

**READING LIST ON ALIGNMENT TO PRACTICE PLANNING
CONSISTENT WITH THE HUMAN RIGHTS CODE AND UN
DECLARATION OF HUMAN RIGHTS**

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This is an incomplete annotated reading list of key documents.

Law

[Ontario Human Rights Code](#)

Author: Ontario Human Rights Commission

Published: Consolidation Period: from January 8, 2021

Below is a clipping from the website which pulls out the protected *grounds* and protected *social area*. Clipping retrieved from ohrc.on.ca (also includes additional readings)

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

Protected grounds are:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation.

Protected social areas are:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations.

[Policy on Human Rights and Rental Housing](#)

Author: Ontario Human Rights Commission

Published: Approved by the Ontario Human rights Commission 2009

Document describing Canada's agreement to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (covenants that give legal force to the Universal Declaration of Human Rights. Includes multiple examples of specific cases of discriminatory planning practices, as well as statements including the following:

"Also, when planning policies or practices are directed towards, or disproportionately affect, Code-protected populations, they may be seen to violate the Code."

"City Councils, councilors, neighbourhood associations, developers, decision-makers such as the Ontario Municipal Board, and individuals all have a responsibility to refrain from discrimination against people identified by Code grounds based on NIMBYism, and to make sure policies and practices do not give rise to differential treatment."

Even though these organizations and individuals may not provide housing directly, they still have an obligation not to contribute to indirect discrimination in the context of housing"

Planning and Human Rights: Legal Cases and Resources

Author: Ontario Human Rights Commission

Published: No date

A reading list of human rights and planning intersections, prepared by the Ontario Human Rights Commission. Includes the PPS, Municipal Councillor's Guide, legal cases, reports, tip sheets and other material.

Zoning Out Discrimination: Working Towards Housing Equality in Ontario

Author: [Jessica Simone Roher](#), lawyer

Published: Journal of Law and Social Policy, 2016

Describes, through the use of case law, the three levels of human rights discrimination, and how the culture of planning (systemic discrimination) applies discriminatory practices to produce and implement discriminatory zoning bylaws (indirect discrimination) which then result in direct discrimination (houselessness of people protected by the Ontario Human Rights Code). Understanding discrimination as it functions in these three levels (systemic, indirect, and direct), are critical to identify and shifting discriminatory practices.

Planning Act

Author: Government of Ontario

Published: e-laws currency date, December 8, 2020

PART I PROVINCIAL ADMINISTRATION

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,

PART III OFFICIAL PLANS

Official plan Contents of official plan

16 (1) An official plan shall contain,

- (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization;

Same

(2) An official plan may contain,

- (a) a description of the measures and procedures proposed to attain the objectives of the plan;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of planning matters not mentioned in clause (1) (b); and
- (c) such other matters as may be prescribed. 2015, c. 26, s. 17.

The Provincial Policy Statement

Author: Government of Ontario

Published: 2020

“The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for **all** Ontarians.” emphasis added. Clipping including statement 4.4 is included below.

4.0 Implementation and Interpretation

- 4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020.
- 4.2 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.
- 4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.
- 4.4 This Provincial Policy Statement shall be implemented in a manner that is consistent with Ontario **Human Rights Code** and the *Canadian Charter of Rights and Freedoms*.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

Author: Government of Ontario

Published: 2020

- 4. Applying the policies of this Plan will support the achievement of **complete communities** that:
 - a) **feature a diverse mix of land uses**, including residential and employment uses, and convenient access to local stores, services, and **public service facilities**;
 - b) improve social equity and overall quality of life, including human health, **for people of all ages, abilities, and incomes**;

United Nations

Some key files below:

- [2019 – UN – UN System-Wide Strategy on Sustainable Urban Development – prepared by the High Level Committee on Programmes under the leadership of the UN-Habitat](#)
- [2018 – UN – Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context](#) - written by Leilani Farha. Leilani was the UN Rapporteur on Affordable Housing. She's an Ottawan, the founder, and lead of The Shift, an organization coordinating with multiple levels and bodies of governments to integrate a human rights approach into the housing systems.
- [2018 – UN ESCO – Creating Inclusive and Equitable Cities – International Coalition of Inclusive and Sustainable Cities, Canadian Commission for UNESCO](#)
- [2016 – UN – The Right to the City and Cities for All](#)
- [2015 – UN – Social Development Goals](#)
- [2015 – UN Decade for People of African Descent](#)
- [2009 – UN Habitat – Fact Sheet No. 21, The Human Right to Adequate Housing](#)
- [2007 – UN Department of Economic and Social Affairs – United Nations Declaration on the Rights of Indigenous Peoples](#)
- [2007 – UN Habitat – V1 – Inclusive and Sustainable Urban Planning: A Guide for Municipalities: An Introduction to Urban Strategic Planning](#)
- [2007 – UN Habitat – V2 – Inclusive and Sustainable Urban Planning: A Guide for Municipalities: Urban Situation Analysis](#)
- [2007 – UN Habitat – V3 – Inclusive and Sustainable Urban Planning: A Guide for Municipalities: Urban Development Planning](#)
- [2007 – UN Habitat – V4 – Inclusive and Sustainable Urban Planning: A Guide for Municipalities: Sustainable Action Planning](#)

