

COURT OF APPEAL FOR ONTARIO

BETWEEN:

THE ATTORNEY GENERAL OF ONTARIO

Appellant
(Intervener)

-AND-

THE REGIONAL MUNICIPALITY OF WATERLOO

Appellant
(Applicant)

-AND-

**JOSEPHINA DUGAS, TERRA-LYNN WEBER,
AVERY AMENT, AARON PRICE, JEREMY
LINTON, JEREMY NICHOL, JAMES HAMMOND,
JAKOB STUBBS, JAMES DAVIS, JASON PAUL,
NOAH HELSBY, JOSEPH BRADLEY, JOSEPH
SADLER, JULIE YOUNG, KYLE YORK, MEGAN
LOPES, STEPHANIE MCMILLAN, JEFFREY
COUTO, JORDAN CAMM, TERRANCE COLE,
XANDER HARKER, CHARLES KOCHER, ALINE
JEFFERY, MICHAEL JEFFERY , and PERSONS
UNKNOWN AND TO BE ASCERTAINED**

Respondents
(Respondents/Cross-Applicants)

**EXHIBIT BOOK OF THE
APPELLANTS (Vol. 8 of 15)**

August 7, 2026

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THIS IS **EXHIBIT "G"** REFERRED TO
IN THE AFFIDAVIT OF MARIE JOSEE HOULE
SWORN REMOTELY AT THE
CITY OF CANTLEY BEFORE ME AT THE REGION OF WATERLOO
DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 15TH DAY OF AUGUST, 2025

A handwritten signature in black ink, appearing to read 'Ashley Schuitema', written in a cursive style.

ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G



FACTSHEETS ●●●●●●●●

Guide to Meaningful Engagement and Integrating a Human Rights- based Approach into Encampment Responses



Office of the
Federal Housing
Advocate

Bureau du
défenseur fédéral
du logement

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Introduction to the Resource

“A neighborhood that does not seek to meet the needs of all people, whether housed or not, is not a successful community. Too often, people living in encampments are seen as obstacles rather than as human beings” (Stakeholder).

In February 2024, the Federal Housing Advocate released her report, [Upholding dignity and human rights](#), presenting her findings and recommendations following a systemic review of homeless encampments across Canada.¹ The report highlighted that governments have human rights obligations to people living in encampments and called for the adoption of a human rights-based approach.²

This resource has been developed to provide additional guidance to governments on how they should adopt a human rights-based approach when it comes to encampment responses. It is particularly relevant for municipal decision-makers and officials, who are most often on the frontlines when it comes to encampment responses. However, it can also be used as a tool for other levels of government, service providers and advocates. Recognizing that forced evictions of encampments are a violation of human rights and that they are inherently harmful, this guide encourages municipalities to explore alternatives rooted in a human rights-based approach and to value meaningful engagement of people living in encampments. The use of a human rights-based approach, which includes people living in encampments in the design and delivery of durable solutions, is a win-win for a community. This approach not only improves the quality of life and health of people living in encampments, but it also helps to find long-term solutions that address people’s real needs.

The resource also attempts to respond to concerns expressed by people living in encampments and human rights advocates, who have noted that the language of human rights, reconciliation and consultation has been co-opted in some instances and even used to

1. The term “encampments” refers to emergency accommodations established by people who are unhoused, usually on public property or privately-owned land, and often without permission. The Advocate has chosen to use the term “homeless encampment” as the language most commonly in use for now. She recognizes, however, that the term may not reflect everyone’s reality or experience and that it differs from terms commonly used internationally, such as informal settlements. Some people refer to “tent cities” and others prefer terminology which speaks of “people living on the street”.

2. A full list of recommendations for municipalities is available at this [link](#) and for provinces and territories at this [link](#).

justify processes that cause harm. The Federal Housing Advocate is concerned about some examples she has heard about where municipalities put consultation processes in place without a willingness to change their practices or after they had already determined what the outcome will be. One example that was shared, which does not demonstrate the spirit of reconciliation with First Nations peoples, was a municipality adding territorial acknowledgement to an eviction notice.

A human rights-based approach to encampments requires commitment to a paradigm shift and to doing things differently. It is not enough to claim to adopt and to be applying a human rights-based approach; it is essential to take actions that lead to rights being protected and a real improvement in the lives of people living in encampments. This must not be limited to efforts to ensure access to adequate housing but must also include immediate measures to respect human dignity and protect lives until such time as adequate long-term housing solutions are available in sufficient quantities and adapted to meet people's needs.

This resource articulates eight key principles that are necessary to guide municipal decision-makers and staff in ensuring meaningful engagement is carried out and to implement a human rights-based approach in their encampment responses. For each principle, there is a fact sheet that identifies actions needed to put the principle into practice. It is important to note that there is not one road map that can be applied systematically to all situations. Each community is unique and every person living in an encampment has their distinct experience and needs.

Readers are encouraged to reflect individually and collectively on their role in implementing these principles and to apply the principles and actions into concrete policies, protocols, plans and laws. Adopting a human rights-based approach begins with understanding the realities and perspectives of people living in encampments and that they are rights-holders and taking action to protect safety, dignity and human rights.

When a human rights-based approach to encampment is put in place, it will build trust, encourage participation and engagement as well as empower people to contribute to solutions that will provide appropriate, accessible and adequate long-term housing solutions and services as well as measures to address their immediate needs.

It is also important to recognize that all levels of government have a role to play. Municipalities do not always have the powers, capacity and resources to address the systemic nature of homelessness and encampments across Canada. This shared responsibility requires all levels of government to support municipalities, including funding, to develop appropriate housing solutions and adapted services. However, regardless of the budgets available, it is important to remember that the starting point remains the same – genuine engagement with people living in encampments to understand their individual and collective needs is essential for a human rights-based approach. They are in the best position to determine what actions will improve their living and health conditions, and therefore to assess whether a municipality is truly implementing a human rights-based approach.

The information contained in this resource is the fruit of pan-Canadian engagement with a range of stakeholders which has continued since the Advocate launched her review of homeless encampments in February 2023. This resource builds on the perspectives of people with lived experience in encampments, advocates and municipal officials who contributed to the Advocate's review and participated in follow up engagement activities that took place between October 2024 and March 2025.

It is strongly recommended that the reader take the time to review all the information in every fact sheet to gain a full understanding of how to implement a human rights-based response to encampments. The fact sheets are not designed as a series of steps to be followed in a precise order, but as a guide to encourage deeper reflection and action to advance human rights. Individual fact sheets can also be consulted if the reader is seeking guidance to address a specific principle or situation.

The Advocate will continue to monitor the implementation of her recommendations and looks forward to continuing her work with municipalities and others that are making genuine efforts to implement a human rights-based approach to encampments.

This resource was produced to advance human rights for people experiencing homelessness and guide actions to improve the living conditions of people living in encampments. It is not a legal opinion and is not legal advice, but a guide to support a stronger commitment to meaningful engagement with people living in encampments and more effective action to put in practice a human rights-based approach in municipal encampment responses.

The Eight Principles to Guide Meaningful Engagement with People Living in Encampments

1 Understand and respect the realities of people living in encampments

Many people, including people responsible for municipal responses to encampments, make assumptions about the reality of people living in encampments without taking into account their voices, which means that the measures put in place may not adequately meet their needs. Homeless encampments exist because of the lack of adequate alternative housing options, colonialism, racism and systemic discrimination. People are choosing to live in encampments because, for most, a makeshift shelter in a public space is still often the best or only option available to them. Before proposing solutions, it is important to take time to learn about and understand their experiences and to consider that people choose to live in encampments because housing and emergency shelters are unavailable, inaccessible or do not provide the safety and security they need.

Durable solutions will only come about when the responses address the real issues and needs identified by the people living in encampments. This cannot be done without a commitment to meaningful engagement.

[Click here to go directly to the actions that will help put this principle into practice.](#)

2 Publicly recognize the human rights of people living in encampments

All governments in Canada, including municipalities, have legal obligations to respect, protect and fulfil human rights. People experiencing homelessness and living in encampments have the same human rights as everyone else in Canada.

In 2019, the *National Housing Strategy Act* reaffirmed Canada's commitment to housing as a fundamental human right and recommitted Canada to the progressive realization of the right to adequate housing as defined in the [International Covenant on Economic, Social and Cultural Rights](#). The right to adequate housing is clearly defined in

international human rights law³, and interconnected rights such as the right to life⁴ and freedom from discrimination, are part of *Canada's Charter of Rights and Freedoms*.

Explicit recognition that people living in encampments are entitled to the protection of their human rights is a critical first step to changing the conversation and moving away from enforcement approaches that have failed in the past and continue to cause harm. Forced evictions are a violation of international human rights law and inherently harmful. If a proposed action risks infringing on human rights, it must be reconsidered and an adequate alternative found that meets the needs of the people living in encampments.

Adopting a human rights-based approach to encampments aligns with Canada's human rights obligations. It provides an alternative to enforcement approaches which criminalize people for experiencing homelessness and cause further harm. It also provides a framework to understand and address the systemic nature of homelessness in Canada and design and implement long-term solutions to realize the human rights of people living in encampments.

A human rights-based approach to encampments is focused on finding sustainable solutions that will provide access to adequate housing. It ensures that all policies and plans to support people living in encampments are designed following meaningful engagement and implemented in compliance with international human rights standards. In the absence of concrete possibilities to be adequately rehoused, a human rights-based approach requires taking immediate actions to protect the human rights of people experiencing homelessness, including the right to life and making available services that meet their fundamental needs.

[Click here to go directly to the actions that will help put this principle into practice.](#)

3. See the Committee on Economic, Social and Cultural Rights general comments [No. 4 \(1991\) on the right to adequate housing](#) and No. 7 (1997) on forced evictions.

4. See the Committee on Civil and Political Rights' [general comment 36 on the right to life](#), Article 26 which states: "The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include high levels of criminal and gun violence, pervasive traffic and industrial accidents, degradation of the environment, deprivation of indigenous peoples' land, territories and resources, the prevalence of life-threatening diseases, such as AIDS, tuberculosis and malaria, extensive substance abuse, widespread hunger and malnutrition and extreme poverty and homelessness."

3 Recognize and uphold the rights of First Nations, Inuit and Métis Peoples living in encampments

As a direct result of colonization and displacement, First Nations, Inuit and Métis people are acutely over-represented in Canada's population of people experiencing homelessness and living in encampments. Encampment responses must integrate the rights found in the *United Nations Declaration on the Right of Indigenous Peoples* (UNDRIP). Métis, Inuit, and First Nations governments must be supported in managing and implementing housing solutions that reflect self-governance and community-specific needs.

Urban Indigenous populations are over-represented in encampments and face distinct housing challenges, including inadequate access to culturally appropriate services as well as systemic barriers to affordable housing. It is critical to establish dedicated financial mechanisms to bridge jurisdictional gaps and provide sustainable housing solutions for Indigenous communities regardless of where they live.

[Click here to go directly to the actions that will help put this principle into practice.](#)

4 Build and maintain the trust of people living in encampments

Meaningful engagement with people living in encampments is an essential component of a human rights-based approach and a necessary step in finding sustainable housing solutions. It must be built upon relationships of trust that demonstrate transparency, accountability and integrity. All too often, people living in encampments have been asked for their opinions, but their ideas were not taken into consideration. Engagement processes that are sincere and focus on the real interest of people living in encampments help to establish and strengthen bonds of trust.

Meaningful engagement takes time and requires the investment of resources. To achieve this, it is essential to provide people living in encampments with the support they need to overcome obstacles to their participation in engagement processes and to ensure they see that their voice has a real impact.

When such engagement processes are implemented authentically with genuine intention to bring about positive change, it leads to concrete solutions that respect the rights of people living in encampments— instead of band-aid fixes that waste time

and taxpayer money, and further harm the people affected. Meaningful engagement with people living in encampments requires a proactive approach to involve them in finding solutions that can pre-empt community concerns.

If no individuals from encampments wishes or is able to participate meaningfully in an engagement process, it is crucial to examine the reasons for this. Was the process authentic? Was it implemented with integrity? Was every effort made to create truly accessible spaces and to ensure that the interests of people living in encampments were represented effectively? Did their perspectives inform decisions?

[Click here to go directly to the actions that will help put this principle into practice.](#)

5 Provide services adapted to the needs and realities of people living in encampments

People living in encampments do not have access to the same basic services as those who are living in adequate housing, particularly in terms of protections from the elements, access to potable water and waste collection for example. They face challenges accessing the care they need to protect their physical and mental health, including harm reduction supports to save the lives of people who use substances. Although in Canada the recording of mortality rates for people experiencing homelessness is inconsistent or even absent in several provinces, research demonstrates that the difficult living conditions experienced by people experiencing homelessness are clearly a risk factor for mortality.⁵

To save lives and uphold the dignity of people living in encampments, it is critical to also advance the right to health of people living in encampments, ensuring that the services are available to address their fundamental and complex mental and physical health needs of people.

[Click here to go directly to the actions that will help put this principle into practice.](#)

5. Roncarati, J. S., Baggett, T. P., O'Connell, J. J., Hwang, S. W., Cook, E. F., Krieger, N., & Sorensen, G. (2018). Mortality among unsheltered homeless adults in Boston, Massachusetts, 2000–2009. *JAMA Internal Medicine*, 178(9), 1242. <https://doi.org/10.1001/jamainternmed.2018.2924> ; Roncarati, J. S., O'Connell, J. J., Hwang, S. W., Baggett, T. P., Cook, E. F., Krieger, N., & Sorensen, G. (2020). The use of high-risk criteria to assess mortality risk among unsheltered homeless persons. *Journal of Health Care for the Poor and Underserved*, 31(1), 441–454. <https://doi.org/10.1353/hpu.2020.0032>

6 Facilitate participation in decision-making of people living in encampments

Excluding people living in encampments from decision-making processes perpetuates their marginalization and undermines their right to autonomy. This kind of exclusion undermines trust and compromises efforts to build meaningful relationships.

It is important that engagement processes begin as early as possible and that they be ongoing to facilitate the participation of people living in encampments. They must be included in decision-making processes concerning policies, programs, practices and laws that affect them. Their perspective must be taken into account in the decisions that directly influence their own lives if we are to achieve real sustainable solutions.

[Click here to go directly to the actions that will help put this principle into practice.](#)

7 Support the self-determination and autonomy of people living in encampments

Encampment responses should be designed to uphold the dignity of people living in encampments as well as their autonomy to be part of decisions that affect their lives. Consultations are a mere formality when decisions have already been made, making it clear to encampment residents that their input is not important. It is critical to stop instrumentalizing people living in encampments solely to satisfy consultation requirements. It is important to remember that people living in encampments are able to think critically and have the ability to organize and make decisions about their own lives.

It is also important to put in place measures which help to empower and build the confidence of people living in encampments by, for example, supporting their shared responsibility for managing and maintaining their encampment. This can enhance a sense of belonging in the community, provide stability, and can be an important step in a person's journey to adequate housing.

[Click here to go directly to the actions that will help put this principle into practice.](#)

8 Continue to work towards long-term adequate housing solutions

Encampments are not a solution to the housing and homelessness crisis. Municipal efforts must continue to prioritize adequate housing that meets the international standard for security of tenure, availability of services, affordability, habitability, accessibility, location and cultural adequacy⁶ at the same time as efforts are undertaken to protect the human rights of people living in encampments.

To adopt a human rights-based approach, it is essential for municipalities to quickly establish services that meet the immediate needs of people living in encampments and protect their lives and dignity. They must also continue to fully mobilize their own resources to facilitate access to adequate housing, along with the necessary and desired support services. It is important that municipalities continue their advocacy with other levels of government to secure funding to achieve these ends. People should not be forced or required to go to an emergency shelter before being considered for a permanent and adequate housing solution.

[Click here to go directly to the actions that will help put this principle into practice.](#)

6. The Right to Adequate Housing, UN Habitat Fact Sheet 21, https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf

Human Rights, Indigenous Rights and a Human Rights-Based Approach⁷

The Human Rights of People Living in Encampments

According to the former Special Rapporteur on the Right to Adequate Housing, Leilani Farha:

“Homelessness is a profound assault on dignity, social inclusion and the right to life. It... violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.”⁸

With the 2019 *National Housing Strategy Act*, recognition of the right to adequate housing, as defined in international human rights law, is now also explicitly enshrined in domestic federal law.

