevant zoning standards as a specific policy requirement. Where policies for different supportive housing types are relatively aligned, there is potential to consolidate them within the Official Plan, and outline more detailed land use and development requirements through the zoning standards, if appropriate.

Group Homes Type 1 and 2 are both permitted within the same designations, as are Retirement Homes and Long-Term Care Centres. The Official Plan does not contain specific policies for a Rest Home. Auxiliary Group Homes are required to comply with the City's registration requirement under policy 4.2.6.8, however, they are not subject to the registration process, being less than 4 residents. This requirement should be deleted, if the definition and policy is retained.

Of the policy designations referenced within the supportive housing policies, 'Business Corridor' is the most detached from existing residential communities, being largely surrounded by industrial land uses. The appropriateness of the designation for supportive housing is considered as part of this study.

Policy requirements for preventing the concentration of Group Homes are outlined for both Group Homes Type 1 and Type 2. This should be reviewed considering the best practices review and guidance from the Ontario Human Rights Commission.

4.2 ZONING BY-LAW DEFINITIONS, ZONES AND PROVISIONS

The City of Brampton Zoning By-law 270-2004 contains the provisions that regulate land use and development within the City. The by-law establishes several residential, commercial and industrial zones, as well as zones for institutional, open space, floodplain and agriculture, with each zone identifying the uses permitted. The zoning by-law schedules identify the locations of each zone within the City, with Schedule D specifically concerned with 'Planning Areas for Establishing Maximum Group Home Numbers'.

As it relates to this Study, the zoning by-law includes the following definitions:

- Auxiliary Group Home
- Group Home Type 1
- Group Home Type 2
- Nursing Home
- Retirement Home
- Senior Citizen Residence
- Supportive Housing Facilities

This section outlines in full the existing definitions and zoning regulations, and provides initial assessment with regards to the City's current approach, highlighting opportunities for potential clarification, simplification and consolidation.

4.2.1 DEFINITIONS

The definitions contained within the zoning by-law are outlined below in full.

Auxiliary Group Home

Shall mean a supportive housing facility located within a dwelling unit occupied by no more than three (3) person in need of supervision or guidance but shall not have full time staff attending the home. An auxiliary group home shall not include:

- A Group Home Type 1
- A Group Home Type 2
- A Foster Home

Group Home Type 1

Shall mean a supportive housing facility located within a dwelling unit that is occupied by four (4) to six (6) persons, exclusive of staff and/or receiving family, who live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved pursuant to Provincial Statute within the jurisdiction of the Ontario Ministry of Community and Social Services or the Ministry of Health.

A Group Home Type 1 may provide accommodation, supervision and treatment for:

- The persons being cared for or obtaining services at a facility established under the Developmental Services Act;
- Individuals over sixty (60) years of age as a satellite residence under the Homes for the Aged and Rest Homes Act;
- Children under the Child and Family Services Act; and
- Persons under the Mental Hospitals Act and Homes for Special Care Act.

No supervision or treatment shall be provided to any persons not residing in the group home.

A group home type 1 shall not include a residence defined as a group home type 2, lodging house, a foster home, or a supportive housing facility.

Group Home Type 2

Shall mean a supportive housing facility occupied by four (4) to ten (10) persons, exclusive of staff located within a single detached dwelling or dwelling unit within a commercial building which shall be operated primarily for:

- Persons who have been placed on probation under the Ministry of Correctional Services Act, the Criminal Code or any Act passed to replace the forgoing Acts;
- Persons who have been released under the provisions of the Ministry of Correctional Services Act, Corrections and Conditional Release Act or any Act passed to replace the foregoing Acts;
- Persons who have been charged under the Youth Criminal Justice Act, but who have been placed in open or secure custody;
- Persons who require temporary care, and transient or homeless persons;

- Persons requiring treatment and rehabilitation for addiction to drugs or alcohol; or
- Persons housed in a group home that satisfies all of the requirements of a Group Home Type 1 except that it accommodates in excess of six residents.

A group home type 2 shall not include a residence defined as a group home type 1, supportive lodging house, lodging house, foster home, or a supportive housing facility.

Nursing Home

Shall mean any building or place maintained and operated for persons requiring nursing care.

Retirement Home

Shall mean a residential care facility for the accommodation of persons, who, by reason of their emotional, mental, social, or physical condition, or legal status, require a supervised living arrangement for their well-being, in which:

- (a) dwelling units, rooms or room and board are supplied for hire or gain;
- (b) more than eight (8) persons in addition to the staff and operator are accommodated in the retirement home;
- (c) there is a common dining room and common sitting room for the residents,

but shall not include:

- (a) a group home;
- (b) an auxiliary group home;
- (c) a nursing home;
- (d) a supportive housing facility;
- (e) a lodging house.

Senior Citizen Residence

Shall mean a building owned and operated by a government agency, or by a non-profit and non-commercial organization, primarily for the housing of senior citizens, containing only one or two-bedroom dwelling units, in which each one-bedroom dwelling unit has a gross floor area of not more than fifty-eight decimal five (58.5) square metres and each two-bedroom dwelling unit has a gross floor area of not more than seventy (70) square metres.

Supportive Housing Facilities

Shall mean a place for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status require a supervised group living arrangement for their well being but shall exclude a foster home as defined in the Child and Family Services Act or successor legislation.

ANALYSIS

It is noted that no definitions are included for ‘Long Term Care Centres’ or ‘Rest Homes’, where the Official Plan does include such definitions, and that the zoning by-law includes ‘Nursing Home’, where the Official Plan does not. It does not appear that the zoning by-law includes any reference to Long Term Care Centres or Rest Homes, with ‘Nursing Home’ permitted within Institutional Zone 2 only.

Similar issues outlined within the Official Plan definitions analysis exist, for example the zoning by-law definitions also include ambiguous and conflicting language and the structure of the definitions is not always logical.

The definitions for 'Group Homes' align with those of the Official Plan in terms of number and type of residents. The definitions are updated to refer to more recent Provincial legislation. It is noted that for Group Home Type 1, the zoning by-law does not specify that the unit should be within a "detached" dwelling, only a "dwelling unit", where the Official Plan specifically refers to "detached".

4.2.2 GENERAL PROVISIONS

The general provisions of the Zoning By-law as they relate to supportive housing forms are set out in full below.

Residential Zones

Section 10 of the zoning by-law speaks to 'General Provisions for Residential Zones', with section 10.14 'Provisions for Group Homes' stating:

Group Homes shall be subject to the following requirements and restrictions:

- (a) a group home type 1 shall be located within a single detached dwelling;
- (b) a group home type 2 shall be located within a single detached dwelling or a dwelling within a mixed-use development;
- (c) a minimum separation distance of 120 metres shall be maintained between a group home type 1 use, any other group home type 1;
- (d) a minimum separation distance of 120 metres shall be maintained between a group home type 2, another group home type 2, or a group home type 1;
- (e) a minimum separation distance of 610 metres shall be maintained between a supportive housing facility and another supportive housing facility, or a group home type 1, or a group home type 2;
- (f) the maximum number of group homes combined, permitted in each area as shown and numbered on Schedule D and listed in Column 1 of the table set out below, shall be as set out in Column 2 of said table.