Ontario Provincial Planning Institute

Anti-Black Racism in Planning Task Force: Terms of Reference

Author: Government of Ontario

Published: 2020

In 2020, OPPI launched a Task Force to confront systemic* anti-Black racism within the practices of Registered Professional Planners and the planning practice in general. *Systemic, as understood through a human rights lens is the culture and practices of people that actively or unknowingly allow for the marginalization of persons protected by the Ontario Human Rights Code.

“Planners are charged with the responsibility of crafting, designing, and creating the diverse places and spaces we live in, influencing the social, physical, and economic construct of our built and natural environment. One of the core principles of our professional planning practice is to plan for “the public interest.” While planners talk about equity, diversity, and social justice in theory and practice, the reality is that the dominating colonial, Eurocentric planning system is historically structured on the preservation of privileges and entitlements for white people over Black, Indigenous, and other racialized peoples and from which unconscious biases have evolved. As a profession, planning has failed to address how discriminatory systemic actions and decisions negatively impact the Black community and marginalized groups, and how the consequences of these actions and decisions impact society as a whole”

2.1	Need for accredited university planning programs to update (and give updates) on their curriculum on how they: • Reflect histories and experiences of diverse communities, particularly, Black and Indigenous,	Support planning programs in creating resources with updates from accredited professional planning program Directors regarding how their
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September 2, 2020

3.2	Connect Human Rights Code to planning practices to better engage with Black communities beyond housing issues.	Connect with Ontario Human Rights Commission, the City of Toronto's Anti-Black Racism Unit, and other groups, to build on discussion about connection between planning and Human Rights , specifically in relation to anti-Black racism, and expanding available resources.
3.3	Expand conversations about equity and biases inherent in planning practices that exclude and discriminate against Black and Indigenous communities; how planning practices can better regard equity and human rights of Black people and other marginalized communities.	Promote discussions that re-evaluate current land use planning structures and practices (e.g., revitalization projects, strategic planning, infrastructure planning) to ensure we do not continue to make decisions that result in disadvantages to Black and/or other marginalized communities.

Discussion Items		Proposed OPPI Initiatives	Invt (\$)
	within all facets of planning curricula. • Focus on contemporary challenges experienced by racialized peoples, and existence of systemic racism. This needs to recognize exclusionary dominating practices as well as achievements of leaders from marginalized communities.	programs and courses reflect/incorporate racial equity and human rights lens and plans to update curricula. Explore scholarships for students to conduct research on topics related to experiences of Black communities in planning.	x

B. Items for Further Discussion

The following items for further discussion can be undertaken by the proposed Task Force, and are not listed in any particular order:

- How to take the best of what happened in the Indigenous Planning Perspectives Task Force process and translate that infrastructure and amplify discussions around anti-Black racism and racism against other groups under the umbrella of equity and **human rights**. For example, how to replicate Indigenous Planning Perspectives Task Force with a Black lens and ensure there is space for the uniqueness of Black experiences to emerge?

The Task Force mandate was approved by the [OPPI Council](#). Members of the OPPI Council body listed below.

Justice Giancola, RPP President	Paul Lowes, RPP President Elect	Claire Basinski, RPP Director	Curry Clifford Public Interest Representative
Calvin Brook, RPP Director	Rob Dowler, RPP Director	Eldon Theodore, RPP Director	Andria Leigh, RPP Director
Kelly Weste, RPP Director	Beverley Hillier, RPP Director	Colleen Sauriol, RPP Director	

[Zoning for Inclusion: Human Rights and the Public Interest](#)

Speakers: [Jacquelin Pegg](#) (inquiry analyst, Ontario Human Rights Commission), [John Gladki](#) (President, Gladki Planning Associates)

Published: 2015, by the Ontario Provincial Planning Institute

Session focused on the intersection of zoning, affordable housing, and human rights. Provided tips and tools for meeting the human rights challenges, and ensuring that planning truly serves the broader public interest.