The right to adequate housing is more than four walls and a roof. Adequate housing under international law⁹ includes:

- **Security of tenure:** Housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.
- **Availability of services, materials, facilities and infrastructure:** Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage and refuse disposal.

7. For a more detailed description of human rights and legal obligations, see Flynn, A., Kiiwetinepinesik Stark, H., Van Wagner, E., 2024, Encampments and legal obligations: Evolving rights and relationships. The Office of the Federal Housing Advocate.

8. Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing: 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, UN Doc. A/HRC/43/43, UN Human Rights Council (2019), para. 30 [Guidelines for the Implementation of the Right to Adequate Housing].

9. The Right to Adequate Housing, UN Habitat Fact Sheet 21, https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf

- **Affordability:** Housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights.
- **Habitability:** Housing is not adequate if it does not guarantee physical safety and provide adequate space as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
- **Accessibility:** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
- **Location:** Housing is not adequate if it is cut off from employment opportunities, healthcare services, schools, childcare centres and other social facilities, or if it is located in polluted or dangerous areas.
- **Cultural adequacy:** Housing is not adequate if it does not respect and take into account the expression of cultural identity.

It is important for municipalities and municipal actors to recognize that forced evictions¹⁰ of encampments make people more unsafe and expose them to a greater risk of violence and harm a person's safety, health, dignity and may even cost them their life. Evictions destabilize people, remove them from their support systems, and cause them to lose the tools and equipment they need to survive.

International human rights law also prohibits measures that would arbitrarily and unnecessarily deprive individuals of housing, including temporary or informal shelters such as encampments.¹¹ The prohibition of forced evictions requires that individuals and communities be relocated only after adequate consultation. People should not be displaced without somewhere to go. They should not be expected to move to a situation that results in worse conditions or diminished access to services. For example, if they have access to toilets in their current location, they should have similar access if another location is being

10. To better understand the prohibition on forced evictions under international law, see Principle 3 in the [National Protocol for Homeless Encampments in Canada](#), Leilani Farha and Kaitlin Schwan, 2020.

11. The obligation of States to refrain from, and protect against, forced evictions from homes and land arises from several international legal instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the International Covenant on Civil and Political Rights (art. 17, 23 and 27) the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination Against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination. In its resolution 1993/77, the Commission on Human Rights stated that the "practice of forced eviction constitutes a gross violation of human rights, in particular of the right to adequate housing." <https://www.ohchr.org/en/special-procedures/sr-housing/forced-evictions>

proposed. A short-term offer of an emergency shelter bed is not enough to not meet the requirements of adequate housing.

Relocation without consent must be limited to exceptional circumstances. When individuals or communities do not consent to be relocated because the proposed alternatives do not meet their real needs, municipalities have an obligation to be transparent and demonstrate to the people living in the encampment, to their advocates and to the public that the relocation is genuinely necessary, that all options have been explored and that the actions being taken respect human rights principles. If it is determined that an eviction is justified, it should only take place with a clear, long-term plan for where people will go during both the night and daytime, a strategy for how they will move, and a plan for equivalent or improved shelter and services.

Furthermore, it is important to note that forced evictions include evictions by coercion. One thing commonly reported by unhoused people is being told that if they do not accept a certain shelter or other housing option they believe is unsafe or unsuitable for them, they will be blacklisted from future housing offers (including of permanent housing). Similarly, people are frequently told if they do not take certain offers, their shelters will be destroyed, and they will be forced to live without shelter.

Governments must also accept that people living in encampments are entitled to defend their human rights, and they should have access to legal aid and the support of community advocates in doing so. Making available legal aid, support from community advocates and independent monitors can reinforce respect for rights and demonstrate a willingness to act with transparency and compassion.

It is also important not to assume that a space in an emergency shelter or other temporary accommodation is necessarily a better solution for someone living in an encampment. Spaces in emergency shelters do not offer security of tenure and may be inaccessible or unsafe for many people. They do not always take into account the cultural needs of Indigenous people and can be unsafe for women and members of the LGBTQIA2S+ community. Emergency shelters should not be seen as a mandatory step before someone can access permanent and adequate housing. People have the capacity to transition directly to permanent housing without going to a shelter first. This underlines the need to assess the individual and collective needs of people living in encampments and to avoid putting in place obstacles to their social integration and ability to access adequate housing.

This resource aims to better equip municipalities to respect the human rights of people living in encampments and to provide a framework of intervention that recognizes them as rights holders with the autonomy to act and make decisions about their own lives. It identifies actions that are needed right away to protect the lives, dignity and human rights of people living in encampments. It also encourages all levels of government to continue efforts to progressively realize the right to adequate housing and ensure that appropriate services are available for everyone.

The Rights of Indigenous Peoples

The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) identifies “the minimum standards for the survival, dignity and well-being of Indigenous peoples of the world.” (Art. 43) The following UNDRIP articles are particularly relevant:

- **Article 10** prohibits forced removal of Indigenous Peoples from their lands or territories.
- **Article 20** guarantees Indigenous Peoples’ right to their own means of subsistence and development;
- **Article 21** guarantees the right to the improvement of economic and social conditions, including housing;
- **Article 23** guarantees the right to determine and administer programs and services, including housing; and
- **Articles 26–28 and 32** set out Indigenous Peoples’ right to own, use, develop and control their traditional lands, territories and resources, the requirement that states recognize Indigenous land tenure systems and the right to redress and compensation for the occupation, use or development of Indigenous territories without their free, prior and informed consent.

On June 21, 2021, the Parliament of Canada enacted the *UN Declaration on the Rights of Indigenous Peoples Act* (UNDA), which commits the federal government to achieving full implementation of UNDRIP, including by ensuring that federal laws, regulations and policies are consistent with its requirements. The government of British Columbia had previously adopted provincial legislation with similar requirements and intent.

Indigenous homelessness is not only defined by the lack of stable, permanent and adequate housing, but also by the separation of people's relationship with land, water, region, family, fellow human beings, others, animals, cultures, languages and identities.¹² It is crucial to recognize that First Nations people have been dispossessed of their land, and thus their experience of "home" is felt differently than that of non-Indigenous people. Indigenous homelessness is part of the legacy of this dispossession, discrimination and colonial laws and policies such as the *Indian Act*, residential schools and child welfare legislation.

A Human Rights-Based Approach

Adopting a human rights-based approach to encampments aligns with Canada's human rights obligations and provides a framework for understanding and addressing the systemic nature of homelessness in Canada and designing and implementing long-term solutions to realize the human rights of people living in encampments.

As the name suggests, a human rights-based approach requires a commitment to upholding and being accountable for all human rights for all people, without discrimination. It is also founded on the principles of participation, empowerment and accountability and requires the investment of time and resources in ensuring meaningful engagement with people living in encampments.

A human rights-based approach does not criminalize people experiencing homelessness. It takes care to ensure that responses do not inflict additional harm on people living in encampments. It respects autonomy and choice and attempts to meet people where they are and to support them in accessing adequate housing while respecting their dignity, autonomy and human rights.

A human rights-based approach and an approach that respects Indigenous rights in encampments must also be complemented by Gender-based Analysis Plus (GBA Plus), cultural safety and trauma and violence-informed approaches.

Gender-based Analysis Plus (GBA Plus)¹³ is an intersectional analytical tool used to support the development of responsive and inclusive policies, programs and other initiatives. GBA Plus goes beyond biological (sex) and sociocultural (gender) differences to consider

12. Aboriginal Standing Committee on Housing and Homelessness. (2012). Plan to End Aboriginal Homelessness in Calgary. University of Calgary. <https://homelesshub.ca/resource/plan-end-aboriginal-homelessness-calgary/>

13. Gender-based Analysis Plus (GBA Plus). WAGE. <https://www.canada.ca/en/women-gender-equality/gender-based-analysis-plus.html>. Published February 21, 2025.

other factors, such as age, disability, education, ethnicity, economic status, geography (including rurality), language, race, religion and sexual orientation.

Cultural safety¹⁴ is the result of a respectful engagement that recognizes and strives to address power imbalances inherent in public systems. It results in an environment free of racism and discrimination where people feel safe when receiving healthcare.

A trauma and violence-informed approach¹⁵ requires changes in the way we engage with people living in encampments and how systems are designed. It is crucial in such an approach to understand and recognize the influence and impact of our actions on their lives and behaviour and to create spaces that are both psychologically and physically safe. It is also important to create opportunities where people living in encampments can choose, collaborate and strengthen their capacities. A table of the values and principles of a trauma-informed approach is available for reference.

14. Common Definitions on Cultural Safety: Chief Public Health Officer Health Professional Forum. (June 20, 2023). <https://www.canada.ca/en/health-canada/services/publications/health-system-services/chief-public-health-officer-health-professional-forum-common-definitions-cultural-safety.html#a4%60>. For more information: First Nations of Quebec and Labrador Health and Social Services Commission. Cultural Safety: A Human Rights Issue. <https://cssspnql.com/en/cultural-safety-a-human-rights-issue/>. Published December 6, 2024.

15. Public Health Agency of Canada. Trauma and violence-informed approaches to policy and practice. <https://www.canada.ca/en/public-health/services/publications/health-risks-safety/trauma-violence-informed-approaches-policy-practice.html>. Published February 2, 2018.



FACTSHEET 1/8

Actions to Understand and Respect the Realities of People Living in Encampments

“There is too much racism and discrimination, and government officials do not understand the needs of people living in encampments who struggle day by day just to survive without a roof over their heads. Their encampments are dismantled or destroyed over and over again, which prevents trust from being built between city officials and people living in encampments”. (Stakeholder)

A. Recognize that encampments are the result of numerous systemic failures.

B. Recognize that it is important to treat people living in encampments with dignity and to respect the spaces and homes they have made for themselves. In many communities, there are not enough shelter beds that are accessible and adapted to their specific needs. Most people living in encampments would prefer to have access to adequate housing, but they face many barriers due to the cost of housing, the lack of services adapted to their needs and the discrimination they face on a daily basis.

C. Recognize that there are significant power imbalances between encampment residents and the service providers, governments, and housed residents who have decision-making influence over most of the resources on which they depend to meet their basic needs. Decisions made about the enforcement of bylaws which may seem minor to those making the decision can have important consequences and make it more difficult for people living in encampments to access what they need to improve their situation.

👉 **Example:** Facilitate the work of independent organizations and advocates to support people living in encampments to actively participate in and influence decision-making processes. Community organizations and advocates can develop a strong bond of trust with people living in encampments and play an important role in ensuring their meaningful engagement and ensuring conditions for more effective collaboration. Ensure people living in encampments have access to legal representation, through legal aid or other means, to defend their human rights when needed, and explore opportunities for restorative justice when harms have occurred.

D. Recognize that people living in encampments are experts in their reality and are best placed to assess their needs. They are best placed to identify their needs for survival and priorities for improving their physical and mental health. They should be permitted to make decisions and take the necessary steps to protect themselves from the elements and not be at the mercy of bylaws written without input from people who have lived outdoors.

E. Recognize that the housing alternatives being offered may not be human rights compliant or meet the definition of adequate housing. People experiencing homelessness have shared with the Federal Housing Advocate their concerns about housing alternatives they were offered that had serious issues related to their health and safety (e.g., violence, discrimination, bug infestations) and institutional rules that infringed on their dignity and personal autonomy (e.g., curfews, restrictions on visitors and the ability to move about).

F. Recognize that current emergency shelters and transitional housing may pose greater risks for some people, specifically, women and people from the 2SLGBTQI+ community, who may face increased danger in shelters or transitional housing than they would living on the street or in an encampment. Emergency shelters and transitional housing also do not provide any security of tenure.

G. Recognize that First Nations, Inuit and Métis people may have a strong desire to avoid interactions with systems that have been historically oppressive and discriminatory (e.g., residential schools, child welfare system).

H. Recognize that restrictions on daytime camping and forced evictions create instability and insecurity for people living in encampments. These coercive measures create additional hardships for people experiencing homelessness and can have serious repercussions on their physical and mental health.

I. Recognize that some people living in encampments build a community that provides them with support; ensure that actions do not break relationships with this community, which includes peers, partners, companion animals and others. It is important to guard against uprooting people from their community and ensure the continuity of support and services that they need to prevent them from returning to the street.

J. Recognize that people living in encampments are resilient in the face of systemic neglect, and they must focus their daily energy on meeting their basic needs.

👉 **Example:** People living in encampments will not always be available or able to participate in activities according to the proposed schedule or programs made available to them. Take the time to adapt approaches to their daily reality, and ensure that the timing of interventions does not get in the way of their ability to fulfill their basic needs.

K. Recognize that people living in encampments also need rest during the day. There must be spaces made available specifically for them with basic services.

L. Recognize that people living in encampments will live in public space as long as no suitable alternatives are offered that provide decent, permanent and accessible housing. Municipal plans must strive to understand the reasons why these individuals are using public space and take steps to protect their fundamental human rights.

M. Recognize that people living in encampments choose places to settle where they can best meet their needs to have some privacy, to feel safe and to secure and store their personal belongings. Displacing people and policing where they can erect their tent can make it more difficult to stabilize their situation and improve their well-being.

N. Recognize that most people living in encampments are affected by trauma, and it is essential to ensure a trauma- and violence-informed¹ response.

O. Recognize that people living in encampments may avoid engagement out of fear that participation could expose them to racism, ableism, eviction or surveillance.

P. Recognize the importance of raising awareness, and inform the public about the reality of people living in encampments and the systemic issues that prevent their rights from being respected and fulfilled.

👉 **Example:** Encourage the public to contact a community organization offering social mediation services and established links to people living in encampments rather than the police if they need support in addressing a concern or conflict between housed and unhoused residents.

1. Trauma- and violence-informed approaches are policies and practices that recognize the connections between violence, trauma, negative health outcomes and behaviours. These approaches increase safety, control and resilience for people who are seeking services in relation to experiences of violence or have a history of experiencing violence. For more info, see [the Public Health Agency of Canada website](#).



FACTSHEET 2/8

Actions to Recognize and Respect the Human Rights of People Living in Encampments

“We don’t believe that involving people in dismantling the encampment where they live should be considered a good practice. Encampments should be tolerated and people supported until there are adequate and appropriate options to offer.” (Stakeholder)

A. Formally recognize that people living in encampments are rights holders in all strategies, policies, declarations and laws. They have the same human rights as everyone else in Canada, and all governments must publicly commit to upholding international and Canadian human rights norms in all responses to homeless encampments.¹ Strategies, policies, declarations and laws that address encampments must be human rights compliant and should be co-developed with people living in encampments to ensure they address their real needs and cause no harm. Action plans and strategies to advance Indigenous rights should be developed with local Indigenous leaders and Indigenous people living in the encampment.

👉 **Example:** Prior to putting place policies, protocols, plans and laws, seek independent advice to review drafts and identify any gaps in compliance with human rights norms as well as Indigenous rights and traditions. If a proposed action might infringe on human rights, it must be reconsidered and not implemented.

B. Mobilize maximum available resources to ensure that everyone can enjoy the right to adequate housing without discrimination.

C. Recognize that the forced dismantling of encampments and other repressive strategies of control and surveillance are harmful to the physical and mental health of people living in encampments.

D. Recognize that the forced dismantling of encampments and other repressive strategies of control and surveillance are harmful to the physical and mental health of people living in encampments.

E. Draw up concrete action plans that respect human rights principles to help people living in encampments find permanent and adequate housing, and ensure follow through. Whatever type of housing is proposed as an alternative to living in an encampment, it must respect the seven elements which make up the international definition of the right to adequate housing² to guarantee dignified and sustainable conditions.

F. Ensure people living in encampments have access to legal representation, through legal aid or other means, to defend their human rights when needed.

G. Put in place urgent and concrete measures to respect and protect the rights of people living in encampments to live in dignity, to the highest attainable standard of physical and mental health, to privacy and to protection from arbitrary seizure of their belongings.