| Column 1 Area Number | Column 2 Maximum Number of Group Homes |
|--|---|
| 1 | 4 |
| 2 | 1 |
| 3 | 4 |
| 4 | 3 |
| 5 | 3 |
| 6 | 3 |
| 7 | 2 |
| 8 | 5 |
| 9 | 5 |
| 10 | 4 |
| 11 | 6 |
| 12 | 4 |
| 13 | 1 |
| 14 | 1 |
| 15 | 3 |
| 16 | 5 |
| 17 | 5 |
| 18 | 1 |
| 19 | 3 |
| 20 | 5 |
| 21 | 4 |
| 22 | 2 |
| 23 | 2 |
| 24 | 6 |
| 25 | 1 |
| 26 | 1 |
| 28 | 3 |
| 32 | 2 |
| 43, 44, 45, 29, 36, 37, 38, 39, 40, 41, 42, 46, 47, 48 | 2 |

Commercial Zones

General Provisions for Commercial Zones are outlined in section 20.0. Section 20.7 ‘Provisions for a Group Home Type 2 or Supportive Housing Facility’ states that:

A Group Home Type 2 or a Supportive Housing Facility shall be subject to the following requirements and restrictions:

- (a) a group home type 2 shall be located in a single detached dwelling and [sic] a dwelling unit within a mixed use development;
- (b) the group home type 2 shall occupy the whole of the single detached dwelling;
- (c) a minimum separation distance of 120 metres shall be maintained between a group home type 2 and any other group home type 2, or a group home type 1;
- (d) a minimum separation distance of 610 metres shall be maintained between a supportive housing facility and a group home type 1, or a group home type 2, or another supportive housing facility; and
- (e) a group home type 2 shall be subject to compliance with the Group Home Registration By-law.

4.2.3 PERMITTED ZONES

The zoning by-law generally permits Group Home Type 1 in all residential zones, as well as institutional zones, including those for:

- Residential Single Detached (R1 Zones);
- Residential Semi-Detached (R2 Zones);
- Residential Townhouse and Street Townhouse (R3 Zones);
- Residential Apartment (R4 Zones);
- Composite Residential Commercial (CRC Zone)
- Institutional One Zone (I1 Zone);
- Institutional Two Zone (I2 Zone); and,
- Agricultural (A Zone).

It is noted that the ‘Agriculture’ zone also permits a ‘single detached dwelling’, whereas neither Institutional zone permits non-supportive housing forms.

Group Home Type 2 are permitted within:

- Residential Apartment (R4 Zones);
- Composite Residential Commercial (CRC Zone);
- Commercial One (C1 Zone);
- Service Commercial (SC Zone);
- Highway Commercial One (HC1 Zone);
- Downtown Commercial (DC Zone);
- Institutional One (I1 Zone);
- Institutional Two (I2 Zone); and,
- Agricultural (A Zone).

As outlined above, no reference is made in the zoning by-law to ‘Retirement Home’ or ‘Senior Citizen Residence’, while ‘Nursing Home’ is only referenced at section 43.2 ‘Institutional Two Zone – I2’, stating that it is a permitted use. Group homes (Type 1 and 2) are permitted in both Institutional One and Two zones.

ANALYSIS

The intention of defining the terms ‘Retirement Home’ and ‘Senior Citizen Residence’ without referencing them within the zoning by-law is unclear, although often where this approach is taken it is intended that such uses are explicitly prohibited. Given that the Official Plan allows ‘Retirement Home’ and ‘Long Term Care Centres’ within Residential, Commercial, and Institutional and Public Use designations, it is perhaps unlikely that this is the intent.

As with the Official Plan, there is likely to be an opportunity to simplify and consolidate definitions and zoning provisions for supportive housing forms intended for seniors, having consideration to best practice approaches.

Given that Auxiliary Group Homes are generally permitted within all residential zones and are not subject to the City's registration process, the appropriateness of its inclusion as a defined use subject to specific provisions should be reviewed.

Again, requirements and restrictions intended to prevent the concentration of Group Homes should be reviewed considering the best practices review and guidance from the Ontario Human Rights Commission. While there may be merit in providing certain restrictions to the development/use of correctional forms of supportive housing, the zoning by-law appears overly restrictive. It both limits these uses to a small number of predominantly non-residential zones (while stating they must be within a detached dwelling or mixed-use building), and subjects them to minimum separation distances and limits on the number of homes in a specific area (as shown on Schedule D).

'Group Home Type 1' is permitted within the two institutional zones, however neither zone permits non-supportive housing forms. The appropriateness of permitting this non-correctional form of supportive housing should be given further consideration.

Group Home Type 2 are currently permitted only with single detached dwellings or a dwelling unit within a commercial building. The Residential Apartment (R4) zones do not permit single detached dwellings or commercial uses, and as such its inclusion as a permitted zone for 'Group Home Type 2' appears inconsistent.

4.3 CITY REGISTRATION PROCESS

The City's Registration Process is specific to Group Homes, and not supportive housing regulated by the Retirement Housing Regulatory Authority (RHRA). Auxiliary Group Homes are not subject to the registration process. The City's current application form references the zoning by-law definitions for Group Home Type 1 and Group Home Type 2 and includes references within the form to proposed number of residents.

Information collected includes contact details for the applicant, details on other existing or past group home registrations of refusals/suspension/revocation of group home registration, and details on number of 'sleeping rooms', 'bathtubs', 'showers', 'wash basins' and 'water closets'.

The City's Group Home Process Chart outlines the requirements for those seeking to open a group home. Following submission of an application for registering a group home an operator must undertake the following:

- A fire inspection confirming the property meets fire regulations;
- A property standard inspection confirming that the property meets the minimum property standards;
- A copy of the hydro inspection meeting their requirements;
- A copy of the business registration and a certificate of insurance (1 million liability); and,
- Three copies of the floor plans showing the uses in the house.

For those supportive housing forms licensed through the RHRA, these requirements are dealt with directly through that agency.

The City's process chart outlines the current requirements for public notification and open houses, to be determined through consultation between the Ward Councillor and group home operator.

5 KEY STAKEHOLDERS REVIEW

5.1 ONTARIO HUMAN RIGHTS COMMISSION

The Ontario Human Rights Commission (OHRC) has developed a guide that provides an overview of the human rights responsibilities of municipalities in housing titled “In the Zone: Housing, human rights and municipal planning” (‘the guide’). The guide includes information about the various legislative tools available to municipalities and provides examples of how stakeholders working in housing policy and government can use best practices to overcome discriminatory neighbourhood opposition and promote inclusive housing. The guide complements the Ministry of Municipal Affairs and Housing’s Municipal Tools for Affordable Housing Handbook (2011), to help municipalities achieve the goals of meeting their human rights obligations with regards to affordable housing provision. “Affordable housing” in this context explicitly includes “group homes” and “supportive housing”.

The Ontario Human Rights Code (the Code), in Section 2(1) states:

“Every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.”

The guide provides tools to municipalities to ensure that every person is treated equally in terms of housing provision, without discrimination. While there is an identified need for housing in Ontario, there are also many barriers to housing because of discrimination based on grounds identified within the OHRC (such as race, disability, family status and receipt of public assistance).

Group homes represent a housing form which have historically seen increased barriers to their establishment. Enacting zoning by-laws that geographically restrict housing development meant to serve groups based on grounds identified within the Code, while allowing other forms of otherwise comparable housing, can be considered a discriminatory practice by the OHRC.

