



Chair's Report to members for fiscal 2020.

Our financial position is covered in the report prepared by Brian Evans and so I will not comment further on another successful year from a financial standpoint.

My report this year is confined to a discussion of the fact that we are continuing to meeting pernicious by-laws and Official Plans designated to discriminate against the clients that KPAS and KPRS serve. Many such by-laws and Official Plans contain provisions which offend the Ontario Human Rights Code. Sometimes when we meet such provisions we decide not to proceed with the purchase and move to an adjacent municipality.

In November 2019 we closed the purchase of a home in the City of Brampton, a municipality where KPAS and KPRS already owned 5 houses and KPAS operated a resource centre to serve the community.

Before purchasing 58 Newbury Crescent we reviewed the relevant Brampton Zoning By-law and had extensive correspondence with municipal employees to confirm that (a) the area is zoned to permit Group Homes and (b) that neither of the exceptions in the by-law applied as there were no other group homes on Newbury Crescent nor were there too many Group Homes in the area. Under the existing Zoning By-Law we could not apply until after our purchase had closed and we became the registered owner.

We knew that the next step was to file an Application for Registration of a Group Home Type 1 with the City and that a number of inspections had to be made for fire code and other purposes. KPRS is obliged to comply with all provincial and municipal codes. Our Application was made promptly after closing the purchase

Then NIMBYism raised its ugly head and the city's obligation to respect human rights went out the window. Neighbors wrote letters which caused Council on November 20, 2019 to enact an Interim Control Holding By-Law (ICBL) the effect of which was that we were prevented from taking any steps to proceed with the application. The by-law was to be in effect until May 20, 2020, but as you will see it was extended.

Council gave in to the objecting residents notwithstanding the following facts:

1. 58 Newbury Crescent is not located in an "Area of Full Capacity" (for Group Homes) and there are no other "Group Homes" on Newbury Crescent and thus complied with the zoning existing by-law.
2. Brampton's Planning & Development Committee in its report to Council dated November 18, 2019 recommended against adopting an ICBL during the current policy review

period so that Group Home applications can continue to be reviewed and registered to "ensure that housing opportunities for vulnerable populations continue to be provided".(Emphasis added).

In reaching that conclusion the authors of the report state:

"The current Group Home provisions in both the City's Official Plan and Comprehensive Zoning By-Law require revisions to outdated sections and definitions to meet current legislation and align with supportive housing demands."

[No doubt they are referring to items 4, 5, 6 and 7 which follow.]

3. The report points out that should the City enact the ICBL the applicants [for a Group Home] can apply for a minor variance through the Committee of Adjustments to get relief from the ICBL.

4. The Ontario Municipal Councillors Guide 2018 provides in Section 7:  
"The *Ontario Human Rights Code* provides that every person has a right to equal treatment without discrimination because of race, colour, gender identity, sex, sexual orientation, **disability**, age and certain other grounds. The code is also relevant for municipalities in **passing by-laws** and taking other actions." (Emphasis added).

5. Part V: Policies 1.0 Building strong healthy communities (Provincial Policy Statement-ONT) provides in subsection 1.1.1 that "*Healthy, liveable and safe communities are sustained by: (/) improving accessibility for **persons with disabilities** and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*".

6. Section 4.6 of the 2014 Provincial Policy Statement (PPS) under the Planning Act states that the PPS **shall** be implemented in a way which is consistent with *Human Rights Code* and the *Charter of Rights and Freedoms*. (Emphasis added).

7. Numerous decisions of the Ontario Municipal Board have struck down zoning by-laws and official plan amendments that banned new development of group homes that violated the human rights principles of inclusion and were in effect a form of "people zoning".

At considerable expense KPRS through a lawyer applied to the Committee of Adjustment for an exemption. The application was opposed by area residents and was adjourned over the objections of our lawyer until the City decided whether or not to extend the holding By-Law or to amend the existing Zoning By-Law.

The staff report to the Committee of Adjustment recommended "that the hearing be deferred to the May 26, 2020 hearing, at which time **ICBL 286-2019 will have expired and the variance request**, to permit a Supported Housing Facility (Group Home Type 1) whereas interim Control By-law 286-2019 does not permit the proposed use, **will no longer be required**."(Emphasis added).

Unfortunately due to COVID-19 action was taken by council to extend the time that the ICBL would remain in force until August 24, 2020. Following this extension we renewed our application at the Committee of Adjustments as there was no guarantee that the City would not extend the ICBL for a further period.

Over our lawyer's objections the Committee refused to deal with the matter due to residents' complaints and adjourned the application until November 2020.

It is apparent that the rights of the clients who have been selected to live in the home have been ignored and they have been unduly delayed in moving into the home. As well the carrying costs of the house continue and the large unmet need in Brampton for Group Homes for people with Autism Spectrum Disorder continues.

While at the time of writing this report there is a chance that the City of Brampton will allow the ICBL to expire on August 24, 2020, neither KPAS nor KPRS are prepared to stand by idly if a further extension is granted. KPAS has agreed to fund the filing of a complaint with the Ontario Human Rights Commission and an appeal of the Committee of Adjustments decision.

If we do nothing Brampton and other municipalities will continue to enact further Interim Control By-laws and Official Plans which will be discriminatory.

For over 50 years I have fought for the right of children and adults with ASD to be accepted as full citizens with the right in common with all other residents of Ontario to attend school, be free to live in any area which is zoned as residential, and to have full rights of inclusion in their community. In the vast majority of cases, we have been welcomed into communities, particularly now when the incidence of Autism is 1 in 68. There hardly is anyone who does not know a family with an autistic child.

I am frustrated that there still are people whose fear of the unknown motivates them to oppose something new in the neighborhood and that municipal governments listen to them. Studies, referred to the Ontario Human Rights Commission publications, have shown that fear of diminished property values are unfounded. The track record of our other group homes in Brampton and elsewhere in Peel/Dufferin shows how well our group homes fit into the community.

Without adequate and appropriate housing this vulnerable population frequently becomes a burden upon their families and community. In particular care givers burn out. Our group homes continue to educate clients well beyond the age of majority. In some communities our clients deliver "Meals on Wheels" or local newspapers. We keep individuals from becoming homeless.

Municipal politicians must listen to or be forced to observe the rights of all citizens to live in any part of the municipality which is zoned residential.

In closing I once again want thank the dedicated board members who are quick to respond to property negotiations to ensure that KPRS is ready to buy or sell properties as the need by KPAS arises. Thanks also to Brian Evans our manager for his contributions.

Robert Hart