👉 **Example:** Coordinate and organize a day with stakeholders and service providers from the community, the public and the municipal sector to offer multiple services directly in the encampment or in the vicinity.

H. Put an end to bylaws and regulations that criminalize and marginalize people experiencing homelessness for occupying public space. Put an end to practices which result in the destruction or confiscation of personal belongings. Such measures make people living in encampments feel more insecure and can lead to a violation of their human rights, including the right to life.

👉 **Example:** Review current bylaws and regulations in consultation with people with experience living in encampments, and revoke those that criminalize people experiencing homelessness or are used disproportionately against people living in encampments.³ Do not seize the belongings people need for survival.

I. Put in place permanent, effective and accessible accountability mechanisms that are accessible and have simplified procedures for people living in encampments to file complaints about harassment, intimidation and non-respect of human rights or existing policies and protocols. Ensure access to legal aid and provide timely responses and genuine follow-up.

👉 **Example:** Appoint an independent person or instance with the power to act who can represent the interests of people living in encampments. Provide education and resources to people living in encampments so they can voice their concerns to actively promote and defend their human rights.

J. Support people living in encampments to take part in the decisions that concern them and respect their right to decide what is best for them and their security. No alternative should be imposed or actions taken that will worsen their situation. See the actions under Principle 8 for more details.

K. Use existing human rights-based resources to inform responses and strategies to support people living in encampments.

👉 **Example:** Review these resources and others and consider how you can change your policies, protocols and plans:

- [Upholding Dignity and Human Rights: The Federal Housing Advocate's Review of Homeless Encampments](#)
- [Encampments and legal obligations: Evolving rights and responsibilities](#)
- [National Protocol for Homeless Encampments in Canada](#)
- [Homeless Encampments: Municipal Engagement Guidance](#)

L. Dedicate sufficient financial resources to ensure meaningful engagement with people living in encampments.

👉 **Example:** When developing budgets, ensure specific allocations are available to support engagement with people living in encampments and local Indigenous leaders. Budgets should include amounts for honoraria, food and beverages, transportation and other needs that may be identified by people living in encampments.

M. Immediately halt practices which traumatize and destabilize people living in encampments, including forced evictions, dismantling encampments and violence.

👉 **Example:** Put in place policies based on respect for human rights, and provide training to prevent micro-aggressions, such as denigration of particular groups, intimidation, harassment and the destruction of personal belonging required for survival, including items used for drug consumption.

N. Abolish hostile architecture and urban planning practices designed to prevent people experiencing homelessness from sitting, sleeping or taking shelter in the public space, as these contribute to the daily challenges they face and hinder their survival capabilities.

👉 **Example:** Involve people living in encampments in the design of urban renovation projects to ensure solutions meet the needs of all people using public space, as they know their environment and needs. For example, a municipality can make a heated bus shelter available so people can protect themselves from cold weather.

1. For more details, see Upholding dignity and human rights: The Federal Housing Advocate's Review of Homeless Encampments and the [National Protocol for Homeless Encampments in Canada](#)

2. [UN Habitat Fact Sheet No. 21, The Right to Adequate Housing](#)

3. In the last 30 years, new or revised anti-homeless laws have been enacted across Canada targeting the presence and survival activities of homeless people in public spaces. The offence types include: panhandling, loitering, obstructing, salvaging/scavenging, resting/sleeping and disorder. Hermer, J., & Fonarev, E. (2020, July 12). Neo-Vagrancy Laws in Canada. Retrieved from: <http://covid19-phi.ca/>



FACTSHEET 3/8

Actions to Recognize and Respect the Rights of First Nations, Inuit and Métis Peoples

*"We protect ourselves and others."
(Indigenous person living in a camp)*

A. Recognize, respect and protect the distinct rights of Indigenous people in all contacts with encampment residents.

B. Recognize their rights to self-determination and self-governance and cease applying colonial regulations and laws to control or criminalize them.

C. Work with local Métis, Inuit and First Nations governments to design and implement housing solutions that reflect self-governance and community-specific needs.

D. Recognize that First Nations, Inuit and Métis people may have a strong desire to avoid interactions with colonial systems that have been historically discriminatory and oppressive (e.g., police, emergency shelters and health care facilities).

E. Recognize the systemic oppressions that have undermined the confidence of Indigenous people in colonial institutions and practices.

👉 **Example:** Hire more Indigenous workers to support Indigenous people living in encampments, and ensure the adoption of cultural safety in all activities.

F. Implement the [calls to action of the Truth and Reconciliation Commission](#) and the calls to justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls.¹

G. Ensure that the meaningful engagement with Indigenous people living in encampments is Indigenous led to promote genuine dialogue guided by “mutual respect, good faith and the sincere desire to reach agreement.”

H. Work with Indigenous entities to co-develop engagement processes with Indigenous people, particularly Indigenous individuals living in the encampment, to ensure that the processes recognize Indigenous rights, are culturally appropriate and result in meaningful engagement.

👉 **Example:** Collaborate with local friendship centres and other Indigenous-led groups that provide essential services and a safe and secure environment to the Indigenous population.

I. Engage with representatives chosen by Indigenous individuals in the encampment, in accordance with their own procedures and practices.

J. Work with higher orders of government to ensure sufficient funding assistance for urban Indigenous populations.

K. Provide resources to ensure the meaningful participation Indigenous people living in encampments.

L. Respect and implement Indigenous protocols and decision-making processes in responding to encampments inhabited by Indigenous people.

👉 **Example:** Facilitate the visits of Elders to the tent city as often as possible to talk about traditional medicines and well-being, and enable Indigenous people living in encampments to have Sacred Fires. Elders should be people trusted by the people living in encampments and ideally come from the host First Nation.

For many First Nations, it is appropriate to offer tobacco when meeting with Elders, but it is important to research and understand the Indigenous protocols in your area. Elders should also be offered a stipend to cover travel and other costs.

M. Ensure Indigenous-led housing solutions by financing and endorsing Indigenous organizations, such as friendship centres, to be key actors in encampment responses.

N. Ensure that municipal policies distinctly acknowledge and address the housing and homelessness needs of urban Indigenous populations independently from on-reserve initiatives.

1. In particular, implement the housing-related recommendations in [Section 4 – Calls for Justice for All Governments: Human Security](#).



FACTSHEET 4/8

Actions to Build and Maintain the Trust of Encampment Residents

“Start with small actions that build trust, like keeping a promise. Don’t just show up one day and say you’re suddenly going to listen and be respectful after not doing so before.” (Person living in an encampment)

A. Take the time to build relationships with people living in encampments, understanding that their communication methods may be different. Recognize that they have to prioritize just meeting their daily needs because of the inadequacy of the services that are available and adapted to their needs.

👉 **Example:** Plan engagement activities keeping in mind the schedules and needs of people living in the encampment.

B. Take the time to get to know the people living in encampments, and ask if and when they are available and willing to discuss the subjects you want to talk about. Avoid making assumptions.

👉 **Example:** Always ask permission to start a conversation, and confirm that the person you want to speak with is also comfortable speaking with you before you begin. Understand some people may have challenges expressing themselves or have more pressing priorities.

C. Recognize that people living in encampments bear the consequences of systemic failures and injustice and that they may express strong emotions and frustration stemming from feelings of being trapped and the absence of solutions that meet their needs and respect their right to housing.

👉 **Example:** Take time to listen. Use compassion, empathy and patience to get people to open up and express themselves. Prioritize the issues that people living in encampments have identified as urgent to improve their physical and mental health.

D. Welcome people where they are and demonstrate your interest in their reality. Create opportunities where they can express themselves freely without fear of consequences. Avoid assumptions about their capacity and what they need.

👉 **Example:** Pay close attention to the sense of attachment and belonging that individuals have to their surroundings and living space, as well as the reasons that lead them to choose one place over another.

E. Foster authentic and lasting relationships by centring interventions that support the well-being of people living in encampments, addressing their expressed and prioritized needs and offering solutions tailored to their individual and collective situations.

👉 **Example:** Ask permission before entering a person's living space, and offer resources or services that can improve their living conditions, such as lockers to store personal belongings and reduce the risk of theft and back injuries from continuously carrying a heavy load of their possessions.

F. Ensure interactions with people living in encampments are grounded in the principles of active listening, respect, cultural sensitivity, transparency and non-judgment, regardless of conditions or choices.

👉 **Example:** Avoid stigmatizing remarks towards people living in encampments, even when they are not present, as this will harm trust and collaboration. Do not define the person by their situation.

G. Provide resources for people living in encampments to ensure that they can defend their human rights, and act quickly in case of harm.

👉 **Example:** Create simplified guides on the human rights of people in encampments that clearly outline international and domestic human rights obligations and any guidelines established by the municipality to respect them. Appoint an individual with the authority to respond quickly to the concerns of people living in encampments.

H. Try to ensure continuity within the teams working with people living in encampments to ensure consistency of approach, build confidence and reinforce stability.

I. Ensure there is follow-up on the commitments made to people living in encampments. Making realistic commitments and avoiding the creation of false expectations will strengthen trust.

👉 **Example:** Municipal employees can provide their contact details so that people living in encampments can request information and resources or follow up on a request for support.



FACTSHEET 5/8

Actions to Provide Services Adapted to the Needs and Realities of People Living in Encampments

"I get judged in the street, so how can anyone take what I have to say seriously? It's hard when you don't have access to basic dignity and basic needs, and it's hard to want to get involved when you don't believe you'll be heard and accepted."
(Person living in an encampment)

A. Take immediate measures that will protect the right to life and the dignity of people living in encampments, including installing and making accessible essential facilities and services such as clean drinking water, sanitation, showers, cooking facilities, recharging stations, secure storage and waste collection.

👉 See the [list of essential services](#) developed by the National Working Group on Homeless Encampments.

B. Provide support to improve the physical and mental health of people living in encampments as required and on a consent basis. When services cannot be provided on site, provide resources to facilitate travel and access to the needed resources.

👉 **Example:** Offer healthcare services directly in encampments for individuals and veterinary care for their pets. Providing care for pets helps people living in encampments maintain their bond with their animals, reduce the distress of losing them and learn to take better care of themselves¹

C. Consider creating zones where encampments are tolerated or even accepted without forcing people to occupy them and without criminalizing them for not doing so. If these zones are created, they should respect human rights principles and adhere as much as possible to the criteria outlined in the definition of adequate housing: security of tenure from the threat of forced evictions; habitability (e.g., protection from the elements, privacy); location (e.g., land free from hazards and pollution); availability of services (see the list of essential services); and cultural adequacy.

D. Work with people living in encampments to find solutions to issues that they raise about their site.

Make sure you fully understand the concerns people have about their encampment, and explore options with them for improving their situation.

☞ **Example:** If your municipality has a telephone or online help line, ensure that it is accessible and that operators are equipped to respond to issues raised by encampment residents.

E. Support harm reduction practices for people using substances in encampments by providing services and access to a safe supply program and by developing action protocols with them to save lives and mitigate the risk of substance-related overdoses.

F. Take steps to ensure emergency shelters and drop-in centres are barrier-free and accessible 24/7 and that there are enough resources available to meet the needs of those wishing to use them.

G. Ensure sustained funding for community-based services and initiatives that adopt a human rights-based approach to providing support for people living in encampments.

H. Respect the right of people living in encampments to refuse the services offered to them, and try to understand the systemic issues that may have caused them to refuse.

☞ **Example:** Take the time to understand their refusal and use the opportunity to reflect on how you can improve services and ensure they are adapted to the needs of the people living in encampments.

I. Ensure accountability for respecting and protecting human rights and avoid repressive and coercive practices.

☞ **Example:** When there is a concern about garbage in an encampment, make resources available for the clean-up. Ensure the people living there are involved and alternatives are put in place to protect the belongings of people living in the encampment.

J. Ensure effective communication, coordination and collaboration between services and stakeholders, and ensure people living in encampments have a clear explanation of the roles of municipal actors and service providers.

☞ **Example:** Collaborate with respected community leaders chosen by people living in the encampment to facilitate sincere dialogue and collaboration in the best interests of people living in encampments.

K. Demonstrate transparency, consistency and fairness to reduce any potential for confusion and misunderstanding that can undermine trust and the ability to engage people living in encampments.

L. Provide training to raise awareness of human rights among people living in encampments.

☞ **Example:** Create collective or individual opportunities to build capacity to help people living in encampments defend their rights. Provide the necessary conditions for them to participate (e.g., familiar and accessible locations, healthy snacks, remuneration, access for pets and secure storage for personal belongings).

M. Provide training to decision-makers, police and intervention teams on human rights and Indigenous Rights, Gender-based Analysis Plus (GBA Plus), cultural safety and trauma- and violence-informed approaches.

☞ **Example:** Develop training tools with people living in encampments, and value their participation in the programs.

N. Ensure people living in encampments are able to protect themselves during difficult weather conditions.

☞ **Example:** Prepare for weather emergencies, and put in place emergency resources that can help people obtain clothing, equipment and access places that are dry, warm or cool during extreme weather conditions.

O. Ensure that the support services needed to improve the health and well-being of people living in encampments are available when they are needed and that transportation is not an additional barrier to accessing services.

☞ **Example:** Provide clear information on available services and their schedules by providing 24/7 street workers and a telephone line, making a public touch-screen accessible and increasing internet access for research.

P. Identify individual and collective needs regarding living conditions, safety, services and housing in order to offer tailored solutions to each person living in an encampment while respecting and preserving their social ties and sense of belonging.

☞ **Example:** Ensure the housing options offered allow people to maintain their relationships in the community. A small-scale rooming house might allow them to maintain their social network.

1. Leblanc C, Morin P. The Pet, an important ally for people living on the streets. International Journal on Homelessness.
<https://doi.org/article/f6809776b08c4e3285947fb3e60305de>



FACTSHEET 6/8

Actions to Facilitate Participation in Decision-Making

"I couldn't even properly form sentences without having to sit down and take a break to let my brain catch up with what I was trying to express, which made it nearly impossible to clearly explain what I wanted to say. Being in a bad situation and dealing with severe mental health issues caused by a multitude of factors can make it almost impossible to communicate." (Person living in an encampment)

A. Understand the individual and collective realities of people living in encampments in order to create consultation and engagement processes adapted to their needs, and provide the supports and environment they need to be able to express themselves.

👉 **Example:** Provide nourishing food, clean clothes, access to a shower, the necessary electronic equipment and supports to help people to prepare to participate in meaningful engagement. It is also important to use a variety of methods of expression, including written, oral and artistic. Include options for individual as well as group activities to ensure everyone has a chance to contribute based on their capacity and needs.

B. Consult and involve the people living in encampments from the beginning in the planning, implementation and monitoring of services in the encampments (toilets, showers, food distribution, health services, etc.), and involve them in decisions regarding how funds are allocated and spent on encampments and homelessness services.

👉 **Examples:** Elected officials should meet with people living in encampments either on-site or in spaces where they will feel comfortable (e.g., the office of a trusted community organization that provides them with services). Work with trained mediators and facilitators who can help create the right conditions for effective dialogue.

C. Offer people real choices and provide them the opportunity to make informed decisions.

👉 **Example:** If housing becomes available, take the time to explain the options. What is the space that is available and for how long, and what rules, if any, might apply? Allow people to visit the space and take the time to consider the consequences for themselves. People should not be forced to make choices under threat of eviction and of confiscation or destruction of their personal belongings.

D. Ensure that the voices of people living in encampments are considered with the same value as other stakeholders involved in decisions.

👉 **Example:** Organize an event that includes both people living in encampments, the local population, as well as community, public and governmental actors while ensuring the reduction of power imbalances. [See the guide for integrating people living in encampments into events.](#)

E. Recognize the contributions of people living in encampments and their input into the policy-making process by compensating them for the time they contribute to engagements and ensuring follow up on their contributions. It is also important that people understand that they can leave a session at any time without any repercussions.

F. Assess and respect the priorities and needs based on the views expressed by people living in encampments.

👉 **Example:** Note that people's needs may change depending on the precarity of their living conditions and circumstances.