According to the OHRC, affordable, supportive and group housing – with or without support workers – are still residential uses. The OHRC does not support zoning which identifies living accommodations as businesses or services, because these zoning categories can subject residents to undue scrutiny and expectations, not expected of other forms of accommodation. This is usually a result of licensing or registration processes which mandate that specific living accommodations must meet certain criteria such as having public meetings or be placed on a publicly available list.

The OHRC presents many suggestions on how to avoid discriminatory behaviour when setting policies for group homes and similar housing. They include:

- Affordable or supportive housing providers should not have to be subject to additional restrictions or design compromises that do not apply to other similar housing structures in the area such as requiring fencing or visual barriers;
- The number of facilities in a specific area such as ward, city or neighbourhood should not be limited;
- There should not be a requirement for additional public meetings;

- Minimum separation distances should not be implemented for specific housing forms; and
- There should not be restrictions on where certain housing forms can be located while permitting other housing of similar scale.

There are several case studies where municipal zoning by-laws have been challenged in court regarding discrimination as defined in the Ontario Human Rights Code (see section 5.6). It is important that this study seriously consider the human rights implications of the proposed recommendations.

5.2 ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

The Ontario Association of Children's Aid Societies (OACAS) represents 49 Children's Aid Societies (CAS) throughout Ontario, providing public education, information and knowledge management on behalf of its members. The OACAS seeks to enhance and promote the welfare and well-being of children, youth and families through the creation of an effective system of services for children. The Peel CAS operates throughout Peel Region, working with families, care givers and other organizations.

As part of their service delivery, OACAS provides information through practice guides and reports on matters including emerging trends and child welfare best practices. In July 2015, the Minister of Children and Youth Services established the Residential Service Panel to conduct a review of the residential services system for children and youth in Ontario. To advise the panel, OACAS prepared a report titled 'Submission to the Residential Services Review Panel' (February 2016). Section 4.2 'Equity of Access to Services' highlights the importance of children and youth having access to additional health services, such as mental health programs, without having to be relocated or travelling significant distances.

Section 4.4 'Group Care' states that youth who participated in the working group indicated that *"Group care can often feel very institutional and that youth are treated like secondary citizens"*.

Recommendations for Group Care include *"creating an environment that encourages individual growth and maturity-based autonomy"*. Section 6 recognizes that Aboriginal youth are often placed in care systems long distances from their families; recommendations within the report include establishing linkages for Aboriginal youth with the Aboriginal networks within their new area and addressing isolation issues by connecting youth with their new communities through social and recreational activities. Section 7 'The Voice of Youth' states:

"Residential home workers and CAS teams need to work harder to establish connections between youth and the community. Community and local programs and opportunities for youth engagement is critical to developing good self-esteem, and positive connections to prosocial behaviors."

While no explicit best practices regarding the location of supportive housing for children and young persons was identified through the OACAS material, the report submission to the Residential Services Review Panel provides some direction for municipalities. The report emphasizes the importance of providing children and young persons within supportive housing which benefits from access to a variety of key support networks and services, such as mental health services, community and recreation programs, cultural linkages and community amenities in general. Locating supportive housing within existing residential areas provides greater opportunities to empower residents and integrate with the community.

Although the requirement for separation distances between supportive housing facilities is not likely to prevent access to services and networks, restricting the number of supporting housing facilities within a certain area could have potential detrimental impacts on children and young people in care.

5.3 SUPPORTIVE HOUSING OPERATORS

A stakeholder engagement meeting for supportive housing operators was hosted by the City and included the following organizations:

- Christian Horizons
- Helping Hands
- Brampton Caledon Living
- Rebecca Ville
- Mary Centre
- Kerry's Place
- Region of Peel

The comments provided during the meeting can be summarized as follows:

Definitions should be simplified and as broad as possible, without making specific reference to resident's characteristics or specific legislation under which the facility is licensed.

The City's land use planning framework should be as flexible as possible with regards to accommodating supportive housing options.

Alternative wording to "group home" in a revised definition is preferred, as is a separate definition for correctional forms of supportive housing.

Zoning and policy tools such as minimum separation distances and limits on supportive housing numbers within defined areas is not supported. [Strong group consensus]

Maintaining a range of residents within a revised definition is supported, and supportive housing with under 3 residents should not be defined as a group home.

Where supportive housing is permitted as-of-right, it should be treated no differently to other as-of-right uses. There should not be a requirement to consult with Ward Councillors, notify public or host an open house.

Fire and property inspections for provincial licence requirements and City registration renewals should be coordinated as far as possible.

5.4 RESEARCH PAPERS

A significant number of research, guidance and information papers have been prepared on the subject of supportive housing. The first paper referenced below is significant in that it was prepared by an independent Registered Professional Planner within Ontario to provide direction to the City of Toronto on the same matters currently being reviewed by the City of Brampton. The second paper was prepared by the Canadian Association for Community Living; dated June 2018 and provides a relatively up-to-date review on the availability of housing for persons with developmental disabilities.

Opinion on the Provisions of Group Homes in the City-wide Zoning By-law of the City of Toronto, 2013

This report was submitted to the City of Toronto to:

“present an objective review and analysis of issues related to the definition of group homes (excluding correctional group homes), as well as the mandatory separation distances to which these homes are subject, and to provide an expert opinion for City Council’s consideration.”

The report was completed in 2013 by Dr. Sandeep Agrawal, PhD, AICP, MCIP, Registered Professional Planner and Professor of Urban and Regional Planning at Ryerson University. The report highlighted concerns that the City of Toronto’s definitions and use of separation distances for group homes failed to stand up when examined in relation to the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. Definitions that identify the characteristics of the people within the group home were considered inconsistent with the Ontario *Human Rights Code* and section 15 of the Canadian Charter of Rights and Freedoms.

The recommendations provided within the paper are as follows:

- Use the following definitions of ‘group homes’ and ‘residential care homes’:
- Group home means premises used to provide supervised living accommodation as per the requirements of its residents, licensed or funded under the Province of Ontario or Government of Canada legislation, for a maximum of 10 persons, exclusive of staff, living together in a single housekeeping unit.
- Residential Care Home means supervised living accommodation that may include associated support services, and is:
 - i. Licensed or funded under Province of Ontario or Government of Canada legislation;
 - ii. Meant for semi-independent or group living arrangements; and,
 - iii. For more than ten persons, exclusive of staff.
- Remove the requirement for a separation distance for group homes, but not for residential care homes

With regards separation distances for group homes, the author states that he had *“not found any documented evidence of any kind of negative externality [impact on third parties] generated by group homes.”* The report provides an example of traffic and parking problems, advising that residents of group homes do not usually drive. Conversely, the report sees value in some form of restriction, which may or may not be a separation distance, on residential care homes which accommodate over 10 residents. It should be noted that the report did not review correctional forms of supportive housing.

A Right to Housing for All: Ensuring A Human Rights Approach Inclusive of All Persons with Developmental Disabilities, 2018

The Canadian Association for Community Living (CACL) is a national not-for-profit association, founded in 1958, which advocates for the interests of persons with intellectual disabilities. The association is active nation-wide and is one of the largest charitable organizations in Canada. The report makes recommendations on the preparation of the National Housing Strategy by the Government of Canada and provides a number of statistics regarding housing availability for adults with developmental disabilities.

The report states that between 100,000 and 120,000 adults with developmental disabilities face housing and support gaps, as identified through joint research submitted to the UN Special Rapporteur on the Right to Housing. Identified issues concerning housing for adults with developmental disabilities include:

- Over-representation among the homeless population;

- Unsustainable caring responsibilities for parents/families; and,
- Estimated 10,000 adults living in hospitals, nursing homes or long-term care facilities.

