

Authority: Planning and Transportation Committee Report No. 3, Clause No. 1, as adopted by City of Toronto Council on February 4, 5 and 6, 2003 and its Special Meeting held on February 7, 10 and 11, 2003
Enacted by Council: February 11, 2003

CITY OF TORONTO

BY-LAW No. 138-2003

Municipal Shelter By-law.

WHEREAS City Council has recognised that there continues to be a need for emergency shelter accommodation within the City; and

WHEREAS Council is prepared to provide such services throughout the City; and

WHEREAS authority is given to City Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended to pass this By-law; and

WHEREAS City Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. For the purposes of this By-law, “Municipal Shelter” means a supervised residential facility, operated by or for the City of Toronto, or any agency of the City of Toronto, which provides short-term emergency accommodation and associated support services.
2. Notwithstanding any other general or specific provision in any By-law of the City of Toronto or of its former municipalities, municipal shelters shall be a permitted use in all zones or districts of the City of Toronto, provided:
 - (i) any new buildings or additions comply with all other applicable zoning provisions of the zone or district;
 - (ii) the lot on which the municipal shelter is located is on a major arterial road or minor arterial road as described on the Road Classification System, as amended, for the City of Toronto;
 - (iii) the lot on which the municipal shelter is located is at least 250 metres from any other lot with a municipal shelter or emergency shelter, hostel or crisis care facility; and
 - (iv) the municipal shelter, including its location, has been approved by City Council.
3. Any supervised residential facility, operated by or for the City of Toronto or any agency of the City of Toronto, which provides short-term emergency accommodation and associated support services and that is lawfully existing on, or for which a building permit has been issued by February 11, 2003, is deemed to comply with Section 2 of this By-law.

4. Subsections 2(i), 2(ii) and 2(iii) of this by-law shall not apply to prohibit a municipal shelter use at the following locations:
- (a) 101 Ontario Street in the former City of Toronto;
 - (b) 717 Broadview Avenue in the former City of Toronto;
 - (c) Part 11, Expropriation Plan 9457, Part Lot 19, Concession 1 West of Yonge Street, also known as 0 Canterbury Place in the former City of North York; and
 - (d) 8 Warrendale Court in the former City of Etobicoke.
5. By-law No. 7625 of the former City of North York is amended in section 2.34 by adding “municipal shelter,” after “but shall not include a”, so that section 2.34 reads as follows:

“2.34 **Essential Services** means the construction, installation, alteration, operation or maintenance by a government, government agency or public utility corporation of any building, line, sewer, pipe or work, and incidental structure which is necessary to the provision of a public service, but shall not include a municipal shelter, public parking lot, parking station, or office building.”

6. By-law No. 438-86 of the former City of Toronto is amended as follows:
- (a) In Subsection 11(1), add the following words following clause (iii):

“except the permissions in paragraph 1 shall not permit the use of any land, building or structure as a municipal shelter.”; and
 - (b) In Section 2, add “a municipal shelter,” after “does not include” in the definition of “hostel”, so that the definition reads as follows:

“ ‘*hostel*’
means a building or part of a building that contains dwelling accommodation consisting of rooms without culinary facilities, but does not include a municipal shelter, a *rooming house* or a *crisis care facility*.”.

7. By-law No. 1- 83 of the former City of York is amended in clause 3.1.2 by adding “and except where the use is a municipal shelter” after “except a G District”, so that the clause reads as follows:

“The local municipal corporation or any local Board or agency thereof, may use any land or erect or use any land or use any building or structure in any district except a G District and except where the use is a municipal shelter, provided that such use of a building or structure located in any R District shall be in substantial compliance with the height, coverage and yard regulations prescribed for such district, but there shall be no exterior storage in yards of goods, materials or equipment in any R District. Any building erected or used under the provisions of

this Section shall be of a character and maintained in general harmony with residential buildings of the type permitted in said district.”