G. During meetings, ensure the creation of safe spaces by using trauma-informed and culturally safe approaches.

👉 **Example:** Avoid situations where people living in encampments have to share their personal life experiences and risk reliving traumas. Instead, create spaces where people themselves express the situations they wish to share. Ensure that people leading engagements are trained in violence- and trauma-informed approaches and cultural safety practices that enable them to respond with compassion and support as needed.

H. Implement specific measures to facilitate the participation of people living in encampments with an addiction.

👉 **Example:** Provide a non-judgmental participation environment, ensuring access to safe consumption services based on their needs and the duration of the meeting, and adapt to their schedules so that people who use substances are not excluded and can feel acknowledged.

I. Plan engagement methods suitable for people who are unable to leave their encampment (e.g., there is a high risk of theft of their belongings).

👉 **Example:** Provide a secure storage area, have a trusted person monitor tents and belongings or schedule meetings near their living area.

J. Rethink the structure of meetings to adapt to the realities of people living in encampments and to maximize their time and knowledge. Provide the necessary information and tools for people living in encampments to participate effectively in the engagement.

👉 **Example:** Ensure information provided is available in plain language and in the languages spoken by the people living in the encampment. It is important to ensure all material is inclusive, accessible and takes into the account the needs of people, notably people with disabilities, including disabilities related to cognitive functions.

K. Be as transparent as possible about potential short-, medium- and long-term benefits of engagement to enhance motivation and participation in decision-making processes.

👉 **Example:** Provide feedback to people living in encampments about what is working well during engagements. Let them know what can be improved to increase their influence in the decision-making process.

L. When working with people living in encampments, recognize and value the skills that they bring, and take advantage of opportunities to reinforce their capacity as actors in their own lives.

M. Question and rethink collaboration strategies when multiple people do not wish or are unable to participate by examining the reasons that hinder their meaningful engagement.

👉 **Example:** Explore and try to understand the barriers people may experience (e.g., trust, physical accessibility and lack of information or time) and try to design a process that takes them into account to maximize participation.



FACTSHEET 7/8

Actions that Support the Self-Determination and Autonomy of People in Encampments

“When government representatives speak publicly about the encampment situation, they should address the people living in them directly.” (Stakeholder)

A. Continuously inform people living in encampments about their rights and the government’s obligations to respect them, and work with them to find the best communication strategies for establishing an effective and respectful collaboration.

👉 **Example:** Prepare a simplified document or a poster explaining the human rights obligations of government actors, including law enforcement, as well as available options for making a human rights claim or pursuing a complaint.

B. Work with people living in encampments and informal leaders at a pace that suits them to develop tailored solutions to defend their human rights, meet their needs, improve their physical and mental health and stabilize their situation.

👉 **Example:** Regularly collect feedback from people living in encampments and continuously assess the practices implemented while taking preventive actions for potential issues.

C. Encourage and support self-managed dialogue spaces by and for people living in encampments, in collaboration with advocacy organizations they trust, and provide the necessary resources to help them organize autonomously.

👉 **Example:** Support the creation of governance committees primarily or solely composed of people living in encampments so they can discuss their issues, determine their needs and solve their problems.

D. Recognize and respect the internal dynamics of encampments, and allow people to choose with whom they feel safe living.

E. Provide resources to allow people living in encampments to manage services on their own (e.g., garbage collection or meal preparation) and support them by offering flexible day work schedules and opportunities.

👉 **Example:** Develop accessible community facilities to encourage mutual support (e.g., collective kitchens), and use municipal structures to increase their capacity to meet their needs.

F. Work with people living in encampments to reduce risks, and share the responsibility for their safety. Support them to establish procedures in case of incidents, and provide training to build knowledge, skills and empowerment.

👉 **Examples:**

- Offer training in suicide prevention, conflict de-escalation, fire safety, harm reduction (Naloxone) and first aid (injuries, burns, CPR, etc.).
- Provide safety equipment (fire extinguishers, winterized tents), and ensure people have what they need to protect themselves from the elements, including access to warming or cooling centres.
- Offer clear information to people living in encampments on how to layout tents in a safer way (e.g., three feet from another tent) and suggest assembly points in case of fire.
- Share advice on food storage to reduce the risk of spoilage and vermin, management of donations and emergency care. Make telephones available for emergencies.

G. Ensure predictability when decision-makers and people in positions of authority visit an encampment by announcing their visit in advance, posting information and distributing brochures to raise awareness.

👉 **Example:** During cleaning teams' visits for waste collection, the presence of independent and trained observers can help reinforce respect for human rights standards by the municipal authorities and private entities involved.

H. Facilitate the presence of independent, trained observers to encourage compliance with human rights standards in encampments by the municipal authorities and private entities involved.

👉 **Example:** Work with community organizations, advocates and Indigenous leaders who are trusted by people living in encampments and who can act as observers and human rights defenders.



FACTSHEET 8/8

Actions that Continue to Work Towards Long-Term Adequate Housing Solutions

“There should be diversity in housing choices, locations and services provided—there is no single shelter/housing option that fits everyone. Consult with those living on the streets to design safe, adequate and diverse housing models.” (Stakeholder)

A. Advocate with other levels of government to ensure long-term investments in adequate, affordable housing as well as support services for people exiting homelessness and transitioning into housing.

B. In areas where municipalities can act, facilitate the construction of adequate housing to support people in their transition from encampments to safe, adequate and permanent housing solutions.

👉 Municipalities should consider:

- Providing surplus municipal land at no cost in areas close to transit and other necessary amenities to non-profit affordable housing providers or land trusts.
- Implementing zoning and other changes to fast track the development of community housing.
- Exploring how waiving development and other municipal fees can help to fast-track non-profit housing that is affordable for people exiting homelessness and to support the operations of the housing providers over the long-term.
- Developing specific initiatives to support urban Indigenous housing.

C. Advocate for laws and policies that make evictions from housing more difficult and make it harder to discriminate against people in need of housing.

👉 **Example:** Landlords should not be allowed to discriminate on the basis of warrants or criminal records.

D. Ensure that zoning, bylaws and municipal policies facilitate the protection of existing low-income housing, such as rooming houses and cooperatives, and don't create barriers to innovative new approaches to housing for people experiencing homelessness.

E. Put in place eviction prevention programs as an early intervention measure to stabilize the housing of people at risk of homelessness.

👉 **Example:** Eviction prevention measures include rent banks, energy assistance programs, community legal clinics, credit counselling and mediation.

F. People should be provided with a variety of housing options and locations that meet their needs and are adapted to their personal situation. Allow people to make choices and take control over their lives.

G. Ensure that the transitional and supportive housing that is offered is compliant with human rights principles. Residents in these buildings should be afforded the same rights as tenants, as per the landlord and tenant regulations in force in the province.

👉 **Example:** Do not impose restrictions, such as preventing visitors or requiring total abstinence from consumption. This type of transitional housing should not focus on control measures, but on personal empowerment and responsibility.

H. Provide housing subsidies and programs adapted to the realities of people living in encampments to help them move into permanent housing solutions. Emergency shelters and supportive housing options are not enough, as they do not meet the definition of adequate housing set out in UN international standards.

👉 **Example:** People living in encampments should not be obliged to stay at an emergency shelter or in transitional housing before they can move to permanent housing.

I. Be transparent about when adequate housing will be available. Provide clear information to people living in encampments about new housing projects that can meet their needs, and update them on the progress of their construction.

J. Ensure that different levels of government share the same priorities regarding human rights and homelessness, because it does not work when one level of government focuses on initiative "A" and the other on initiative "B."

1. OHCHR, [Fact Sheet No. 21 \(Rev.1\): The Right to Adequate Housing](#), United Nations, Geneva, 2009.

THIS IS **EXHIBIT "H"** REFERRED TO
IN THE AFFIDAVIT OF MARIE JOSEE HOULE
SWORN REMOTELY AT THE
CITY OF CANTLEY BEFORE ME AT THE REGION OF WATERLOO
DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 15TH DAY OF AUGUST, 2025

A handwritten signature in black ink, appearing to read 'Ashley Schuitema', written in a cursive style.

ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

3297

Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments

Final report



Office of the Federal Housing Advocate, Canadian Human Rights Commission

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NOTE OF GRATITUDE

As Canada's first Federal Housing Advocate, my role is to drive change on key systemic housing issues and to hold government decision makers to account for their human rights obligations related to housing and homelessness. The right to adequate housing means that all people are equally entitled to live in dignity in a safe and secure home without discrimination or harassment. Recognizing housing as a human right means that government "duty bearers" at all levels have legal obligations to protect this right for everyone, and especially for people whose right to housing is being violated.

During the past year, I have had the privilege of meeting with and hearing from people who have experienced encampments across the country. First and foremost, this report is designed to place them at the centre of efforts to address homelessness. I want to thank them for sharing their stories and insights. I also want to recognize and commend their courage and resilience in the face of systemic failures to uphold their human rights.

As you read my Final Report and reflect on my recommendations, I urge you to consider how your actions can better respect, protect and fulfill the human rights of people experiencing homelessness and living in encampments.

I live and work much of the time in unceded Anishinabe Algonquin territory and have appreciated the opportunity to visit the territories of First Nations, Inuit and Métis peoples to learn more about the challenges of Indigenous Peoples related to encampments. My discussions across the country have highlighted the direct links between homelessness, encampments and the colonial dispossession of land.

My report would not have been possible without the work of national and local advocates who are working tirelessly to support people in encampments. This report has also been enriched through discussions with duty bearers from all levels of government. I thank all those who met with me or provided information for my review and I was encouraged to learn more about how human rights principles are informing responses in a number of places.

I recognize my work does not end with the launch of my report. I will continue to work with all governments to push for the implementation of my recommendations and hope this report can be used as a tool to support local advocacy to protect the human rights of people experiencing homelessness.

Change depends on all of us working at all levels, starting in our own communities.

Sincerely,

Marie-Josée Houle, Federal Housing Advocate

Please see Annex A for the list of key partners who contributed to the review and to this report.

EXECUTIVE SUMMARY

Canada's homeless encampments are a national human rights crisis.

A growing number of people in Canada are having to live in tents or informal shelters to survive due to a lack of affordable housing, limited support services, and nowhere safe to go.

There has been a significant rise in encampments in the last five years, and particularly since the COVID-19 pandemic. Encampments are now being reported across the country – in both large and small municipalities, as well as in more rural areas.

Encampments are not a safe or sustainable solution for housing. For people living in these encampments, every day is a matter of life and death.

At the same time, encampments represent an effort by people who are unhoused to claim their human right to housing and meet their most basic needs for shelter. For reasons discussed in this report, encampments are often people's only housing option, or the only option that meets their needs for safety, security and dignity. Many encampment residents have highlighted the sense of community they experienced when living in an encampment with others facing similar struggles.

Recognizing the severity of this crisis, the Federal Housing Advocate launched a systemic review of encampments in February 2023. This systemic review has been carried out pursuant to subsection 13.1(1) of the National Housing Strategy Act.

In October 2023, the Advocate published an [interim report](#) setting out the context of the crisis and documenting in detail what had been heard through the engagement process. The engagement process consulted directly with people living in encampments, local community advocates, Indigenous governments and representative organizations, and duty-bearers across all governments.

This final report includes the Advocate's conclusions about the factors leading to the rise in encampments and, most importantly, the concrete measures that must be taken by all governments to fulfill their human rights responsibilities in order to reduce or eliminate the need for encampments.

What has emerged is a clear picture of a two-fold human rights crisis.

First, encampment residents are at dire risk of harm due to the failure to uphold their basic rights.

Second, the encampments exist only because of a larger, systemic failure to uphold the right of all people to adequate housing without discrimination.

The engagement process made it clear that Canada has the capacity to solve this crisis. Encampment residents are acutely aware of the measures required to meet their most pressing needs. What is lacking is sufficient political will, resources and coordination.

The absence of effective coordination between the many agencies, departments and jurisdictions involved limits the effectiveness of responses to the homelessness crisis. While municipalities are on the frontlines in responding to encampments, they don't have all the powers and resources they need to provide human rights-based services. Provinces and territories must work closely with municipalities and the federal government must play a leadership role.

This national crisis calls for a national response.

National Encampments Response Plan

The Federal Housing Advocate is recommending that the federal government establish a National Encampments Response plan. The plan must drive urgent change that responds to the Calls to Action developed in this report and addressed to all governments in Canada. The Calls to Action have been developed as the result of extensive consultation with encampment residents, community organizations, and municipalities across the country.

The Federal Housing Advocate calls on the federal government to establish a National Encampments Response plan by August 31, 2024, that will:

- **Act immediately to save lives.**
 - Ensure that everyone living in encampments has access to the basic necessities they need to survive and live in dignity, and to services to protect their physical and mental health.
 - This includes access to clean water, sanitation, food, heating and cooling, accessibility supports, healthcare, and harm reduction.
 - Ensure drop in-shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.
- **End forced evictions of encampments.**
 - Forced encampment evictions make people more unsafe and expose them to a greater risk of harm and violence. Evictions destabilize people, remove them from their support systems, and cause them to lose the tools and equipment they need to survive.
 - Immediately end forced evictions of encampments, particularly on public lands. Forced evictions are a violation of human rights, as contained in section 7 of the Canadian Charter of Rights and Freedoms, the United Nations Declaration on the Rights of Indigenous Peoples, and the right to adequate housing under international law.
 - Put in place alternatives to removal of encampments that are designed following meaningful engagement with encampment residents to find solutions that meet their needs.
 - All governments must ensure that laws, regulations and bylaws do not further destabilize encampments nor expose residents to greater risk of harm and violence.
 - The role of police and by-law officers should be de-emphasized in responses to encampments. Police, by-law enforcement, and emergency service need clear direction to halt the confiscation of belongings, surveillance and harassment, which violate the human rights of encampment residents. All enforcement measures undertaken must be compliant with human rights standards.
- **Work with all governments and provide support to municipalities.**
 - Immediately convene meetings with provinces, territories, and municipalities to coordinate an all-of-government response.
 - Develop all encampment response measures in consultation and cooperation with First Nations, Inuit, and Métis governments and their representative organizations.
 - Commit the maximum available resources and funding to address this crisis.

- Ensure municipalities have the resources and powers they need to respond to the urgent needs of encampment residents and uphold their human rights.
- Include clear targets and timelines for the National Encampments Response Plan.
- **Respect the inherent rights of Indigenous Peoples.**
 - All governments must commit to upholding the United Nations Declaration on the Rights of Indigenous Peoples and work in consultation and cooperation with First Nations, Inuit and Métis governments to fully implement its provisions. In particular, all governments must work with Indigenous governments to more effectively respond to the distinct needs of urban First Nations, Inuit, and Métis individuals, particularly those who are unhoused and living in encampments.
 - Recognize the jurisdiction of Indigenous governments to determine, develop, and administer programs and services related to housing and homelessness and support First Nations, Inuit and Métis governments and representative organizations to develop and provide self-determined, culturally appropriate housing and related services and supports, including in urban centers in partnership with existing Indigenous service providers.
 - First Nations, Inuit and Métis governments and representative organizations must be fully supported to develop and provide self-determined, culturally appropriate housing and related services and supports, including supports in urban centers.
- **Respect and uphold human rights.**
 - In the absence of adequate, affordable and accessible housing alternatives, all governments must recognize that people have a right to live in encampments.
 - People living in encampments must play a leading role in decision-making processes that affect them. All governments must implement ongoing and meaningful engagement with people living in encampments and those who support them.
 - People living in encampments must have access to timely, effective recourse when their rights are threatened or violated.
 - All governments and political leaders at all levels have obligations to promote and protect the human rights and dignity of people experiencing homelessness. Leaders must refrain from actions and language that further stigmatizes the residents of encampments, or people experiencing homelessness, and exposes them to greater risk of rights violations.
 - All governments must publicly commit to applying a human rights-based approach to encampments that recognizes and addresses the distinct needs of First Nations, Inuit and Métis individuals, Black and other racialized individuals, women, 2SLGBTQQIA+ individuals, people fleeing gender-based violence, youth, seniors and people with disabilities. These approaches must align with Canada's human rights obligations as affirmed in international human rights instruments, the Charter and domestic law.
- **Offer people permanent housing options as rapidly as possible.**
 - Immediately develop and fund adequate housing solutions and supports so that people living in encampments can be re-housed as rapidly as possible.
 - These housing solutions must meet the definition of adequate housing which includes security of tenure, affordability, accessibility, suitable location, availability of services, habitability and cultural adequacy.