The report states that the Office of the United Nations High Commissioner for Human Rights has outlined that adequate housing must include, among other things:

- **Affordability;**
- **Habitability** – guarantees physical safety and provides sufficient space;
- **Location** – housing is not adequate if it is cut off from employment opportunities, health-care services and other social facilities;
- **Cultural Adequacy** – housing is not adequate if it does not respect and take into account expression of cultural identity.

The reports states that *“Canada’s obligations under the United Nations Convention of the Rights of Persons with Disabilities should be incorporated as an indivisible dimension of a right-based approach to housing in Canada”* and that *“the right to support and live in the community is inseparable from the right to housing”*. The report recommends that the National Housing Strategy should provide greater focus on inclusion to avoid *“institutionalization for persons with developmental disabilities”*, which it states continues to occur through emerging purpose built *“congregate housing”* for larger numbers of residents, creating the image that residents are *“something other than valued members of the community”*. The report advises that such developments *“pose a significant threat to advancing the principle of inclusion”*.

6 BEST PRACTICE REVIEW

6.1 MUNICIPALITIES BEST PRACTICES

To better understand how municipalities in Southern Ontario are addressing group homes within zoning and policy, a best practice review of several municipalities where group homes or similar definitions are provided through the zoning by-law was undertaken. The municipalities reviewed were:

- Town of Ajax
- City of Toronto
- City of Burlington
- City of Vaughan
- City of Mississauga
- City of Waterloo
- Town of Oakville
- City of Sarnia
- City of Kitchener
- Town of Aurora
- Town of Caledon
- City of Barrie

The best practice review is summarized in the table below, identifying the general approach to defining ‘group home’ type uses, the use of separation distances where applicable, and whether a registration process or similar is utilized. Where available, additional information concerning the registration process was included. It should be noted that the municipalities listed below have not been contacted directly by WSP as part of this benchmarking exercise.

| MUNICIPALITY | OFFICIAL PLAN (OP) | ZONING BY-LAW | ADDITIONAL PROCESSES |
|--------------|--|---|--|
| Town of Ajax | <ul style="list-style-type: none"> • OP consolidated 2016 • OP permits “special needs” housing (group homes and seniors’ homes) in all designations where residential uses permitted | <ul style="list-style-type: none"> • Zoning By-law dated 2003 • “Group Home” is a defined term, separated into ‘Group Home A’ and ‘Group Home B’. Group Home B is a correctional form • Permitted in all residential zones (Type A). • 300m separation distance • 3 – 10 residents | <ul style="list-style-type: none"> • Registration process |

| MUNICIPALITY | OFFICIAL PLAN (OP) | ZONING BY-LAW | ADDITIONAL PROCESSES |
|--------------------|--|---|--|
| City of Toronto | <ul style="list-style-type: none"> OP consolidated 2019 “Full range of housing” permitted within Neighbourhoods designation, including “supportive housing”. | <ul style="list-style-type: none"> Zoning By-law dated 2013 “Group Home” is a defined term. Group homes permitted in all residential zones within detached or semi-detached dwellings No separation distance identified | <ul style="list-style-type: none"> Application to Municipal Licensing required for group homes in Etobicoke and Scarborough |
| City of Burlington | <ul style="list-style-type: none"> OP approved 2008, consolidated 2019 “Broad range” of housing permitted in Residential designation, including “special needs housing” (group homes, retirement homes) | <ul style="list-style-type: none"> Zoning By-law dated 2005 “Group Home” is a defined term, including both ‘Group Home’ and ‘Group Home, Correctional’ Group homes permitted in a dwelling unit and apartment buildings over 3 storeys 400m separation distance 6 – 8 residents, or up to 10 in certain areas. Up to 10 residents for correctional forms | <ul style="list-style-type: none"> Registration Process Public information meeting must be held prior to occupancy and are encouraged to be hosted in the group home Notice given to residents 120m of group home property 400m separation specified |
| City of Vaughan | <ul style="list-style-type: none"> OP approved 2010, consolidated 2019 OP permits “group homes” in all designations where residential uses are permitted “Long-term care facilities” (not defined) considered “institutional use” | <ul style="list-style-type: none"> Zoning By-law dated 1988 “Group Home” is a defined term for correctional forms of group home only Permitted in a single-use building Separation distances of 1,000m between correctional group homes No separation distances in zoning by-law review draft document (2019) | <ul style="list-style-type: none"> N/A |

| MUNICIPALITY | OFFICIAL PLAN (OP) | ZONING BY-LAW | ADDITIONAL PROCESSES |
|---------------------|--|---|--|
| City of Mississauga | <ul style="list-style-type: none"> OP partially approved 2019. Otherwise dated 2003 OP permits “special needs housing” in all residential designations | <ul style="list-style-type: none"> Zoning By-law dated 2007 “Group Home” is a defined term, but does not permit correctional forms Permitted in a detached dwelling in a residential zone Separation distance of min. 800m. Maximum 8 residents | <ul style="list-style-type: none"> Zoning Certificate of Occupancy required |
| City of Waterloo | <ul style="list-style-type: none"> OP dated 2012, consolidated 2020 Permits “group homes” in all designations which permit residential uses Permits “long term care facility” (number of residents not in definition) in mixed-use designations and advises low density designated lands may be zoned for long term care facilities | <ul style="list-style-type: none"> Zoning By-law dated 2018 “Group Home” is a defined term and further divided to Class A and Class B, Class B includes correctional forms Permitted in a single detached or semi-detached dwelling No separation distance identified 3 – 6 residents or 3 - 8 residents for correctional forms | <ul style="list-style-type: none"> Zoning Certificate required |
| Town of Oakville | <ul style="list-style-type: none"> OP dated 2009, consolidated 2018 OP permits “special needs housing” (includes group homes and retirement housing) through a range of housing types in all residential designations | <ul style="list-style-type: none"> Zoning By-laws dated 2014 and 2009 “Group Home” is a defined term in two of three zoning by-laws. No correctional distinction Latest zoning by-laws have no separation distance. Zoning By-law 2009-189 includes a separation distance of 800 m Group homes permitted in all residential zones 3 – 10 residents | <ul style="list-style-type: none"> Registration process Zoning Certificate required in lands subject to zoning by-law 2009-189 |

| MUNICIPALITY | OFFICIAL PLAN (OP) | ZONING BY-LAW | ADDITIONAL PROCESSES |
|-------------------|--|---|--|
| City of Sarnia | <ul style="list-style-type: none"> • OP dated 2014 • OP permits “group homes” in all urban residential designations | <ul style="list-style-type: none"> • Zoning By-law dated 2002. Amendments re: Group Homes dated 2010. • “Group Home” is a defined term • Group homes permitted in all residential zones and dwelling types • No separation distances | <ul style="list-style-type: none"> • “Long term care facilities” (not defined) considered an institutional use permitted in institutional designation |
| City of Kitchener | <ul style="list-style-type: none"> • OP dated 2014 • OP permits “special needs housing” (includes group homes and residential care facilities) in any designation which permits residential uses • “Residential care facilities” also permitted in institutional and some commercial designations | <ul style="list-style-type: none"> • Zoning By-law partially approved 2019 • “Group Home” is a defined term, separated into ‘Group Home’ and ‘Group Home, Correctional’ • Group homes permitted in all residential zones and dwelling types • Separation distance of min. 400m for correctional group homes • 3 – 10 residents | <ul style="list-style-type: none"> • Registration Process |
| Town of Aurora | <ul style="list-style-type: none"> • OP dated 2010 • Special needs housing permitted in all designations where residential uses permitted (8 or fewer residents) • Retirement and long-term care homes permitted in major institutional designation | <ul style="list-style-type: none"> • Zoning By-law dated 2017 • “Group Home” is a defined term, but does not distinguish between correctional and non-correctional • No separation distance identified • 3 – 8 residents | <ul style="list-style-type: none"> • N/A |

