April 3, 2012

Mayor Bob Bratina and Members of General Issues Committee
City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Your Worship and Councillors,

Re: Information Report on the Lynwood Charlton Centre (CM12005)

I am writing to restate my concerns about the human rights implications raised by the zoning application by the Lynwood Charlton Centre. As stated in my letter of January 24, 2012, applying the radial separation distance to this application makes one ask whether the City of Hamilton is creating discriminatory barriers for vulnerable people.

Over the past year, we have held an Ontario-wide consultation on the human rights issues faced by people with mental health disabilities. We heard repeatedly that the need for safe, effective housing, and the need to feel welcome and part of the community were key issues. We also heard about the damage that can happen when these needs are not met. So your decision on this centre has the opportunity to either make these vulnerable teenage girls feel welcome, or to inflict further damage on them.

In February this year, the Ontario Human Rights Commission published In the Zone, a guide to housing, human rights and municipal planning. This guide describes the systemic barriers that can be created when municipalities pass bylaws that do not take into account the people who may be affected. While barriers may be inadvertent, to the vulnerable person in search of housing, they are still barriers.

The Information Report on the Lynwood Charlton Centre illustrates some of the barriers we urge municipalities to avoid. The report talks about how a community agency can be prevented from providing a vital service through a combination of forced service changes, financial obstacles, and arbitrary separation distances.
Arbitrary separation distances can lead to contraventions of the *Human Rights Code*. I urge you to break down the barriers instead of building new ones.

As you move forward with this report and the zoning application, consider carefully the human rights impacts on the vulnerable people who already live and use services in that community, whose lives will be affected by the decision you make. You have the choice to say “You are not wanted here” or to say “Welcome home.”

The OHRC is available to assist you with this issue. For more information on human rights and housing, please contact Jacquelin Pegg at 416-326-9501 or via email at Jacquelin.Pegg@ohrc.on.ca.

Yours truly,

Barbara Hall, B.A, LL.B, Ph.D (hon.)
Chief Commissioner

CCM file # MGT2012-000011