8. The Zoning Code for the former City of Etobicoke is amended as follows:

- (a) Section 330-7, Public Services and Utilities, (former Village of Long Branch) is amended by adding “but not including a municipal shelter” after “may, for the purposes of the public service”, so that the section reads as follows:

“Notwithstanding anything contained in this chapter, the village or any local board thereof as defined in the Department of Municipal Affairs Act, any telephone or telegraph company, a transportation system owned or operated by or for the village, any department of the Dominion or Provincial Government, including the Hydro-Electric Power Commission of the Province of Ontario, may, for the purposes of the public service, but not including a municipal shelter, use any land or erect or use any building or structure in any district notwithstanding that such building or structure or proposed use does not conform to the provisions of this chapter for such district, provided that such use, building or structure, if located in any R District, shall be in compliance with the height, coverage and yard regulations prescribed for such district but that there shall be no exterior storage in yards of goods, materials or equipment in any R District and that any building erected or used under the provisions of this section shall be of a character and maintained in general harmony with residential buildings of the type permitted in the said district.”

- (b) Section 340-11, General Permitted Uses, (former Town of Mimico), sub-section A, is amended by adding “but not including a municipal shelter” to the end of the sentence, so that the sub-section reads as follows:

“A Essential public services authorized by the Town of Mimico, the Mimico Public Utilities Commission, the Municipality of Metropolitan Toronto, the Province of Ontario or other government board, agency or authority, but not including a municipal shelter.”

- (c) Section 350-10, Public Services and Utilities, (former Town of New Toronto), is amended by adding “but not including a municipal shelter” after “may, for the purposes of the public service”, so that the section reads as follows:

“Notwithstanding anything contained in this chapter, the Town of New Toronto or any local board thereof as defined in the Department of Municipal Affairs Act, any telephone or telegraph company, a transportation system owned or operated by or for the Town of New Toronto, any department of the Dominion or Provincial Government, including the Hydro-Electric Power Commission of the Province of Ontario, may, for the purposes of the public service, but not including a municipal shelter, use any land or erect or use any building or structure in any use district notwithstanding that the proposed use does not conform to the provisions of this chapter for such a district, provided that such use, building or structure, if located in any R District, shall be in compliance with the height,

coverage and yard regulations prescribed for such district but that there shall be no exterior storage in yards of goods, materials or equipment in any R District and that any building erected or used under the provisions of this section shall be of a character and maintained in general harmony with residential buildings of the type permitted in the said district.”

9. By-law No. 1916 for the former Borough of East York is amended by:

- (a) adding in Section 6.2.1, (Permitted Uses in R1A Density Zones), “but not including a municipal shelter” after “a facility owned by the Corporation of the Borough of East York”, so that the section reads as follows:

“Residential; a day nursery operated in a municipally-owned community centre, or in a public library, or in a school, or in a church building existing at the date of the passing of this By-law; Institutional; a facility owned by the Corporation of the Borough of East York but not including a municipal shelter; a public park; a playground. Uses accessory to the foregoing.”

- (b) adding in Section 6.3.1, (Permitted Uses in R1B Density Zones), “but not including a municipal shelter” after “a facility owned by the Borough of East York”, so that the section reads as follows:

“Residential; a day nursery operated in a municipally-owned community centre, or in a public library, or in a school, or in a church building existing at the date of the passing of this By-law; Institutional; a facility owned by the Borough of East York but not including a municipal shelter; a public park; a playground. Uses accessory to the foregoing.”

10. By-law No. 6752 for the former Borough of East York is amended by:

- (a) adding in Section 7.2.1, (Permitted Uses in R1A Density Zones), “but not including a municipal shelter” after “facilities owned by the Corporation of the Borough of East York”, so that the section reads as follows:

“Residential; facilities owned by the Corporation of the Borough of East York but not including a municipal shelter; a day nursery operated in a municipally-owned community centre, or in a public library, or in a school, or in a church building existing at the date of passing of this By-law. Uses accessory to the foregoing.”; and

- (b) adding in Section 7.3.1, (Permitted Uses in R1B Density Zones), “but not including a municipal shelter” after “facilities owned by the Corporation of the Borough of East York”, so that the section reads as follows:

“Residential; facilities owned by the Corporation of the Borough of East York but not including a municipal shelter; a day nursery operated in a municipally-owned community centre, or in a public library, or in a school, or in a church building existing at the date of passing of this By-law. Uses accessory to the foregoing.”.

ENACTED AND PASSED this 11th day of February, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)