| MUNICIPALITY | OFFICIAL PLAN (OP) | ZONING BY-LAW | ADDITIONAL PROCESSES |
|-----------------|---|---|---|
| Town of Caledon | <ul style="list-style-type: none"> OP consolidated 2018 No specific reference to permitted designations for supportive housing forms | <ul style="list-style-type: none"> Zoning By-law dated 2006 “Group Home” is a defined term, but does not distinguish between correctional and non-correctional No separation distance identified 3 – 10 residents | <ul style="list-style-type: none"> N/A |
| City of Barrie | <ul style="list-style-type: none"> OP dated 2018 Group homes and seniors housing permitted in residential designation Seniors housing (not group homes) permitted in mixed use corridors | <ul style="list-style-type: none"> Zoning By-law dated 2009 “Group Home” is a defined term Separation distance of min. 300m Up to 5 residents | <ul style="list-style-type: none"> N/A |

Official Plans

Almost all the Official Plans (OPs) reviewed permitted group homes within all designations where residential uses were permitted. Many of the OPs extended this to include “special needs” housing, which included retirement homes and long-term care facility uses, although it is noted that most did not define a range for number of residents for these uses. Where a range was provided, the Town of Aurora required supportive housing forms over 8 residents to be within institutional designations. Other municipalities where long-term care facilities (or similar) are directed to the institutional designations include City of Vaughan and City of Sarnia, while others permit long-term care facilities / housing for seniors in institutional and mixed-use designations in addition to residential designations.

Zoning By-laws – Definitions and Permissions

The use of a definition for ‘Group Home’ within the reviewed zoning by-laws was consistent. All zoning by-laws reviewed included a definition for ‘Group Home’ except for the Town of Oakville Zoning By-law 2014-014. The Cities of Burlington, Kitchener and Waterloo, and Town of Ajax include separate definitions for correctional forms of group home. The City of Vaughan only defined correctional forms of group homes.

The definitions differed regarding the number/range of residents included, with several municipalities following the *Municipal Act, 2001* definition of 3 – 10 residents. The definitions also differed in levels of detail, but were generally consistent in that a group home must be:

- Funded, licenced, and/or approved by Provincial or Federal statute;
- Persons living under supervision; and

- Require a group living arrangement due to their emotional, mental, social and/or physical condition and/or legal status.

Kitchener provides the following definitions for ‘Group Home’ and ‘Group Home, Correctional’, which appear to satisfy many of the OHRC recommendations, and could be used as direction for the City of Brampton’s revised definitions:

Group home – *A residence licensed or funded under a federal or provincial statute for the accommodation of three (3) to ten (10) persons, exclusive of staff, living under supervision in a single housekeeping unit and who require a group living arrangement for their well-being and shall not include a correctional group home. Includes a residential care facility and correctional group home.*

Group Home, Correctional – *means a residential care facility licensed or funded under Federal or Provincial statute for the accommodation of 3 to 10 persons, exclusive of staff, that provides housing and rehabilitation for persons on probation, parole, early or re-release, or any other form of executive, judicial or administrative release from a penal institution. A correctional group home shall not include a group home.*

The definitions separate correctional supportive housing forms, are identified as being for 3 – 10 residents, and do not list specific legislation or characteristics of residents.

Regarding where group homes are permitted, several of the municipalities permit (non-correctional) group homes in all residential zones, as well as those such as the Cities of Kitchener and Sarnia permitting them in all dwelling types. Other municipalities restrict group homes to certain dwelling types such as detached or semi-detached dwellings.

Certain municipalities, such as the City of Waterloo, City of Mississauga, and Town of Oakville (Zoning By-law 2009-189) require a Zoning Certificate or Certificate of Occupancy to be completed before opening a group home. It should be noted that Town of Oakville also utilizes a registration process as well.

Separation Distances

The approach to separation distances differs among reviewed municipalities. Most municipalities with more recent zoning by-laws did not include minimum separation distance requirements, including the City of Vaughan (Draft 2019) and the Towns of Aurora (2017), Oakville (2014) and Caledon (2006). Conversely, several municipalities with more dated zoning by-laws, such as the Cities of Barrie (2009), Burlington (2005), and Mississauga (2007) include minimum separation distances through either the zoning by-laws or through a separate process, such as a registration or licencing process. The City of Kitchener (2019) has implemented a minimum separation distance for correctional group homes only.

The separation distances range from 100m (City of Guelph) to 800m (City of Mississauga, and Town of Oakville Zoning By-law 2009-189).

Public Meetings and Open Houses

Among the municipalities reviewed, the City of Burlington is the only municipality which requires a Public Information Meeting to be held for proposed group homes. The requirement includes a notice of meeting for residents within 120m. Other municipalities with a registration process may include public notification requirements, however this was not determined through the research, and individual municipalities were not contacted directly by WSP.

Registration Process

The requirement for registration or licencing has been implemented by three out of twelve municipalities reviewed. As noted in section 2.1, the Municipal Act allows municipalities to enact a business licencing by-law for group homes only if the municipality permits the establishment and use of group homes under section 34 of the Planning Act. A business licencing by-law for group homes can restrict the establishment of group homes to only those with a licence who may be required to pay licence fees and/or provide the municipality information in regard to the business name, ownership and contact information.

The City of Burlington has the most comprehensive registration process which includes a requirement to hold a public meeting, have a separation distance of 400m between group homes, pay a registration fee of \$255 and an annual renewal of \$51, among other requirements. In the Town of Oakville, a group home business license application/renewal must include a business name, ownership and contact information and an annual application/renewal fee is \$93.

In the City of Toronto, due to the fragmented nature of the City's existing Zoning By-laws, regulations for group homes differ throughout the City. In regard to licencing, where group homes are permitted, licencing applications are only required for group homes in the districts of Etobicoke and Scarborough.

6.2 CASE STUDIES

The City of Sarnia

In 2009, a human rights complaint was filed against the City of Sarnia regarding the City's policies on group homes. The complainants alleged that the City's policies, including the Zoning By-law, violated the human rights of people with disabilities as it added additional barriers for the provision of group homes, which at the time:

- Mandated minimum separation distances for group homes;
- Did not permit group homes in all residential zones; and
- Included requirements for group homes to be located on arterial or collector roads.

As a result of this complaint, the City conducted a review of the existing zoning by-law to ensure the City was in compliance with the Ontario Human Rights Code. Upon review, the City implemented Amendment No. 43 to the Official Plan of the City of Sarnia and Rezoning Application 1-2010-85 in April 2010 which removed the requirements for minimum separation distances and for group homes to be located on arterial or collector roads, and permitted group homes in all residential zones.

