



Municipality of  
**Dutton Dunwich**

**TO:** Mayor and Members of Council  
**FROM:** Tracey Pillon-Abbs, MCIP, RPP, Planner  
**DATE:** June 8, 2022  
**SUBJECT:** Zoning By-law Amendment ZBA 6/22 and Licensing for Shelters and Group Homes, Municipality of Dutton Dunwich

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**RECOMMENDATION:**

THAT Council of the Municipality of Dutton Dunwich **RECEIVE** information pertaining to Zoning By-law Amendment ZBA 6/22 and Licensing for Shelters and Group Homes;

AND THAT Council **DIRECT** staff on how to proceed with a zoning amendment and licensing review.

**FOR INFORMATION:**

The Municipality of Dutton Dunwich Zoning By-law (ZBL) 2022-50 was approved on May 11, 2022, which regulates land use and development within the Municipality.

At the time of the ZBL approval, Council directed that *“the Group Homes/Shelter and Licensing be deferred and be returned to Council at a later meeting as an amendment”* (Resolution 2022-13.15).

It was Council’s intent to undertake a detailed review in order to permit group homes in residential zones and shelters in residential and institutional zones, however, make them both subject to a new licensing by-law.

Council had further requested that both the zoning amendment and licensing for shelters and group homes be brought together for consideration.

The purpose of this report is to provide Council with additional information regarding shelters or group homes and request that Council direct staff on how to proceed with a zoning amendment and licensing review.

**POLICY REVIEW:**

Planning Act

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 35(2) of the Planning Act says municipalities may not pass zoning by-laws that distinguish between people who are related and people who are unrelated in respect of the occupancy or use of a building.

#### Municipal Act, 2001

The Municipal 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 *“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.

#### Ontario Human Rights Code

The Code prohibits actions that discriminate against people based on a protected ground in a protected social area.

Rental housing by-laws discriminate if they cause someone to be disadvantaged in a protected social area because of the person’s association with a protected ground.

#### Provincial Policy Statement, 2020

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS).

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 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."*

Special needs *"means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons"*.

The 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.

#### County of Elgin Official Plan

The County of Elgin Official Plan (COP) Section C1.1.1 (e) notes that the COP should ensure that residential areas permit a variety of complementary and compatible land uses including special needs housing, community facilities, schools, small-scale commercial uses and recreational open space areas.

Section C1.3.1 (f) encouraging the provision of alternative forms of housing for special needs groups.

Section 1.3.2 (b) supports the provision of alternative forms of housing for special needs groups and emergency housing, where possible.

Emergency Housing means *"emergency shelters or facilities that accommodate not less than three and not more than ten residents, and provide temporary lodging, board, and/or personal support services to homeless individuals in a 24-hour supervised setting, for up to 30 days"*.

#### Municipality of Dutton Dunwich Official Plan

The Official Plan (OP) as approved July 6, 2021 Section 1.3 supports a broad range of housing types to promote quality affordable housing and special needs housing within settlement areas.

Section 7.2.3 (b) permits group homes.

- i. Group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live under responsible supervision consistent with the particular requirements of its

- residents. The home is licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws.
- ii. In order to prevent an undue concentration of group homes in specific areas of the Municipality, standards requiring a minimum distance between these facilities will be incorporated in the Zoning By-law.
  - iii. Group homes existing on the date the Zoning By-law comes into effect, but not complying with the requirements of the by-law, will be permitted to continue in operation but will not be permitted to expand without municipal approval.

#### Municipality of Dutton Dunwich Comprehensive Zoning By-law

In the Municipality of Dutton Dunwich Comprehensive Zoning By-law 2022-50, the following definitions are provided:

*SHELTER, shall mean a lodging house used exclusively for the provision of temporary accommodation to individuals and/or those who are in need of ancillary health care, counselling and social support services.*

*GROUP HOME, shall mean a single housekeeping unit in a residential dwelling in which three to ten residents (excluding supervisory staff or the receiving persons) live as occupants under responsible supervision consistent with the requirements of its residents.*

*GROUP HOME, TYPE 1, shall mean a residence licensed, supervised, approved, or funded under a federal or provincial statute for the accommodation of three to ten persons, excluding staff, living under responsible supervision in a single housekeeping unit and who, by reason of their intellectual, mental health, social or physical condition or legal status, require a group living arrangement for their wellbeing. A Group Home Type 1 may include children or youth on probation under provincial or federal statute, but does not include a Group Home Type 2, as defined by this By-law.*

*GROUP HOME, TYPE 2, shall mean a residence that is maintained or operated under a federal or provincial statute for the accommodation of up to ten persons, excluding staff, primarily for: persons who have been placed on probation or released on parole under provincial or federal statute; or, youth who have been placed in detention or custody. A Group Home Type 2 may include a Group Home Type 1.*

Shelters are not listed as a permitted use in any zone.

Section 4.47 sets out that group homes in the form of single detached dwellings shall be permitted anywhere single detached dwellings are permitted excluding any hazard land areas (flooding and erosion).

There is a parking requirement of 1 space for each 6 beds for a group home.

There is no separation distance required in the zoning by-law.

#### **SUMMARY / CONCLUSION:**

Based on the policy review, direction from Council is required on how to proceed with a zoning amendment and licensing review.

Currently, in Dutton Dunwich, group homes are permitted as of right anywhere single detached dwellings are permitted. Shelters require a zoning amendment.

Any changes to the zoning by-law will require a zoning by-law amendment. Also, Council should zone for land use and not for people.

When drafting, reviewing and monitoring licensing bylaws, Council should apply a human rights lens, to see if they might have an impact on protected groups.

Licensing should not permit where group homes or shelters should be located or a minimum distance separation but rather it should seek to regulate rental housing by requiring that landlords operate their properties according to certain standards licensing by-laws may reasonably contain provisions relating to garbage and snow removal, maintenance, health and safety standards and parking.

In order to support Council's intent to permit group homes in residential zones and shelters in residential and institutional zones the following zoning changes are proposed (new items in red).

Housing Type	Definition	Section 4.47 Group Home and Shelters	Proposed Parking
Group Home	shall mean a single housekeeping unit in a residential dwelling in which three to ten residents (excluding supervisory staff or the receiving persons) live as occupants under responsible supervision consistent with the requirements of its residents	Group homes in the form of single detached dwellings shall be permitted anywhere single detached dwellings are permitted excluding any hazard land areas (flooding and erosion) and are subject to licensing by the municipality.	1 space for each 6 beds
Shelter	shall mean a lodging house used exclusively for the provision of temporary accommodation to individuals and/or those who are in need of ancillary health care, counselling and social support services.	Shelters shall be permitted anywhere single detached dwellings and places of worship are permitted excluding any hazard land areas (flooding and erosion) and are subject to licensing by the municipality.	1 space for each 6 beds

Administration is of the opinion that group homes and shelters should be dealt with separately in the zoning by-law. Group homes are considered permanent long-term housing and blend well with existing neighbourhoods. Shelters provide emergency and transitional accommodation to both individuals and groups.

A draft licensing by-law has also been prepared for Council review (see attached). Further consultation with staff and commenting agencies is recommended.

Any changes to the zoning by-law will require public consultation, including a public meeting. Once a decision is made, there is an appeal period.

Respectfully Submitted

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Planner

Approved for Submission

Tracy Johnson  
Acting CAO/Treasurer