- In the absence of available adequate housing, all governments and service providers must work to address the structural barriers that result in existing emergency shelters not being accessible or appropriate for all people who might choose to use them.
- **Address the root causes of encampments.**
 - Encampments are the symptom of systemic failures – all governments must urgently prioritize investments in adequate housing and support services to prevent and address homelessness. All governments must work together to address the systems that drive homelessness, including systemic racism and discrimination and failings in the Canadian child welfare, corrections, and healthcare systems.
 - The National Housing Strategy must be greatly enhanced and its programs must prioritize the elimination of chronic homelessness and reduction of core housing need, with a focus on Indigenous peoples and disadvantaged groups, to fulfill commitments under the National Housing Strategy Act.
 - All governments must ensure that they are monitoring the progressive realization of the right to adequate housing and put in place measurement systems that include accurate, comprehensive, and replicable data on homelessness.

Next steps

Specific Recommendations are outlined in the report to enable governments at all levels to implement the Calls to Action.

This report's findings and recommendations will be submitted to the federal Minister of Housing, Infrastructure and Communities. The National Housing Strategy Act specifies that when the federal government receives the report of such a systemic review, the Minister responsible for housing must respond within 120 days.

This report is an urgent call to action to governments at all levels to uphold the human rights and the right to housing of encampment residents.

INTRODUCTION

The term “encampments” refers to emergency accommodations established by people who are unhoused, usually on public property or privately-owned land, and often without permission.¹ Encampments are a consequence of Canada’s failure to meet its human rights obligation to ensure that all individuals have access to adequate housing – housing that is secure, affordable, habitable, accessible, culturally appropriate, and in a suitable location with access to services.

While encampments have always been a feature of homelessness in Canada, in the last five years, and particularly since the COVID-19 pandemic, “encampments have become more numerous, more densely populated, and more visible across the country.”² The growth of encampments has been driven by a range of inter-related human rights failures, including the impacts of colonial laws and policies on Indigenous Peoples, systemic discrimination in the housing market, a severe lack of available and affordable housing that has become a deepening national crisis, and barriers to accessing emergency shelters.

There is no systematic data collection on who lives in encampments in Canada. The Observatory on Homelessness at York University has suggested that at least 35,000 individuals are unhoused at any given time across the country.³ One survey of Canadian municipalities estimated that between 20 to 25% of unhoused individuals in Canada now live in encampments.⁴ This is consistent with reports from frontline service providers who talk about thousands of people currently living in encampments across Canada.

It is important to emphasize that while encampments vary from region to region, as do patterns of homelessness, the rise of encampments is a truly national crisis. Encampments are reported in both large and small municipalities, as well as in more rural areas.

Encampments represent an effort by people who are unhoused to claim their human rights and meet their most basic needs. For reasons discussed later in this report, encampments are often the only housing option currently available to many, or the only available option that meets their needs. Living in an encampment may also offer the advantage of living in community with others facing similar struggles.

While recognizing the resourcefulness and collective organizing involved in establishing and maintaining an encampment, it is important to be clear that the conditions in encampments do not represent adequate housing. The Federal Housing Advocate is acutely conscious of the tragic deaths that have

¹ The Advocate has chosen to use the term “encampment” as the language most commonly used, and mostly widely understood in Canadian contexts. The Office recognizes, however, that the term may not reflect everyone’s reality or experience and that it differs from terms commonly used internationally, such as informal settlements.

² Alexandra Flynn et al., *Overview of Encampments Across Canada: A Right to Housing Approach*, The Office of the Federal Housing Advocate (2022). <https://www.homelesshub.ca/resource/overview-encampments-across-canada-right-housing-approach>

³ Homeless Hub, “How many people are homeless in Canada?” <https://www.homelesshub.ca/about-homelessness/homelessness-101/how-many-people-are-homeless-canada>

⁴ Infrastructure Canada, *Homelessness Data Snapshot: Findings from the 2022 National Survey on Homeless Encampments* (November 2023). <https://www.infrastructure.gc.ca/homelessness-sans-abri/reports-rapports/encampments-survey-2022-enquete-campements-eng.html>

occurred in encampments due to cold, fire and drug poisoning – and the likelihood that more deaths will occur even as this report is being written. Furthermore, it is clear the precarious situation of encampments is made much worse when municipalities deny residents access to the essentials of life, including clean water and sanitation, or add to the insecurity of encampment residents through forced relocation and other punitive responses.

Recognizing the severity of this crisis, the Advocate launched a systemic review of encampments in February 2023. As part of this review, the Advocate has engaged with encampment residents and local advocates in communities across Canada. In addition to meetings in Montreal, Saskatoon, Winnipeg, Vancouver, Toronto, and Calgary, the Advocate also launched an online portal to invite individual and organizational submissions to inform this review. Because many people living in encampments would face challenges accessing this tool, the Office partnered with The Shift and local organizations in Victoria, Vancouver, Hamilton, Peel, Ottawa, Gatineau, Montreal, Moncton, and Halifax to support encampment residents using this portal to share their experiences and their proposals for solutions. With the help of these local partners and others, 313 people with lived experience in encampments made submissions. There were also 53 submissions from municipalities, frontline workers, advocates, and other community members.

The Office of the Federal Housing Advocate (OFHA) also worked with the Federation of Canadian Municipalities (FCM), the FCM's Big City Mayors' Caucus, and the Association of Municipalities of Ontario to obtain input from municipalities across the country. Recognizing the significant over-representation of Indigenous individuals living in encampments, the Advocate has also taken part in a number of targeted engagements with First Nations, Inuit and Métis governments and organizations.

What has emerged is a clear picture of a two-fold human rights crisis.

First, encampment residents are at dire risk of harm and the failure to uphold the human rights of encampment residents, including the right to adequate housing and numerous interrelated rights such as the right to life and the right to health, has left them at dire risk of harm.

Second, the encampments exist only because of a larger, systemic failure to uphold the right of all people to adequate housing without discrimination. These rights are protected in international human rights laws, including the International Covenant on Economic, Social, and Cultural Rights and the UN Declaration on the Rights of Indigenous Peoples, which Canada has explicitly committed to uphold to the fullest of its ability.

The engagement process also made it clear that Canada has the capacity to solve this crisis. What is lacking is sufficient political will, resources and coordination.

To be clear, some important advancements have been made. The National Housing Strategy and the 2019 National Housing Strategy Act (NHSA) provide an important, rights-based foundation. The federal government's ten-year National Housing Strategy marks an important return to funding affordable housing programs after decades of absence. Promising practices related to encampments have been put into place by some municipal governments.

Overall, however, the scale of response falls far short of what is required to address this crisis. Furthermore, the evident lack of coordination across jurisdictions remains a barrier to effectively addressing the larger issue of housing and homelessness. The Auditor General's 2022 Report on Chronic Homelessness found that the government was not able to determine whether the National Housing

Strategy's efforts to prevent and reduce chronic homelessness were, in fact, leading to improved outcomes.⁵

People who are unhoused in general, and encampment residents in particular, continue to be stigmatized. Negative perceptions of encampment residents as authors of their own misfortune, or as threats to community safety, impact the political will of governments to recognize and act on their human rights responsibilities. As more than one person commented in our engagement process, Canada has a long history of mobilizing resources to rapidly rehouse people on a mass scale in wake of natural disasters. The failure to respond to the encampments crisis is a telling illustration of attitudes toward people who are unhoused.

In this context, it is crucial to acknowledge that Indigenous persons are much more likely to experience homelessness. For example, in Edmonton, it has been reported that approximately 60 percent of people experiencing homelessness identify as First Nations, Inuit, or Métis.⁶

Overall, the risk of experiencing homelessness, and the needs of unhoused persons, are impacted by intersecting, and compounding experiences of systemic discrimination. This includes racism directed against Indigenous persons, Black Canadians, and members of other racialized communities, as well as gender-based discrimination that particularly impacts women, member of 2SLGBTQQIA+ communities, and discrimination against persons with disabilities.

In October 2023, the Advocate published an [interim report](#) setting out in detail what had been heard through the engagement process. This final report focuses on the Advocate's conclusions about the factors leading to the rise in encampments and, most importantly, the concrete measures that must be taken by all governments to fulfill their human rights responsibilities to reduce or eliminate the need for encampments.

The Advocate has identified the need for an urgent national response that leverages the resources and powers of all governments. The role of the federal and provincial and territorial governments is particularly important given that municipalities are on the frontlines in responding to the crisis, but they do not have the resources or powers to address the scale or complexity of the issues.

This systemic review has been carried out pursuant to subsection 13.1(1) of the National Housing Strategy Act. The Act specifies that the when the federal government receives the report of such a systemic review, the Minister of Housing, Infrastructure and Communities must respond in writing within 120 days.

⁵ Office of the Auditor General of Canada, *Report 5 – Chronic Homelessness* (2022). https://www.oag-bvg.gc.ca/internet/english/parl_oag_202211_05_e_44151.html (accessed August 31, 2023).

⁶ Letter from Edmonton Mayor Amarjeet Sohi.

THE HUMAN RIGHTS FRAMEWORK

The right to adequate housing

The human right to adequate housing, and interconnected rights such as the right to life, are clearly established in international human rights law, including in treaties that Canada has signed and ratified as well as in human rights declarations and other international norms and standards.⁷ With the NHSA enacted in 2019, the human right to adequate housing is now also explicitly enshrined in domestic law.⁸

Recognizing the human right to adequate housing means that governments have legal obligations to recognize and respect this right, protect against its violation, take positive measures and mobilize maximum available resources to ensure that everyone can enjoy this right without discrimination, and promote broad public awareness and understanding of the right. These obligations are heightened in respect to those who have experienced prior human rights violations and who are at heightened risk of further violations.

As it has been interpreted in the international human rights system, adequate housing is housing that is:

- secure,
- affordable,
- habitable,
- accessible,
- culturally adequate,
- in a suitable location, and
- able to ensure access to basic services.⁹

All people should have equitable access to adequate housing, without discrimination based on gender, race, disability, faith, place of birth, age, sexual orientation, or other grounds.

⁷ Universal Declaration of Human Rights, 10 December 1948, UN Doc. A/810, art. 25; International Covenant on Economic, Social and Cultural Rights, 16 December 1966, UN Doc. A/6316, 993 UNTS 3 (entered into force 3 January 1976; accession by Canada 19 May 1976), art. 11(1) [ICESCR]; International Covenant on Civil and Political Rights, 16 December 1966, UN Doc. A/6316 (entered into force 23 March 1976; accession by Canada 19 May 1976), [ICCPR]; International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, 660 UNTS 195 (entered into force 4 Jan. 1969, accession by Canada 14 Oct. 1970), art. 5(e)(iii) [ICERD]; Convention on the Elimination of All Forms of Discrimination against Women, 21 December 1965, 1249 UNTS 14 (entered into force 3 Sept. 1981; accession by Canada 10 Dec. 1981), art. 14(2) [CEDAW]; Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3 (entered into force 2 September, 1990, accession by Canada 13 Dec. 1991), art. 27(1) [CRC]; Convention on the Rights of Persons with Disabilities, 13 Dec. 2006, (entered into force 3 May 2008, accession by Canada 11 March 2010), arts. 9 and 28 [CRPD]. See also article 10 of the Declaration on Social Progress and Development, section III (8) of the Vancouver Declaration on Human Settlements, article 8 (1) of the Declaration on the Right to Development, and the ILO Recommendation Concerning Workers' Housing, 1961 (No. 115)). Further, UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4, The Right to Adequate Housing, U.N. Doc. E/1992/23 (1991).

⁸ See, National Housing Strategy Act, S.C. 2019, c. 29, s. 313 [NHSA].

⁹ Office of the UN High Commissioner for Human Rights and UN Habitat, *The Right to Adequate Housing, Fact Sheet 21* (2014). https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf (accessed August 1, 2023).

Failure to uphold the right to adequate housing has harmful consequences for the enjoyment of other human rights. Former United Nations Special Rapporteur on the right to adequate housing, Leilani Farha, explained:

Homelessness is a profound assault on dignity, social inclusion and the right to life. It... violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.¹⁰

International human rights standards require states to make every effort, and to use all available resources to eliminate homelessness in the shortest possible period of time.¹¹ Specific human rights obligations include requirements to:

- In consultation with people who are unhoused, adopt and implement action plans to eliminate homelessness that must include clear, time-bound goals, and clear delineation of responsibilities across all levels of government.
- Measure and monitor the extent of homelessness using data disaggregated by gender, race, disability and other relevant characteristics;
- Combat discrimination, stigma, and negative stereotyping of people who are unhoused;
- Ensure access to justice for rights violations, including government failures to take adequate measures to address homelessness; and
- Regulate non-state actors such as private corporations so that they respect the rights of people who are unhoused and undertake actions consistent with the imperative to eliminate homelessness.¹²

The prohibition of forced evictions

International human rights standards prohibit measures that would arbitrarily and unnecessarily deprive individuals of housing, including temporary or informal shelter such as encampments. The prohibition of forced evictions requires that individuals and communities be relocated only after adequate consultation. Relocation without consent is limited to exceptional circumstances. When individuals or communities do not wish to be relocated, there is an obligation for the state to demonstrate that the relocation is strictly necessary and that all other alternatives have been explored. In all instances, any relocation must be consistent with the right to adequate housing: alternative shelter must be provided

¹⁰ Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing: 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, UN Doc. A/HRC/43/43, UN Human Rights Council (2019), para. 30 [Guidelines for the Implementation of the Right to Adequate Housing].

¹¹ Committee on Economic, Social, and Cultural Rights, General Comment No. 3 on the nature of States parties' obligations, UN Doc. E/1991/23 (1990), paras. 10 and 12.

¹² Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing, para. 32; Leilani Farha, 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, UN Doc. A/HRC/31/54, UN Human Rights Council (2015), paras. 49, 73, and 90; Committee on Economic, Social, and Cultural Rights, General Comment No. 20 on non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20 (2009), para. 35, and Human Rights Committee, General Comment No. 36 on the right to life, UN Doc. CCPR/C/GC/35 (2018), para. 61.

that is secure, habitable, culturally appropriate, in a suitable location and where access to essential supports and services can be maintained.¹³

The right to adequate housing and the human rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples is also particularly important given the disproportionate number of Indigenous individuals living in encampments. The Declaration affirms a wide range of interconnected rights of Indigenous individuals and Peoples relevant to the right to adequate housing. These include the right of Indigenous Peoples to determine and control provision of social services such as housing, the right of Indigenous Peoples to maintain their relationship to, and use of, their traditional territories for livelihoods, subsistence and ceremony; the obligation of states to work in cooperation and consultation with Indigenous Peoples' chosen representatives, the right not to be forcibly removed from their lands or territories, and the duty of states to support Indigenous Peoples in the exercise of their right to self-determination. In July 2021, Canada passed national legislation to implement the UN Declaration which requires the federal government to "take all measures necessary to ensure that the laws of Canada are consistent with the Declaration."¹⁴ These obligations are particularly significant given the greatly disproportionate number of Indigenous persons living in encampments.

The right to life

Finally, the United Nations Human Rights Committee underscores that States should take particular measures to uphold the right to life, including actions related to housing:

The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include [...] extensive substance abuse, widespread hunger and malnutrition and extreme poverty and homelessness. The measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care, electricity and sanitation, and other measures designed to promote and facilitate adequate general conditions, such as the bolstering of effective emergency health services [...] and social housing programmes.¹⁵

¹³ Committee on Economic, Social and Cultural Rights, General Comment No. 7: The Right to Adequate Housing: Forced Evictions, UN Doc. E/1998/22, annex IV (1997) and Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing: 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, UN Doc. A/HRC/43/43, UN Human Rights Council (2019), "Guideline No. 6. Prohibit forced evictions and prevent evictions whenever possible" [Guidelines for the Implementation of the Right to Adequate Housing].