The City of London

The City of London's Draft Official Plan, 2015 was reviewed by the OHRC, with specific recommendations provided on Official Plan definitions and use of separation distances. The review supported the City's direction to allow group homes throughout residential neighbourhoods, and the removal of minimum separation distances for group homes.

The Draft Official Plan included definitions which limited group homes to 3-8 residents, with a 'supervised residence' having more than 8 residents. With regards to definitions, the recommendations state:

1. Amend the official plan (and the zoning bylaw) definition, to allow group homes to have up to 10 residents, consistent with the Municipal Act, 2001.

2. Amend the definition of “supervised residence” to be for more than 10 residents.

An additional recommendation was to re-categorize ‘supervised residences’ (over 10 residents) as residential rather than institutional use, subject to the same limits as other housing based on land use principles. This recommendation is not, however, consistent with the report prepared for the City of Toronto by Dr. Sandeep Agrawal, where it is stated that, once more than 10 residents are located within a single housekeeping unit, impacts on the local neighbourhoods would be more significant than other housing forms.

7 RECOMMENDATIONS

7.1 OFFICIAL PLAN AND ZONING DEFINITIONS

The current definitions outlined within the Official Plan and Zoning By-law would require, as a minimum, rewording to better clarify the different forms of supportive housing referenced within the City's planning documents; this would reduce potential for disputes concerning planning application reviews for supportive housing forms. However, it is clear from the review of best practices that the current definitions require more comprehensive revisions to align with the requirements of the Ontario Human Rights Code.

The significance of the type/characteristics of resident of a supportive housing unit should be considered. Definitions making specific reference to characteristics of residents is largely irrelevant for land use planning purposes, other than those correctional forms, and has been identified as being inconsistent with the Ontario Human Rights Code and section 15 of the *Canadian Charter of Rights and Freedoms*. As such, there is an opportunity to consolidate definitions for Group Home Type 1 and those other supportive housing forms for 10 or fewer residents.

Similarly, the definitions make specific reference to the characteristics of residents, for example their requirement for supportive housing due to an “*emotional, mental, social or physical condition, or legal status*”. While this is taken from the definition of the Municipal Act, 2001 for ‘group home’, the list is unnecessary where definitions reference requirements for residences being licensed or funded under a federal or provincial statute, and inconsistent with the Ontario Human Rights Code and section 15 of the *Canadian Charter of Rights and Freedoms*. Revised language should simply refer to residents being “under responsible supervision”.

The Municipal Act, 2001 defines Group Homes as follows:

“group home” means a residence licensed or funded under a federal or provincial statute for the accommodation of three to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.

Group Home Type 1 is currently limited to 4 – 6 persons, with a Group Home Type 2 being for correctional housing forms of 4 – 8 persons, or supportive housing that would otherwise be defined Group Home Type 1, but for over 6 residents. The group home definitions should better align with the Municipal Act, 2001, per the direction provided by the OHRC. This approach has been taken by several municipalities identified through the baseline review exercise, including Toronto, Oshawa, Kitchener, Caledon and Oakville.

It is noted through the baseline review that Brampton is the only municipality that does not include supportive housing with 3 residents as a defined term; there is value in extending the definition to 3 residents to align with the Municipal Act, 2001 definition and to include such supportive housing forms in the City's registration process. This will provide additional protections to residents through the registration process requirements for fire and property standard inspections. As such, it is recommended that a Group Home Type 1 be for 3 – 10 persons, while a Group Home Type 2 would be limited to correctional housing forms only, for the same number of residents.

‘Long Term Care Centre’ and ‘Supportive Housing Facility’ definitions do not include a range on the number of residents, and ‘Retirement Home’ is the only definition which specifically includes supportive

housing forms with over 8 residents. A 'Rest Home' is defined for 3 – 8 residents and would be incorporated within the new Group Home Type 1 definition. For supportive housing facilities with over 10 residents, City of Toronto provides a definition for 'Residential Care Home', which does not characterize residents, references licensing requirements, and explains that residents may require semi-independent or supervised group living arrangements. This definition was recommended through the opinion paper completed by Dr. Sandeep Agrawal (see section 5.5). It is recommended that this same approach is taken for the City of Brampton.

In reducing the number of residents defined under a Group Home to 3, it is recommended that 'Auxiliary Group Home' be removed as a defined term, and supportive housing for 1 – 2 residents be treated as any other non-supportive residential dwelling.

Definitions which include terminology which may be negatively associated with more historic institutional uses should be avoided. Words and terms such as "facility", "institution" and even "group home" can be replaced with language which better reflects the intent of supportive housing as another form of residential use. As such, it is recommended that the following terms be used, which are defined at section 8.1 of this report:

- "Supportive Housing Type 1"
- "Supportive Housing Type 2" [Correctional]
- "Residential Care Home"

7.2 LOCATIONS OF PERMITTED USES

Official Plan

The Official Plan currently permits group homes in Residential, Estate Residential, Village Residential, Major Institutional, Business Corridor, Regional Retail and Office for both Type 1 and 2. The importance of supportive housing residents having flexibility in where they live, access to support services and amenities, and integration into existing communities has been highlighted through the best practice research.

The revised defined term for 'Supportive Housing Type 1' should not be treated differently from non-supportive housing forms in terms of its permitted locations. It is noted that those non-residential designations listed permit residential uses through relevant Secondary Plans or as limited multiple residential designations, and could therefore be maintained within the Official Plan. The same approach would be taken for 'Supportive Housing Type 2' use, thereby not requiring this use to undergo an Official Plan Amendment application, should an appropriate location within a 'Residential' designation be identified. Such uses can be regulated through the Zoning By-law.

Policy 4.2.6.10 of the Official Plan states that the City shall permit supportive housing facilities for more than 10 persons in the Major Institutional designation on Schedule "A" and in the applicable Secondary Plan. It is recommended that this approach be maintained for the revised 'Residential Care Home' designation. While the current 'Long Term Care Centre' and 'Retirement Home' defined uses are permitted within the 'Residential' designation, buildings with over 10 residents would likely result in significant traffic, parking, and urban design compatibility issues, and would generally not be appropriate in existing residential neighbourhoods.

Zoning By-law

As with the Official Plan designations, the Zoning By-law should not restrict the location of Supportive Housing Type 1. This use should be permitted within all dwelling types and within all residential zones, following the approach taken by many of the municipalities identified in the benchmarking exercise (Oakville, Whitby, Windsor, Kitchener, Ajax, Oshawa). Where proposed supportive housing is not appropriate within a certain building, due to the proposed number of residents for example, this will be identified through the registration process. Similarly, Institutional Zones do not permit non-supportive residential uses and as such, the City should consider removing 'Supportive Housing Type 1' as a permitted use from the 'Institutional One' and 'Institutional Two' zones.

The current Group Home Type 2 use (correctional) is only permitted within a single detached dwelling or a dwelling within a mixed-use development. The definition for single detached building within the zoning by-law speaks specifically to it being a "residential building", whereas the definition for 'Dwelling' speaks only to *"a building occupied or capable of being occupied as a home, residence or sleeping place by one or more persons"*. The City may want to consider revising the zoning provisions to permit 'Supportive Housing Type 2' uses in a 'Dwelling' where it occupies the entire building (when not located in a mixed-use development) to provide opportunities for conversion of existing non-residential buildings to this use.

The City should consider the appropriateness of permitting correctional forms of supportive housing as-of-right within a mixed-use development. This would allow such uses to be located in close proximity to other dwelling units within the same mixed-use building, which is not understood to be the City's intent.

