

## **Exclusionary By-laws Affecting Homeless Shelters**

ACTO was granted intervenor status to appear before the OMB to oppose the restrictions added in 2003 to Toronto's new Municipal Shelter By-law.

Although affordable housing is the only long term solution to homelessness, ACTO supports access to homeless shelters in all communities, neighborhoods and opposed onerous and arbitrary procedural and locational restrictions.

ACTO's position in challenging the by-law, is that the restrictions are discriminatory and contrary to planning principles.

In March 2004 the OMB released its decision. The decision removed the requirement that Council vote on each individual shelter site and modified the arterial road restriction to create an arterial "corridor", but maintained the 250 metre separation distance. The OMB held that it did not have the jurisdiction to apply the Charter and that, even if it had, there was no violation of section 15 of the Charter. The OMB declined to make a finding that homeless people were a disadvantaged group entitled to the protection of the Charter.

ACTO applied for leave to appeal the OMB decision to the Divisional Court. However, following a review of the case and in light of the success achieved on the basis of the planning arguments, ACTO decided not to pursue the application for leave.