¹⁴ SC 2021, c 14. Royal Assent, 21 June 2021.

¹⁵ Human Rights Committee, General Comment No. 36 on the right to life, UN Doc. CCPR/C/GC/35 (2018), para. 26

A LIFE AND DEATH CRISIS

Encampments arise as a direct consequence of Canada’s persistent failure to protect and fulfill the right to adequate housing. Until encampment residents can access adequate housing options that meet their needs, urgent measures must be taken to protect their human rights and reduce the precariousness of their current living conditions.

It is important to acknowledge that the encampments crisis is taking place in the context of a national opioid crisis and the greatly heightened risks created by an unsafe drug supply. A review panel convened by the British Columbia Coroner’s Office recently reported that between April 2016, when the province first recognized the opioid crisis as a public health emergency, and September 30, 2023, “at least 13,000 lives have been lost to toxic, unregulated drugs in British Columbia.”¹⁶ For reasons set out below, the risks created by an unsafe drug supply and the unaddressed mental health and addictions needs, compound the dangers faced by many encampment residents.

Forced evictions

Forced encampment evictions make people more unsafe and expose them to a greater risk of harm and violence. Evictions destabilize people, remove them from their support systems, and cause them to lose the tools and equipment they need to survive.

As was detailed in the interim report, the Advocate has repeatedly heard about municipal enforcement actions that have made the lives of encampment residents much more precarious. There have been numerous incidents of encampments forcibly closed down by municipal officials without provision of adequate housing to address the safety and well-being of the residents. In addition to full-scale evictions, there have been widespread incidents of municipal officials tearing down tents and seizing individual property, including personal identification, photo albums, money, and clothing.

Actions to restrict or relocate encampments are often taken in the name of safety and public security. However, the failure to consult encampment residents, protect their belongings, and provide adequate and acceptable alternative housing has the direct consequence of increasing risks to their health and safety.

In an investigation of forced evictions of encampment in Toronto, the city ombudsperson found that the municipality “[c]hose to clear encampments quickly, instead of focusing on the needs of the people living in them.”¹⁷ In doing so, the report concluded, “the city caused undue confusion and harm.”¹⁸

¹⁶ British Columbia Coroners Service, *BC Coroners Service Death Review Panel: An Urgent Response to a Continuing Crisis* (1 November 2023), https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/an_urgent_response_to_a_continuing_crisis_report.pdf

¹⁷ Ombudsman Toronto, “Toronto’s Ombudsman says City Chose Speed over People in Clearing Encampments,” (24 March 2023), <https://www.ombudsmantoronto.ca/news/torontos-ombudsman-says-city-chose-speed-over-people-in-clearing-encampments/> (accessed August 31, 2023).

¹⁸ Ombudsman Toronto, *Ombudsman Toronto Investigation Report: Investigation into the City’s clearing of Encampments in 2021* (24 March 2023), p. 2, <https://www.ombudsmantoronto.ca/investigative-report/investigation-into-the-citys-clearing-of-encampments-in-summer-2021/> (accessed August 31, 2023).

Encampment residents, and advocates who work closely with them, point out that established encampments have informal systems through which residents look out for each other. In other words, they are a community with a kind of safety net of their own. Forced evictions disrupt these communities and the benefits they provide.

Forced evictions are also inherently violent. Residents experience their rights being disregarded and trampled on. Outreach workers told the OFHA that police involvement in forced evictions can invoke a trauma response in many people who are or have been experiencing homelessness. The Toronto Alliance to End Homelessness told the OFHA:

Security approaches do not work in addressing homelessness, or in stopping people from setting up encampments. It traumatizes already vulnerable and marginalized people and increases their vulnerability to becoming chronically homeless, forcing people into often even more precarious places.

For unhoused Indigenous persons, the trauma of encampment clearings is often added to previous traumas, including the forced removal of children from their families and communities. Indigenous organizations and frontline workers said that police involvement in the housing crisis is a continuation of colonial state violence and is deeply inappropriate.

Unmet basic needs and a lack of essential supports

Most encampments lack necessities such as clean water, bathrooms, a place to shower, or secure storage for belongings. Tents and tarpaulins that are not meant for winter use, inadequate clothing and blankets, no electricity or access to heating and cooling, lack of first aid supplies and fire extinguishers, no provision for garbage removal, and no place for safe needle disposal create significant risks to the safety and well-being of residents.

The OFHA has received reports of how conditions in encampments add to mental health challenges and may worsen chronic physical conditions such as back injuries. There are also demonstrated risks of injury and even death from exposure in winter and heat exhaustion in summer.

The failure of many municipalities to provide for the basic needs of encampment residents led to individuals and community groups stepping in with donations of tents, sleeping bags, clothing or food. However, there have also been accounts of some municipalities interfering with the delivery of such basic amenities in a misguided attempt to force encampments to disband.

In many communities that allow overnight camping in public spaces, people experiencing homelessness must pack up their belongings early every morning until they can set up their shelter again in the evening. People who are already exhausted, and who may be in ill-health, are forced to carry all their possessions with them, or risk their loss. Encampment residents describe how carrying large packs or bags means that they are more likely to be refused entry to spaces where they might rest or access washrooms. By-laws establishing these rules ignore the needs of people for rest and privacy during the day and also represent an attack on their basic dignity.

Housing is a social determinant of health and it comes as no surprise that encampment residents have a wide range of health and wellness needs, some of which are linked to their challenges in finding and maintaining long-term secure housing. These needs include treatment for chronic illness and counselling for mental health and addictions issues.

Encampment residents who cannot securely store their belongings are severely limited in how far they are able to travel to access services. The situation is compounded by an overall shortage of community-based supports, the challenge of navigating a complex service system, and the fact that many encampments have been pushed into isolated locations.

There is an additional concern about the scarcity of culturally appropriate resources for unhoused Indigenous persons. An Elder told the Advocate about the lack of Indigenous crisis workers able to provide culturally appropriate assistance to encampment residents.

Responding to safety and security concerns

During this review, the Advocate heard about violent incidents in encampments such as robberies, sexual violence, beatings, harassment, and sexual exploitation. Violence, exploitation and coercion within encampments is a particular concern for women, youth, gender-diverse people, persons with disabilities, and persons experiencing multiple forms of systemic discrimination. The Advocate also heard that incidents of violence in encampments are treated differently. For example, all the tenants of an apartment building are not evicted when an incident of violence is reported.¹⁹

It should be noted however, that violence, including gender-based violence, disproportionately impacts all people experiencing homelessness, including people using shelters, and is not necessarily a greater risk for those living in encampments. In fact, many encampment residents expressed greater fear about being alone on the streets or in certain temporary housing situations, such as shelters and single room occupancy units. Many expressed that they see encampments as a place that provides community, support, and safety for most of the people living there.

The stigmatization of encampments, and the reasonable fear that police and other authorities may tear down the encampment, may discourage residents seeking the protection of law enforcement. One community organizer stated that the constant threat of displacement, and lack of reliable access to food and water, increases stress, exacerbates mental health issues, and can lead to a rise in violent incidents.

People living in encampments face life and death risks throughout the year, but in the winter months, these risks are heightened dramatically. Efforts to stay warm without access to appropriate shelter, clothing, and heat sources greatly increases the risk of fire. This risk is often cited as a reason to forcibly remove encampments. However, as noted earlier, removal from one site, without provision of adequate alternatives, only causes further disruption and harm to the lives of encampment residents while doing little or nothing to reduce the risks they face. In fact, if encampments are pushed to more isolated locations, the risks may be further increased.

A human rights-based response to the risk of fire would include mitigation measures, including provision of more weather resistant forms of temporary shelter, safe sources of heat, and access to fire extinguishers, along with fire safety training. Above all else, public officials should be meeting regularly with encampment residents so that residents can identify their own safety needs and the best ways to address them.

¹⁹ [If governments don't provide adequate housing, they must allow people to shelter in public spaces" by Kasari Govender, Vancouver Sun](#), September 14, 2023 (accessed January 24, 2024)

HOW WE GOT HERE

A national housing crisis

A recent study commissioned by the Office of the Federal Housing Advocate calculates that Canada has a total shortage of 4.3 million homes affordable to very low- and low-income households.²⁰ In some locations, there is now a ten-year waitlist for rent-geared-to-income housing. During this review, one community worker said simply: “There is no housing to offer people.”

The severe housing shortfall, and the soaring cost of rental accommodations, have also meant that there are only very limited options available to very low-income households. The Advocate heard that many of these apartments have no running water or extreme infestations of rodents, and bedbugs. Some encampments residents said they would rather live outside than try to live in the uninhabitable housing options that are available to them.

The Advocate also heard that the housing crisis is compounded by the discrimination facing members of Indigenous Peoples, racialized communities, people with disabilities, youth, 2SLGBTQIA+ individuals and others. There is also a severe lack of supportive housing that meets the specific needs of people with mental health challenges including active and severe addictions. Alongside a limited supply of detox and rehab programs, there are not enough housing options for people leaving those programs.

The limited housing available to low and very low-income individuals is often highly insecure. There are widespread reports of people being evicted by landlords wanting to upgrade units to a higher rent.

Challenges with emergency shelters

There is a clear link between the growing encampments and inaccessibility of the emergency shelter system. Shelters are intended as an emergency measure before being rehoused. They fall far short of meeting government obligations to fulfill the right to adequate housing.

The surge in the number and size of encampments was initially linked to the decreased capacity of shelters during the early phase of the COVID-19 pandemic. However, the challenges have proven to be more persistent and systemic.

Firstly, there is an overall shortage of available shelter space. Frontline workers describe a crisis in which individuals are being routinely turned away because there is no available space.

Secondly, there are also significant concerns about living conditions in the overcrowded and overstressed shelter system. “Shelters are dead spaces,” according to one participant in the review, noting that conditions like theft, crowding, violence, and the threat of catching illnesses encourage people to opt to live in encampments.²¹

Thirdly, emergency shelters are not available, or safe and suitable, for all. During the review, encampment residents and advocates indicated that some women and gender-diverse people reside in

²⁰ Carolyn Whitzman, *A Human Rights-Based Calculation of Canada’s Housing Supply Shortages*, The Office of the Federal Housing Advocate (2023). https://www.homelesshub.ca/sites/default/files/attachments/Whitzman-Human_Rights_Based_Supply_Report-EN_1.pdf

²¹ Encampments Roundtable – Toronto – June 1, 2023.

encampments because there are no gender-specific shelters in their community. Data shows that the vast majority of shelter beds in Canada are either designated for men or are co-ed (68 percent), with only 13 percent dedicated specifically for women.²²

Furthermore, most shelters in the violence against women or homelessness systems have physical barriers for people with disabilities. They also lack appropriate and accessible spaces for persons with mental health, sensory and environmental disabilities.

As noted earlier, people living unhoused face a disproportionately high risk of violence. Many women have experienced harassment or violence in co-ed and congregate shelters. These concerns are particularly acute for many trans women. Roundtable participants lamented the lack of emergency resources specifically for women and 2SLGBTQIA+ people.

Emergency shelters often have rules that restrict personal autonomy, freedom of movement, privacy, and access to friends and family. They may also set expectations that are difficult to meet for people who have been living on the street. For example, shelters may require sobriety, impose disruptive bed checks, restrict the quantity of belongings residents can bring, or not provide space for pets. The Advocate repeatedly heard concern over policies that prevent couples from staying or sleeping together. Numerous participants compared shelters to prison-like conditions. Faith-based shelters can also raise legitimate concerns for some who have had negative experiences with religious institutions. The restrictive environment can have a triggering effect, depending on the individual's mental health and prior experiences of trauma.

Shelters designed for women fleeing violence may also impose restrictive admission criteria. One assessment estimates that approximately 699 women and 236 accompanying children are turned away from domestic violence shelters every day across Canada.²³

People who use drugs are also particularly affected by shelter restrictions. The Pan Canadian Women's and Housing and Homelessness Survey demonstrates that people who use drugs were banned from shelters at a rate three times greater than those who did not use drugs.²⁴

Indigenous Peoples and the homelessness crisis

Indigenous persons are greatly overrepresented among people experiencing homelessness. A recent national study found that 35 percent of unhoused respondents identify as Indigenous compared to the 5 percent of the overall population that identified as Indigenous in the 2021 census.²⁵

²² Kaitlin Schwan et al., *A Rights-Based, GBA+ Analysis of the National Housing Strategy*, Office of the Federal Housing Advocate (2021), p. 11. <https://womenshomelessness.ca/wp-content/uploads/EN-Rights-Based-GBA-Analysis-of-NHS-28-Sept-2021.pdf> (accessed August 30, 2023).

²³ Kaitlin Schwan et al., *The Crisis Ends with Us: Request for a Review into the Systemic Denial of the Equal Right to Housing of Women and Gender-Diverse People in Canada*, Women's National Housing & Homelessness Network (2022). <https://womenshomelessness.ca/wp-content/uploads/WNHHN-Claim-15-June-2022.pdf> (accessed August 31, 2023).

²⁴ Kaitlin Schwan et al., *Pan Canadian Women's and Housing and Homelessness Survey*, Canadian Observatory on Homelessness (2021). <https://womenshomelessness.ca/wp-content/uploads/EN-Pan-Canadian-Womens-Housing-Homelessness-Survey-FINAL-28-Sept-2021.pdf> (accessed August 30, 2023).

²⁵ Infrastructure Canada, *Everyone Counts 2020-2022: Preliminary Highlights Report* (April 2023). <https://www.infrastructure.gc.ca/homelessness-sans-abri/reports-rapports/pit-counts-dp-2020-2022-highlights-eng.html#h2.5.4> (accessed August 31, 2023).

High rates of Indigenous homelessness are linked, in large part, to inter-generational harms caused by Canada's colonial laws and policies and the longstanding lack of equitable federal investment in housing and related infrastructure in First Nations, Inuit, Métis communities. While Indigenous communities face a severe housing crisis, there is also a critical lack of resources and supports for Indigenous individuals living in urban centres away from their home territories, which increases the risks of homelessness. Gaps in services and supports include a lack of transition services for those moving from reserves and remote to communities to urban centres, a lack of culturally appropriate housing, and the limited number of urban Indigenous housing providers.

The full scale of housing needs for Indigenous persons is uncertain, however, because of the prevalence of hidden Indigenous homelessness. Rather than living unsheltered, it is common for unhoused Indigenous individuals to live in overcrowded family homes, couch surf, or live out of cars and hunting shacks, particularly in Northern, rural, and remote locations.

There are also significant gaps in available data. Failure to separately track the experience of First Nations, Inuit, Métis individuals means that their distinct needs are often overlooked.

It has been reported that in Western Canada the majority of encampment residents in many communities are Indigenous.

Indigenous governments and service providers face significant jurisdictional barriers in meeting the needs of their communities. At the same time, First Nations, Inuit and Métis governments are not resourced to support Indigenous people living away from their home territories and their jurisdiction to provide such support may not be recognized. A representative of an Indigenous organization observed that third party, non-Indigenous entities are receiving funding to provide services to urban Indigenous people but are not delivering culturally appropriate care and services.

Inadequate program funding for community services

Frontline services are underfunded, operating over capacity, and facing high rates of staff turnover and burnout. Reliance on project-based and short-term funding – the model used by the federal Reaching Home program – is a barrier to long-term planning and ties up staffing in managing administration and reporting requirements. By the time someone is hired and trained, one person noted, the funding for the position is gone, which leads to instability for staff, and precludes being able to build trust with clients, many of whom have complex needs. The result, some noted, is that vulnerable and neglected people are being underserved, and not receiving the qualified, trauma-informed care to which they are entitled.

Furthermore, limited funding results in “unproductive competition” between organizations as they fight for the same funding opportunities. This competition can lead groups to under report their real financial needs when submitting applications, which makes it difficult to maintain projects, even if they are successful in meeting needs.