The Residential Apartment (R4) zones permit multiple residential dwellings, apartment dwellings, lodging houses and group homes. Commercial uses are not permitted, nor are building forms that would lend themselves to correctional forms of supportive housing. The City should consider removing the R4 zones as permitted zones for 'Supportive Housing Type 2'.

It is noted that correctional forms of supportive housing are currently permitted in the Institutional One Zone, where other permitted uses are limited to schools, day nurseries, parks/playgrounds, publicly operated recreational facilities and places of worship. The Institutional Two Zone permits a larger range of institutional uses considered more compatible neighbouring land uses for correctional forms of supportive housing than those outlined within Institutional One Zone.

It is recommended that the current approach for correctional forms of supportive housing be maintained with regards to the zones it is permitted, with the exception of removing it as a permitted use within the Residential Apartment (R4) zones and the Institutional One (I1) zone.

The current zoning permits a 'Nursing Home' within the Institutional Two Zone. To prevent conflict with existing residential areas and other land use forms, the larger supportive housing buildings defined under the proposed 'Residential Care Home' definition use could maintain this approach.

7.3 OTHER ZONING STANDARDS

The best practices research from the OHRC is consistent in its recommendations for removing separation distances and restrictions on number of supportive housing units within defined areas. This has been supported through third-party research where such zoning provisions are considered inconsistent with the Ontario [Human Rights Code](#) which states that *"every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination"*. Research papers, such as those outlined at section 5.4 have found no evidence to suggest non-correctional group homes negatively impact third

parties. There appears to be no land use planning rationale for implementing separation distance requirements on group homes.

Schedule D of the Zoning By-law 'Planning Areas for Establishing Maximum Group Home Numbers' should be removed. To understand the proposed revised zone standards within the text of the Zoning By-law, please refer to section 7.3 of this report.

7.4 REGISTRATION PROCESS

The registration process for group homes has several benefits for the City beyond being able to maintain an internal registry of supportive housing facilities. Fire and property inspections ensure buildings are suitable for the proposed use and number of residents, and contact information for supportive housing operators can be collected. It is noted that the Municipal Act, 2001 specifically references operator contact information as one potential requirement of obtaining a license through a business licensing by-law. It is recommended that this process generally be maintained, however further direction is provided regarding the public notification process.

The current registration process requires the group home operator to meet with the applicable ward councillor to determine the form of public notification process. The current options, as identified within the City's 'Group Home Process Chart' for opening a Group Home include:

- Letter of notification or brochure outlining the programming of the group home to residents within a 200 foot radius (mailed out 5 weeks prior to the opening of the group home)
- Door to door canvassing of the host neighbourhood (200 feet) either before or after the group home has opened.
- An open house held within two months of the opening of the group home for residents within a 200 foot radius of the Group home.
- A combination of any of the above.

Where a proposed new supportive housing facility is not subject to an application under the Planning Act and is permitted "as-of-right", there is no statutory requirement for notifying the public, holding a public meeting or hosting an open house at the premises.

Supportive housing operators have stated a preference for undertaking relationship building within the community through an informal approach, at the discretion of the operator, rather than through City notices. Concerns were expressed during the stakeholder engagement meeting that formal notices are perceived by neighbours to convey negative information, and that where supportive housing is permitted, they should be treated no differently than non-supportive housing forms. In this regard, the reasoning for involving ward councillors in the process at all was questioned, and indeed, this additional level of scrutiny and public notification could be seen as being inconsistent with the Ontario Human Rights Code.

It is recommended that consultation with the ward councillor and notification to residents be removed from the formal registration process where non-correctional supportive housing forms are permitted "as-of-right". Supportive housing operators are, however, encouraged to build and maintain positive relationships within the community through more informal means, as appropriate.

8 DRAFT OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS

8.1 DEFINITIONS

Both the Official Plan and Zoning By-law would include the following definitions to replace those outlined in section 4 of this report:

Supportive Housing Type 1

A single housekeeping unit in a residential dwelling licensed, approved or funded under Federal or Provincial statute for the accommodation of 3 to 10 residents, exclusive of staff, that provides a group living arrangement under responsible supervision. Supportive Housing Type 1 shall not have any correctional purpose.

Supportive Housing Type 2

A single housekeeping unit licensed, approved or funded under Federal or Provincial statute for the accommodation of 3 to 10 residents, exclusive of staff, that provides housing and rehabilitation for persons on probation, parole, early or re-release, or any other form of executive, judicial or administrative release from a penal institution. Supportive Housing Type 2 shall not include Supportive Housing Type 1.

Residential Care Home

Supervised living accommodation that may include associated support services, and:

- (a) Is licensed or funded under Federal or Provincial legislation;
- (b) Is for persons requiring semi-independent or supervised group living arrangements; and
- (c) Is for more than 10 residents, exclusive of staff.

8.2 OFFICIAL PLAN

Proposed amendments to the Official Plan's wording regarding supportive housing are outlined below. Existing text to be deleted is shown with a strikethrough (e.g. ~~Group homes type 1~~) and new wording is included in bold (e.g. **supportive housing**). This section should be read having consideration to the proposed definition revisions outlined in section 8.1.

~~Group Homes~~ **Supportive Housing**

Policy 4.2.6.6:

The City supports the principle of integrating ~~Group Homes~~ **supportive housing** into existing and new residential communities as approved by the City and the appropriate government regulatory agency, subject to zoning and registration requirements.

Policy 4.2.6.7:

The City shall permit ~~group homes~~ **supportive housing** in dwellings within areas designated as Estate Residential, Village Residential, Residential, Major Institutional, Business Corridor, Regional Retail, and Office on Schedule "A" to this Plan subject to the following criteria:

- ~~(i) Group homes shall occupy part or the whole of the dwelling unit;~~
- (ii) **supportive housing** shall **generally** conform in size, height and general appearance with other dwellings in the host neighbourhood;
- ~~(iii) To prevent a concentration of group homes in any one area, standards, including a minimum distance separation, shall be adopted by the City of Brampton; and,~~
- ~~(iiiiv) All group homes~~ **supportive housing** shall comply with the relevant zoning and registration requirements.

(iv) When reviewing any proposal for the purposes of establishing, through new construction or conversion of existing structures, a correctional form of supportive housing, due regard will be given to:

- a) Siting and landscaping to minimize any adverse impact on adjacent uses;**
- b) Appropriate integration of the proposed use with adjacent uses and the host neighbourhood;**
- c) Locating away from hazardous lands or hazardous sites; and,**
- d) Accessibility for persons with disabilities.**

Auxiliary Group Homes

~~Policy 4.2.6.8 states that the City shall permit auxiliary group homes in single detached dwellings, semi-detached dwelling units and multiple dwelling units, all to be within areas designated Estate Residential, Village Residential, Residential and Major Institutional on Schedule "A" to this Plan subject to the following criteria:~~

- ~~(i) All auxiliary group homes shall comply with the relevant zoning and registration requirements; and,~~
- ~~(ii) To prevent a concentration of group homes and auxiliary group homes in any one area, standards, including a minimum distance separation, shall be adopted by the City.~~

Supportive Housing Facilities

Residential Care Homes

~~Policy 4.2.6.10 The City shall permit supportive housing facilities~~ **residential care homes** for more than 10 persons ~~(i.e. retirement homes)~~ located in any area designated Major Institutional on Schedule "A" to this Plan and in the applicable Secondary Plan, subject to the policies of these documents, in particular the Institutional and Public Uses section of this Plan. No ~~supportive housing facilities~~ **residential care homes** shall be permitted to locate in hazardous lands or hazardous sites.

