



## [Right to Housing Toronto Deputation to Planning & Housing Committee](#)

**RE: PH 16.7 Inclusionary Zoning Draft Official Plan Amendment and Zoning By-Law Amendment, 22 Sept. 2020**

**Presented by Emily Paradis, PhD., Maytree Fellow on behalf of R2HTO**

The Right to Housing in Toronto is a coalition of organizations and individuals working to support the implementation of the human right to housing by the City of Toronto. Our members include the Centre for Equality Rights in Accommodation, Maytree, Advocacy Centre for Tenants Ontario, Federation of Metro Tenant Associations, and ACORN.

We welcome some elements of the framework for Inclusionary Zoning in this report. At the same time, this framework falls short of a human rights approach. We urge the Committee to direct staff to apply a human-rights-based analysis to the proposed IZ policy, and ensure that it fulfills the City's obligation to progressively realize the right to adequate housing for all.

A lot has changed since IZ came before this committee in May 2019. In June, Bill 108 curtailed municipalities' powers to enact IZ. In July, the National Housing Strategy Act made it federal policy to further the progressive realization of the human right to adequate housing. In December, the City of Toronto adopted Canada's first municipal housing and homelessness plan founded on human rights.

Only months later, COVID has made it inescapably clear that an adequate, secure home is the foundation of health for individuals and society as a whole. We can no longer deny the urgent need to repair Toronto's broken housing system, which generates inadequate housing and homelessness as quickly as it builds condos.

Inclusionary Zoning is an important tool for realizing the right to housing in Toronto. The Toronto Housing Charter commits to allocating the maximum available resources within the City's means and jurisdiction to achieve adequate housing for all. Establishing requirements for new development, and recapturing the value created by its zoning actions, are two of the City's most powerful resources for righting our severely unbalanced housing system.

The proposed framework for Inclusionary Zoning in this report includes elements that strengthen the potential of this tool. In particular, we welcome

- the new, 99-year affordability period;
- the proposed income-based definition of affordable housing;
- the use of incentives only to achieve additional units or deeper affordability than required; and
- the application of the set-aside to the total Gross Floor Area, not only the density uplift.

At the same time, the proposed framework falls short of a human rights-based approach. Of particular concern is the miniscule set-aside of 5 to 10 percent, and only in developments with at least 100 units. In effect, this means that, of the largest new developments in the very limited areas in which IZ can be applied, 90 to 95 percent will exclude low- and moderate-income Torontonians. This exclusion will disproportionately impact women-led households, people with disabilities, and people who are Indigenous, racialized, and newcomers. These are also the groups most affected by displacement when new development drives up housing prices in their neighbourhoods.

We are told that set-asides higher than 5 to 10 percent jeopardize the viability of development in strong and moderate market areas, and could put a halt to development altogether. Yet, the City's own analysis initially set 20 percent as the benchmark in strong areas; and another analysis, prepared by Steve Pomeroy<sup>1</sup>, found that some strong areas could accommodate up to 30 percent, while some areas deemed unsuitable for IZ could yield up to 5 percent. The timid approach recommended in this report is unwarranted: a comprehensive review of 500 US jurisdictions<sup>2</sup> demonstrates that IZ does not suppress housing development, or significantly increase housing costs, in active markets like Toronto's. Other research also demonstrates that IZ is broadly applied to developments of all sizes, and that thresholds in the US never exceed 50 units at most.

The trouble is, this report's definition of viability is determined by investor profits. An approach centred in human rights would instead prioritize accomplishing the maximum possible affordable housing in each area across the city. It would place Torontonians' right to adequate, secure, and affordable housing at the centre of the decision-making process, and recognize that

---

<sup>1</sup> Pomeroy, S. (2019). Examining the feasibility and options for an inclusionary zoning policy in Toronto. Toronto : Maytree. <https://maytree.com/publications/examining-the-feasibility-and-options-for-an-inclusionary-zoning-policy-in-toronto/>

<sup>2</sup> Sturtevant, L. (2016). Separating fact from fiction to design effective inclusionary housing programs. Washington, D.C.: National Housing Conference Centre for Housing Policy. <https://www.nhc.org/publication/separating-fact-from-fiction-to-design-effective-inclusionary-housing-programs/>

the current system that generates insecurity and homelessness is no longer viable. In the absence of a Toronto Housing Commissioner, the City should engage human rights experts to support a human rights analysis of the proposed policy.

We urge this Committee to direct City Planning to:

- with the support of human rights experts, apply a human rights analysis to the proposed IZ policies, and plan a consultation process based in human rights;
- consult on set-asides and unit thresholds that achieve the maximum possible affordable housing in each area; and
- ask Torontonians whether they prefer to prioritize investor profits, or their neighbours' human rights.