Mental health and addictions support

Without proper housing supports in place, mental health and addictions can create significant barriers to finding and maintaining housing. At the same time, the circumstances of living unhoused or in precarious housing can greatly add to mental health or addictions challenges.

During the review, encampment residents and advocates consistently drew attention to the inadequacy of resources for people living with mental health and addictions challenges, and the difficulty accessing

the supports that do exist. Municipalities and frontline service providers emphasized the need for greater integration and coordination between housing and homelessness services and mental health and addictions support. In particular, many called for the creation of integrated response teams available to support individuals living in encampments.

A critical issue is access to a safe, regulated drug supply. Reliance on unregulated, criminalized supplies exposes people using drugs to increased incidents of violence and coercion, as well as a much greater risk of overdose or other harm from adulterated or “poisoned” drugs.

Many communities lack harm reduction services, or the services are limited or otherwise inaccessible to encampment residents. Encampment residents described a lack of access to specialized care or treatment, clean needle distribution programs, safe consumption sites, and naloxone.

Lack of coordination and accountability

Efforts to address homelessness have been stymied by lack of clear coordination and accountability across government ministries and between various levels of government. “Everyone keeps acting like it’s not their responsibility and trying to pass the issue on to another government entity. They need to just come together and resolve this issue,” one person told the Office.²⁶

The absence of effective coordination between the many agencies, departments and jurisdictions involved limits the effectiveness of responses to the homelessness crisis. For example, the two issues of affordable, accessible housing and mental health and addictions support are directly linked in practice, but fall under the purview of different, unconnected federal, provincial and territorial programs and agencies, without any established structure of coordination.

Critical areas of integration and coordination include income supports, housing allowances, access to health care, and policies and practices related to public safety. All such services should be developed and assessed on the basis of compliance with Canada’s human rights obligations and a gender-based analysis plus (GBA+) of the differential impacts on Indigenous Peoples, racialized communities, people of diverse genders, youth, and people living with disabilities. While municipalities are on the frontlines in responding to encampments, they don’t have all the powers and resources they need to provide human rights-based services. Provinces and territories must work closely with municipalities and the federal government must play a leadership role.

EMPHASIZING DIGNITY AND RESPECT

All responses to the encampments crisis must respect the inherent dignity and rights of encampment residents. The stigmatization of encampments, and homelessness more generally, fuels enforcement-based responses that do nothing to alleviate the crisis, and only add to the marginalization and precariousness of life for unhoused people. This stigmatization also masks the systemic causes of the crises and obscures the accomplishments made by encampment residents in asserting their rights and meeting their own basic needs.

²⁶ Encampments Roundtable – Calgary – August 8, 2023.

Meaningful engagement

Any human rights-based response must begin by engaging with encampment residents, respecting their ability – and their right – to make decisions for themselves. It is also important to recognize that they have valuable knowledge and insights as a result of their lived experiences of homelessness or in encampments. Many encampment residents are distrustful of authorities, often based on a history of negative interactions. It is vital that anyone engaging with encampment residents build a relationship of trust. This requires experience in cultural safety and trauma informed approaches. Police and emergency services should not be the primary point of contact between governments and encampments.

In many encampments, informal structures have emerged that help organize the space and make it safer for residents. These informal structures should be the starting point for any engagement. To the extent that it is welcomed, such structures should be supported and strengthened.

There is a wealth of guidance available to assist in respectful, trauma-informed and culturally appropriate engagement with encampments. In particular, the OFHA encourages application of the [National Protocol on Homeless Encampments in Canada](#), authored by former United Nations Special Rapporteur on the Right to Adequate Housing Leilani Farha and Dr. Kaitlin Schwan and published by The Shift. The Canadian Lived Experience Leadership Network also presented key principles at the Canadian Alliance to End Homelessness' National Conference on Ending Homelessness in November 2023. Drawing on these and other sources, the Advocate recommends the following key measures for meaningful, transparent, and accountable engagement:

- Engagement should be managed through people trusted by encampments residents.
- Wherever possible, people with lived experience of homelessness and housing insecurity should be employed as leaders and contact points in the process.
- Value the time of people taking part in the engagement process, including by providing stipends to compensate for their time; provide food and beverages at meeting; provide transportation as needed; and ensure meeting spaces are culturally safe.
- Ensure that there is enough time for meaningful engagement, including the time needed to build trust and good communication.
- Respect Indigenous protocols and decision-making processes.
- Any community consultation processes must take into account the tremendous power imbalances between encampments and their housed neighbours.
- Avoid unnecessary turnover of staff involved or too many people being involved.
- Make clear commitments to effective monitoring and follow up.
- Ensure that all aspects of an engagement process are documented and that these documents are publicly available.

THE URGENT NECESSITY OF FEDERAL LEADERSHIP

Effective responses to encampments require both mobilization of significant financial resources and effective coordination of a complex web of departments, agencies and programs among federal, provincial, territorial and municipal governments as well as Indigenous Peoples and their representative institutions. Federal leadership is critical.

The federal government has unique responsibilities to ensure Canada lives up to its international human rights obligations. This includes specific obligations toward Indigenous Peoples and their rights affirmed in Treaties, international law more generally and in the Canadian Constitution.

Federal leadership is necessary to recognize the urgency of this national human rights crisis affecting large, medium and smaller communities across the country. Federal leadership is also necessary to confront the stigmatization and discrimination faced by people living in encampments. The federal government is in a position to model appropriate and effective responses.

The federal government is also uniquely positioned and has the spending powers to bring about comprehensive and coordinated responses required to address housing, income supports, physical and mental health, and public safety in every region of the country. The National Housing Strategy, the 2019 National Housing Strategy Act, and the 2021 UN Declaration on the Rights of Indigenous Peoples Act provide a foundation for responding to this crisis on the basis of internationally recognized human rights principles and obligations. The federal government has the capacity to convene the national coordination and planning processes needed to resolve jurisdictional barriers and confusion. Through its transfer agreements with the provinces and territories, it has also the means to ensure provinces, territories and municipalities have human rights-compliant standards to address the needs of people living in encampments.

CALLS TO ACTION

In response to the urgency of the current crisis – including the life and death risks faced by the growing number of people now living in encampments – the Federal Housing Advocate is issuing the following Calls to Action addressed to all governments in Canada.

It is the Advocate's hope that the Calls to Action will also be useful to service providers, other civil society organizations, and the public as a whole. Public awareness of the need for urgent action should drive governments to uphold their responsibilities to protect and fulfil the human right to housing.

The Calls to Action provide a high-level road map to guide the actions need to respond to homeless encampments in compliance with Canada's human rights obligations, including those affirmed in the Canadian Charter of Rights and Freedoms, the Canadian Constitution, the National Housing Strategy Act, the International Covenant on Economic, Social, and Cultural Rights, and the UN Declaration on the Rights of Indigenous Peoples.

The Calls to Action are followed by a set of specific, actionable recommended measures that federal, provincial, territorial and municipal governments must each take to implement the Calls to Action.

1. The Federal Government must lead the development of a human rights-based National Encampments Response Plan in cooperation and consultation with all other governments.

- a. Immediately convene meetings with provinces, territories, and municipalities to coordinate an all-of-government response.
- b. Commit maximum available resources to promote, protect and fulfill the human rights of encampment residents.
- c. Provide a coordinated all-of-government response and ensure resources are available to address the range of housing, healthcare, income and other supports needed by people experiencing homelessness using human rights-based approaches.
- d. Include clear targets and timelines.

2. Commit to a human rights-based approach to address the needs of encampment residents.

- a. All governments must publicly commit to applying a human rights-based approach to encampments that recognizes and addresses the distinct needs of First Nations, Inuit and Métis individuals, Black and other racialized individuals, women, 2SLGBTQQIA+ individuals, people fleeing gender-based violence, youth, seniors and people with disabilities. These approaches must align with Canada's human rights obligations as affirmed in international human rights instruments, the Charter, and domestic legislation.
- b. In the absence of adequate, affordable and accessible alternatives, all governments must recognize the rights of people to live in encampments. Supporting the dignity and autonomy of the person means governments must respect the rights of encampment residents to decide for

themselves if shelter solutions best meet their needs, including for safety and security.

- c. People living in encampments must play a leading role in decision-making processes that affect them. All governments must implement ongoing and meaningful engagement with people living in encampments and those who support them.
- d. All governments and political leaders at all levels have obligations to promote and protect the human rights and dignity of people experiencing homelessness. Leaders must refrain from actions and language that further stigmatizes the residents of encampments, or people experiencing homelessness, which exposes them to greater risk of rights violations.

3. Respect the inherent rights of Indigenous Peoples.

- a. All governments must commit to upholding the United Nations Declaration on the Rights of Indigenous Peoples and work in consultation and cooperation with First Nations, Inuit, and Métis governments to fully implement its provisions.
- b. Federal, provincial, territorial, and municipal governments must recognize the jurisdiction of Indigenous governments to determine, develop, and administer programs and services related to housing and homelessness. Such recognition must not result in any reduction in levels of funding or other supports provided by federal, provincial, territorial and municipal governments.
- c. Develop all encampment response measures in consultation and cooperation with First Nations, Inuit, and Métis governments and their representative organizations.
- d. First Nations, Inuit and Métis governments and representative organizations must be fully supported to develop and provide self-determined, culturally appropriate housing and related services and supports, including supports in urban centers.
- e. All government departments and agencies engaged in the design and delivery of housing-related services should make a concerted effort to ensure their staff, management and boards are representative of First Nations, Inuit and Métis people, and introduce mandatory cultural safety training.

4. Take immediate action to protect the right to life and dignity of all people living in encampments, reduce the risks that they face, and help them to stabilize their situation.

- a. Immediately end forced evictions of encampments, particularly on public lands, as a violation of human rights protected by section 7 of the Charter as well as the right to life and the right to adequate housing under international law. Put in place alternatives to evictions that are designed following meaningful engagement with encampment residents to find solutions that meet their needs.
- b. All governments must ensure that laws, regulations and bylaws do not further destabilize encampments and expose residents to greater risk of harm and violence. All enforcement measures undertaken must be compliant with human rights standards.

- c. All governments must fulfill their human rights responsibilities to ensure that everyone living in encampments has access without discrimination to the necessities of life and the services needed to protect their physical and mental health, including access to water, food, sanitation, and heating and cooling, accessibility supports, healthcare and harm reduction services.
- d. Ensure drop-in shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.

5. Implement immediate measures to address the root causes of encampments and provide access to adequate housing.

- a. All governments must immediately fund and/or develop adequate housing solutions and supports so that people living in encampments are re-housed as rapidly as possible. These housing solutions must meet the definition of adequate housing which includes security of tenure, affordability, accessibility, suitable location, availability of services, habitability and cultural adequacy.
- b. In the absence of available adequate housing, all governments and service providers must work to address the structural barriers that result in existing emergency shelters not being accessible or appropriate for all people who might choose to use them.
- c. The National Housing Strategy must be greatly enhanced and its programs must prioritize the elimination of chronic homelessness and reduction of core housing need, with a focus on Indigenous peoples and disadvantaged groups, to fulfill commitments under the NHSA.
- d. All governments must strengthen collaboration to address the systems that drive homelessness, including systemic racism and discrimination and failings in the Canadian child welfare, corrections, healthcare, income security and other systems.

6. Ensure government accountability and that people experiencing homelessness have access to justice.

- a. All governments must ensure that they are monitoring the progressive realization of the right to adequate housing and put in place measurement systems that include accurate, comprehensive, and replicable data on homelessness.
- b. People living in encampments must have access to timely, effective recourse when their rights are threatened or violated.

DETAILED RECOMMENDATIONS TO IMPLEMENT THE CALLS TO ACTION

The following recommendations set out essential measures for all governments to put the Calls to Action into practice, with emphasis on the measures that must be taken immediately to address the urgent risks facing encampment residents. It is essential that all measures be adapted to the specific needs of each community, taking into account that needs in rural, remote and northern communities will differ from larger urban centres in the south. In every instance, people living in encampments are the ones best able to identify their own needs and must be fully engaged in determining and implementing solutions.

These Recommendations include legislative and regulatory measures, policies, and programs that advance the progressive realization of the right to adequate housing in accordance with Canada's human rights obligations, including those affirmed in the Charter and Constitution and international instruments such as the UN Declaration on the Rights of Indigenous Peoples. These obligations place responsibilities on all levels of government.

The Recommendations identify a series of distinct actions to be undertaken by federal, provincial, territorial and municipal governments to respect, protect and fulfill the right to adequate housing and other human rights implicated in the context of encampments.

First Nations, Inuit and Métis are over-represented among people living in encampments. This is a result of historic and ongoing failures to uphold the distinct rights of Indigenous Peoples affirmed in domestic and international law. Therefore, the Recommendations include specific measures that need to be undertaken in partnership with Indigenous governments and representative organizations.

1. The Federal Government must lead the development of a National Encampments Response Plan in cooperation and consultation with all other governments.

- In consultation and cooperation with First Nations, Inuit and Métis governments and representative organizations, **the Minister of Housing, Infrastructure and Communities and Infrastructure Canada must** lead development of a **National Encampments Response Plan** that recognizes Canada's human rights obligation to commit maximum available resources, all available means and demonstrate progress in a timely manner.
 - The plan must include **new resources** commensurate with the scale of the problem and a clear human rights-based strategy to ensure sustained and meaningful engagement with people with experience living in encampments.
 - The plan should aim to provide coordinated responses among all governments and across all government departments and agencies and ensure local authorities have the resources they need to address the range of housing, healthcare, income and other supports needed by people experiencing homelessness using human rights-based approaches.
 - The Plan should include clear targets and timelines for offering adequate housing to people living in encampments in response to the findings of the Auditor General's **Ending Chronic**

Homelessness as well as a strategy for monitoring progress towards the established targets.

- The plan should recognize the urgency to act and be in place by August 31, 2024.
- Development of the plan must include provincial and territorial governments, First Nations, Inuit and Métis governments, municipalities (coordinated and convened by Federation of Canadian Municipalities (FCM) between municipalities and the federal government) and right to housing organizations who can convene people with lived experience in encampments and people with human rights expertise.
- In consultation with the Federal Housing Advocate, **The Minister of Housing, Infrastructure and Communities** must establish an advisory process which includes lived experts and Indigenous leadership to guide development of the plan.
- The plan must leverage existing Federal, Provincial and Territorial bodies such as the Federal, Provincial and Territorial Forum on Housing and similar bodies addressing mental health and addictions to ensure better coordination of human rights-based responses.
- Explore how to mobilize resources and coordinate efforts with other federal action plans (e.g. Addictions and Mental Health, Gender-based violence, Anti-racism, 2SLGBTQQIA+, Poverty reduction strategy, UNDRIP Action Plan, Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People National Action Plan)
- Establish mechanisms to monitor the results of the Response Plan In fulfilling the right to adequate housing for people in encampments.
- As a first step, **The Minister Housing Infrastructure and Communities** must immediately convene meetings on homelessness and encampments with provinces, territories, and municipalities to coordinate an all-of-government response.

2. Commit to a human rights-based approach to address the needs of encampment residents.

- **The Minister of Housing, Infrastructure and Communities'** response to this report must publicly commit to a human rights-based response to encampments and to developing a National Encampment Response Plan.

Federal, Provincial, Territorial and municipal governments must:

- Integrate the human rights principles and guidance set out in the [National Protocol for Homeless Encampments in Canada](#) and the [Homeless Encampments: Municipal Engagement Guidance](#), both produced by The Shift.
- Consistently use the human rights language of the National Housing Strategy Act across all government legislation, policy, and communications.

- Cease using language that stigmatizes or discriminates against people living in encampments or undermines the work of grassroots organizations providing support to them.
- Adopt policies and procedures on how to conduct meaningful, culturally safe, and trauma-informed engagement with people living in encampments or experiencing homelessness.
- Recognize the right of people in encampments to be part of the decision-making process which means:
 - Recognizing and engaging with the informal peer leadership in encampments;
 - Supporting the emergence of camp-led consensus-based decision making.
- Ensure people who have lived/living experience with addictions and substance use have a central role in designing the health solutions they need.