~~Policy 4.2.6.11 The City shall have regard for the need for group homes, and other forms of supportive housing and shall provide opportunities for their establishment. In this regard, the City may create these opportunities on a planning area basis.~~

~~Policy 4.2.6.12 The City will monitor applications for, and the establishment of group homes in order to ensure available opportunities for additional group homes.~~

~~Policy 4.2.6.13 Council shall direct staff to review opportunities for the development of group homes when 60 percent of the potential opportunities in the City have been utilized. Staff will report to Council within one year of this direction and recommend appropriate strategies regarding adequate opportunities for this type of housing.~~

~~Policy 4.2.6.14 Notwithstanding Sections 4.2.6.7(iii) and 4.2.6.8(i) above:~~

- ~~a) Where a zoning by-law sets a limit on the number of group homes permitted within a planning area; and,~~
- ~~b) Where the said limit has been reached, an application for a minor variance to this provision of the zoning by-law, permitting the creation of an additional group home within the subject planning area will not be unfavourably considered by staff solely on the basis that the limit within the subject planning area will thereby be exceeded, or that there are opportunities available elsewhere in the City.~~

Retirement Housing

~~Policy 4.2.6.15 The City shall permit Retirement Housing in Residential, Commercial and Institutional and Public Uses designations in the Official Plan, subject to the following provisions:~~

- ~~(i) Retirement home shall comply with all zoning requirements set out in the City's By-law;~~
- ~~(ii) In determining the suitability of a site for use as retirement housing, due regard shall be given to:~~

When reviewing any proposal for the purposes of establishing, through new construction or conversion of existing structures, a residential care home, due regard will be given to:

- a) The accessibility of the site to public transportation, shopping facilities, Places of Worship, libraries, public parks and other community service facilities;
- b) Adequate vehicular ingress/egress and on-site parking;
- c) Adequate on-site landscaped open space suitable for passive recreational use by the residents of the home;
- d) Siting and landscaping to minimize any adverse impact on adjacent uses;
- e) Impact of the development on the ecosystem and natural environmental features;
- f) Appropriate integration of the proposed use with adjacent uses and the host neighbourhood;
- g) Access to municipal water and sanitary waste;
- h) Locating away from hazardous lands or hazardous sites; and,
- i) Accessibility for persons with disabilities.

Policy 4.2.6.16 The City shall encourage the use of the City of Brampton Accessibility Technical Standards in the design and improvement of Retirement Housing **residential care homes**.

Section 4.4 Employment

~~Policy 4.4.1.5 The City shall also permit Supportive Housing Facilities to be permitted within areas designated as Business Corridor that are not within the Lester B. Pearson International Airport (LBPIA) Operating Area subject to the following criteria:~~

- ~~(i) The supportive housing facility shall have direct access or frontage on an arterial or collector road;~~
- ~~(ii) The supportive housing facility may occupy a single detached dwelling or any building converted or newly constructed for that purpose but in every case shall occupy the whole of such buildings; and,~~
- ~~(iii) To prevent a concentration of supportive housing facilities in any one area, the City shall adopt standards including a minimum distance separation between crisis care facilities, group homes or other residential care facilities.~~

Section 4.9 Institutional

Section 4.9.4 Long Term Care Centres states:

~~The demand for special needs housing including long term care centres and retirement homes is growing as the population of Brampton matures. In opting for these types of housing, there is a strong tendency for Brampton residents to remain in the community closer to areas and places that are familiar to them. The provision of special housing in appropriate locations throughout the City is essential to improving access to these facilities and enhancing the range of choice of location available to older residents with special housing needs.~~

~~Policies for Long Term Care Centres are outlined below:~~

~~4.9.4.1 The City shall permit Long Term Care Centres in Institutional and Public Uses, Residential and Commercial designations in the Official Plan, subject to the following provisions:~~

- ~~(i) The long term care centre shall comply with all zoning requirements set out in the City's Zoning By-law;~~
- ~~(ii) In determining the suitability of a site for use as a long term care centre, due regard shall be given to:

 - ~~i) The accessibility of the site to public transportation, shopping facilities, Places of Worship, libraries, public parks and other community service facilities;~~
 - ~~j) Adequate vehicular ingress/egress and on-site parking;~~
 - ~~k) Adequate on-site landscaped open space suitable for passive recreational use by the residents of the home;~~
 - ~~l) Siting and landscaping to minimize any adverse impact on adjacent uses;~~
 - ~~m) Impact of the development on the ecosystem and natural environmental features;~~
 - ~~n) Appropriate integration of the proposed use with adjacent uses and the host neighbourhood;~~
 - ~~o) Access to municipal water and sanitary waste; and,~~
 - ~~p) Accessibility for persons with disabilities.~~~~

8.3 ZONING BY-LAW

Proposed amendments to the Zoning By-law's wording regarding supportive housing are outlined below. Existing text to be deleted is shown with a strikethrough (e.g. ~~Group homes type 1~~) and new wording is

included in bold (e.g. **supportive housing**). This section should be read having consideration to the proposed definition revisions outlined a section 8.1.

Residential Zones

Section 10.14 'Provisions for ~~Group Homes~~ **'Supportive Housing'**:

~~Group Homes~~ **Supportive housing** shall be subject to the following requirements and restrictions:

- ~~(a) a group home type 1 shall be located within a single detached dwelling;~~
- ~~(ba) a group home~~ **Supportive Housing Type 2** shall be located within a ~~single detached dwelling~~ **'Dwelling', as defined within this By-law, where it occupies the whole of the building, or as the sole** dwelling within a mixed use development;
- ~~(c) a minimum separation distance of 120 metres shall be maintained between a group home type 1 use, any other group home type 1;~~
- ~~(d) a minimum separation distance of 120 metres shall be maintained between a group home type 2, another group home type 2, or a group home type 1;~~
- ~~(e) a minimum separation distance of 610 metres shall be maintained between a supportive housing facility and another supportive housing facility, or a group home type 1, or a group home type 2;~~
- ~~(f) the maximum number of group homes combined, permitted in each area as shown and numbered on Schedule D and listed in Column 1 of the table set out below, shall be as set out in Column 2 of said table.~~

Commercial Zones

Section 20.7 'Provisions for a ~~Group Home Type 2 or Supportive Housing Facility~~ **Supportive Housing Type 2**' states that:

A ~~Group Home Type 2 or a Supportive Housing~~ **Type 2 use** Facility shall be subject to the following requirements and restrictions:

- ~~(a) a group home type 2 shall be located in a single detached dwelling and~~ **or as the sole** dwelling unit within a mixed use development;
- ~~(b) the group home type 2~~ **where not located within a mixed use development, a supportive housing type 2 use** shall occupy the whole of the ~~single detached~~ dwelling;
- ~~(c) a minimum separation distance of 120 metres shall be maintained between a group home type 2 and any other group home type 2, or a group home type 1;~~
- ~~(d) a minimum separation distance of 610 metres shall be maintained between a supportive housing facility and a group home type 1, or a group home type 2, or another supportive housing facility; and~~
- ~~(e) a group home type 2 shall be subject to compliance with the Group Home Registration By-law.~~