The Federal Government:

- **Infrastructure Canada and the Canadian Mortgage and Housing Corporation must** include conditions in funding agreements with provinces, territories, and municipalities that ensure that all use of federal housing-related funds respects and fulfills Canada's international and domestic human rights obligations.

Provincial and Territorial governments must:

- Adopt provincial or territorial legislation recognizing the human right to adequate housing as defined in international law.
- Review provincial and territorial human rights codes to ensure explicit prohibition of discrimination based on social condition such as income levels, being unemployed or experiencing homelessness.
- Develop programs to ensure that people residing in encampments, shelter and precarious housing are aware of their human rights, including the right to housing.

Municipal governments must:

- Develop a human rights-based policy related to encampments and ensure that any response to encampments prioritizes upholding the human rights of encampment residents. The role of police and by-law officers should be de-emphasized in these responses.
- Ensure the development of all relevant by-laws, policies, programs and plans includes meaningful engagement with people with lived experience in encampments.

3. All measures must respect the inherent rights of Indigenous Peoples.

Federal, provincial, territorial and municipal governments must:

- Support Indigenous governments to provide self-determined, culturally appropriate housing and supports to their citizens regardless of place of residency, including through recognition of First Nations, Inuit and Métis jurisdiction, accelerated transfer of care and control of housing and homelessness programs and programs in other areas such as mental health and addictions (as

requested); and respecting existing funding arrangements with Indigenous governments and their representative organizations.

- Support and allocate funds to ensure the full and effective implementation of housing and homelessness action plans developed by First Nations, Inuit and Métis governments and organizations, including the First Nations Housing and Related Infrastructure Strategy, the Inuit Nunangat Housing Strategy, and the Canada-Métis Nation Housing Sub-Accord.
- Substantially increase investment in adequate, sustainable, and culturally appropriate housing in First Nations, Inuit, and Métis communities based on accurate assessment of needs and the actual costs of building and maintaining housing in small, remote and northern communities.
- Work with Indigenous Peoples to more effectively respond to the distinct needs of urban First Nations, Inuit, and Métis individuals, particularly those who are unhoused and living in encampments.
- Support Indigenous governments and engage with relevant Indigenous service providers to develop and implement holistic strategies to provide wrap-around supports to Indigenous individuals who are unhoused or living in encampments with a goal of providing access directly into adequate housing.
- Ensure that all departments and agencies engaged in the design and delivery of housing-related services make a concerted effort to have their staff, management and boards be representative of First Nations, Inuit and Métis people. All departments and agencies must also provide cultural safety training for all staff and management.
- Implement Indigenous-led training on the UN Declaration on the Rights of Indigenous Peoples as called for by the Truth and Reconciliation of Canada and prioritize implementation of all Calls to Action relevant to resolving the crisis of housing and homelessness.
- Support the role of cultural workers, Elders and Knowledge Keepers in the process of finding solutions and supporting individuals experiencing homelessness.
- Work with First Nations, Inuit and Métis governments and organizations in building capacity to collect and analyze relevant homelessness data and ensure data collection initiatives respect Indigenous data sovereignty as reflected, for example, in the principles of First Nations Ownership, Control, Access, and Possession (OCAP®).
- Take action to “support the establishment and long-term sustainable funding of Indigenous-led low-barrier shelters, safe spaces, transition homes, second stage housing, and services for Indigenous women, girls, and 2SLGBTQQIA+ people who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to sexualized violence and exploitation” as called for by the National Inquiry on Missing and Murdered Indigenous Women and Girls and prioritize implementation of the Inquiry’s other Calls to Justice relevant to addressing the housing needs of Indigenous women, girls and 2SLGBTQQIA+ persons.

4. Take immediate action to respect and protect the human rights and dignity of all people living in encampments and reduce the risks that they face.

The federal government:

- **All federal ministries must** prohibit forced evictions of encampments on federal lands, including lands that are operated by agencies and other federal entities.
- **Infrastructure Canada must** increase funding designed to prevent and reduce homelessness. New money must be added to address encampments, reflect the increased scope of the problem and to reach the increasing number of communities facing a homelessness crisis.
- **The Minister of Health and the Minister of Mental Health and Addictions must** ensure healthcare funding, including allocations for mental health and addictions, specifically references the urgent needs of encampment residents.
- **Health Canada and the Public Health Agency of Canada must** invest in upstream interventions to prevent mental illnesses and substance use disorders and promote good physical and mental health.
- **Health Canada and Public Safety Canada must** take measures to protect people living in encampments from the poison drug epidemic by supporting access to safe supply and other harm reductions services in order to save the lives of encampment residents who rely on the unregulated drug supply and are at risk of overdose.

Provincial and territorial governments must:

- Prohibit forced evictions of encampments on public lands²⁷.
- Support municipalities in putting in place alternatives to removal of encampments.
 - Support meaningful engagement as the priority for finding solutions that fulfill the human rights obligations to provide safety and security for encampment residents.
 - Support Indigenous-led interventions to provide culturally appropriate services and supports for First Nations, Inuit and Métis individuals living in encampments.
 - Ensure funding for services and supports is available for municipalities (regardless of their size), including healthcare funding to address the complex needs of encampment residents.
 - Ensure adequate housing alternatives are available when people are ready to leave an encampment.
- Adopt provincial or territorial action plans for the safety and well-being of encampment residents based on meaningful engagement with those residents and their advocates and in consultation and cooperation with Indigenous Peoples, as well as federal and municipal governments.
- Adequately fund individualized social and mental health supports and other measures that help individuals to maintain a stable living situation.

²⁷ The prohibition of forced evictions in international law does not distinguish between public and private lands. However, as encampments are generally established on public lands, the Advocate's recommendation focuses on public land.

- Provide direction to law enforcement agencies to halt the confiscation of belongings, surveillance and harassment which can be violations of the human rights of encampment residents. This includes providing direction to law enforcement and relevant authorities to end practices which make drug use grounds for displacement, seizure of property, mandatory referrals to health and social services and treatment, and other measures that impose coercive limitations on the rights of encampment residents who use drugs.
- Ensure greater coordination amongst provincial service providers and systems to meet the needs of people living in encampments (i.e. healthcare, income-support, housing).
- Take measures to protect people living in encampments from the poison drug epidemic by supporting access to safe supply and harm reduction services for encampment residents.
- Leverage and adequately fund community-based organizations to provide urgent care for mental health, addictions, and substance use, including grief counselling and trauma support for those who use drugs, their families, and those who work with them.
- Increase support to facilitate access to low-barrier shelter options.
 - Ensure adequate funding for shelters to remove barriers and address individualized needs of women, Indigenous individuals, racialized groups, 2SLGBTQIA+ individuals, families, people with pets, people with disabilities and people who use drugs.
 - Ensure provision of on-site supports and harm reduction for people who use drugs as well as people with mental health issues and brain injuries.
 - Ensure shelters implement trauma-informed approaches.
 - Ensure funding for shelters for people fleeing gender-based violence.

Municipal governments must:

- End the practice of forced evictions of encampments on public lands.²⁸
- Put in place alternatives to removal of encampments.
 - Ensure meaningful engagement as the priority for finding solutions that meet the needs of encampment residents.
- Implement measures to protect and support people living in encampments:
 - In consultation with encampment residents, identify needs and provide dignified access on site or in reasonable proximity to essential facilities and services such as clean drinking water, sanitation, cooking facilities and waste collection (see the [list of essential services](#) developed by the National Working Group on Homeless Encampments).
 - Respect people's right to refuse services.
 - Eliminate any policies or practices that restrict access to encampment sites during daylight hours or require daytime tear down of tents and removal of personal effects.
 - Facilitate delivery of existing services and supports such as health care and income supports to encampment residents which are the responsibility of other governments.

²⁸ The prohibition of forced evictions in international law does not distinguish between public and private lands. However, as encampments are generally established on public lands, the Advocate's recommendation focuses on public land.

- In discussion with women and gender-diverse encampment residents, provide services for persons who have or are experiencing gender-based violence and identify and support measures to enhance the protection of women and 2SLGBTQQIA+ individuals, particularly those who are Indigenous.
 - Ensure protection from the poison drug supply through access to harm reduction services and regulated safe supply for encampment residents who are at risk of overdose because of reliance on an unregulated supply.
 - Provide access to storage facilities for people to protect their belongings.
 - Ensure availability of transportation so that encampment residents have ready access to clinics and other supports.
 - Ensure that police, bylaw enforcement officers and private security firms do not play any direct role in managing encampments.
 - Respect Indigenous protocols and ensure municipal services are culturally appropriate.
 - The availability of services to people experiencing homelessness should not be a justification for an eviction.
- Ensure drop in-shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.
 - Repeal any regulations that restrict people experiencing homelessness from accessing public space.
 - Repeal by-laws and other regulations which prohibit encampment residents from using public spaces.
 - Ban “hostile architecture” (e.g. spikes on sidewalks, armrests on benches) that is designed to stop homeless people from sitting, sleeping and sheltering.
 - Repeal and/or refrain from passing by-laws that restrict community members from offering support services to encampment residents.
 - Empower and support residents to manage their encampments themselves to the extent possible. Government resourcing and supports should not be used to undermine resident autonomy or decision-making. Government should support encampment residents in creating collective camp-wide processes for decision-making, but they should not run these processes.
 - Provide direction to by-law enforcement officers and emergency service to halt the confiscation of belongings, along with surveillance and harassment which may constitute violations of the human rights of encampment residents. This includes providing direction to all relevant municipal agencies to end practices which make drug use grounds for displacement, seizure of property, mandatory referrals to health and social services and treatment, and other measures that impose coercive limitations on the rights of encampment residents who use drugs.
 - Ensure that drug use – or perception of drug use – is not a pretext for restricting access to essential supports and services.
 - Promote collaboration among municipal agencies and community-based service providers to provide an integrated approach to meeting the needs of encampment residents and referring people to the available services.
 - Provide financial and other support to organizations serving encampment residents to ensure adequate staffing levels and address risk of overwork and burnout.

- While permanent housing remains the ultimate goal, immediate improvements to existing emergency shelter services are also needed. Shelter providers must:
 - Ensure that their facilities and services are designed to accommodate and be accessible for people with specific needs (e.g., for Indigenous individuals, women, Black and racialized individuals, 2SLGBTQIA+ people, couples, families, youth, seniors and people with disabilities).
 - Put in place policies and practices that are trauma-informed and that meet the needs of and respect the dignity and human rights of people experiencing homelessness.

5. Implement immediate measures to address the root causes of encampments and provide access to adequate housing.

The Federal Government:

- In consultation with First Nations, Inuit and Métis governments and representative organizations, **Infrastructure Canada and the Canadian Mortgage and Housing Corporation** must re-orient the current and future National Housing Strategies to ensure there is a priority on initiatives that will rapidly increase the supply of adequate and affordable non-market housing for people transitioning out of encampments and others experiencing homelessness.
 - Provide **new** long-term and predictable funding and ensure resources are also available to small, medium, rural, remote and northern communities who are experiencing growing problems of homelessness.
 - Expand and sustain funding to rapidly create new housing units building on lessons learned from the Rapid Housing Initiative.
 - Establish a properly funded Acquisition Fund to allow municipalities, local land trust organizations and non-profit housing providers to acquire, repair, and operate existing affordable market rental housing.
 - Review the Canada Housing Benefit to ensure it is being leveraged to prevent homelessness, address core housing need, and assist people to return to housing.
 - Create efficient and cost-effective long-term programs (such as direct transfer of adequate public lands, direct lending and preferential lending rates) that allow for the creation of new non-market adequate housing that meets the needs of encampment residents and people at risk of homelessness.
 - Prioritize making resources available to address groups that are in greatest need, including First Nations, Inuit and Métis individuals, Black Canadians, other racialized communities, women, 2SLGBTQIA+ individuals, people fleeing gender-based violence, youth, seniors and people with disabilities.
- Recognizing that housing is an important social determinant of health and that unaddressed mental and physical health needs contribute to homelessness and that homelessness can have severe mental and physical health impacts, **Infrastructure Canada, Health Canada and the Public Health Agency of Canada must work with Women and Gender Equality Canada** to ensure better integration of housing and public health policies, particularly for women, 2SLGBTQIA+ individuals and youth.
- **Infrastructure Canada must** support the documentation and sharing of promising practices to facilitate the spread of effective human rights-based responses to homeless encampments.

- **The Minister of Health and the Minister of Mental Health and Addictions** must develop national legislation, parallel to or within the National Health Act, to bring parity, accountability and transparency to federal funding to provinces and territories for programming and services related to mental health and substance use.
- **Immigration, Refugees and Citizenship Canada** must increase funding for refugee housing supports.
- **Statistics Canada and Infrastructure Canada** must facilitate the collection of better data that captures the diverse needs and experiences of people living in encampments, including women and 2SLGBTQIA+ people.

Provincial and Territorial governments must:

- Work with the federal government, municipalities as well as First Nations, Inuit and Métis governments and representative organizations to identify and implement permanent and affordable housing solutions.
- Increase funding for supportive housing, including units inclusive of trans and non-binary people.
- Increase funding for municipal services that provide access to housing and address the needs of those who are unhoused and living in encampments, including providing funding to ensure sufficient staffing.
- Increase income supports as well as the minimum wage to reflect the high cost of living and to reinforce efforts to prevent homelessness and allow for successful transitions to adequate housing solutions.
- Strengthen protection of tenant rights, including rent control and vacancy control, as well as protection against above-guideline rent increases, forced evictions for rent arrears and evictions into homelessness.
- Provide adequate funding to housing organizations who are housing people exiting out of chronic homelessness, including encampments, in order to ensure individualized social and mental health supports for high acuity tenants.
- Provide supports for community-based organizations that allow them to retain and meet the mental health needs of frontline workers.
- Reduce bureaucratic barriers to accessing permanent housing, such as requirements to provide tax returns and establishing accessible processes for other requirements, such as obtaining identification.
- Undertake reviews to better understand and address systemic failures that drive homelessness during transitions out of the child welfare system, the prison system, hospitals, gender-based violence shelters and other institutional environments.
- Reduce bureaucratic barriers for unsheltered individuals to access permanent housing, such as obtaining identification.

Municipal governments must:

- Ensure programs are available to rapidly rehouse anyone entering encampments using available housing allowances and providing individualized supports where necessary to support them in maintaining their housing.
- Put in place measures to facilitate the rapid construction of non-market affordable housing.
 - Immediately provide surplus municipal land at no cost in areas close to transit and other necessary amenities to non-profit affordable housing providers or land trusts.
 - Implement zoning and other changes to fast track the development of community housing.
 - Waive development and other municipal fees to fast-track non-profit affordable housing and support the operations of the housing providers over the long-term.
- Maintain strong standards and enforcement for state of repair in rental units and other landlord obligations to address conditions which can lead to homelessness.
- Strengthen housing loss prevention initiatives, including accessible emergency funds to reduce incidents of evictions due to late payment of rent.

6. Ensure government accountability and that people experiencing homelessness have access to justice.

All governments must:

- Require that all officials with responsibilities relevant to housing, homelessness, and encampments receive training on the right to adequate housing, Gender-based Analysis (GBA) Plus, and the UN Declaration on the Rights of Indigenous Peoples.

The Federal government:

- **Justice Canada must** change government litigation strategies to ensure access to justice for violations of the right to life, security and equality experienced by those who are experiencing homelessness or living in precarious housing and instruct government lawyers to cease from arguing that the right to adequate housing is non-justiciable or that courts in Canada should not require governments to ensure access to housing in order to comply with the rights to life or equality.
- **Global Affairs Canada, Canadian Heritage and Justice Canada** must lead a process aimed at ratifying the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights to afford all in Canada a right to make complaints to the Committee.
- **Canadian Heritage must** ensure that [the Forum of Federal-Provincial-Territorial Ministers Responsible for Human Rights](#), [the Senior Officials Committee Responsible for Human Rights](#), and [the Continuing Committee of Officials on Human Rights](#) follow up on Canada's obligations to respect, protect and fulfill the human rights of people living in encampments.
- Recognizing that access to justice is a fundamental principle of human rights, **Canadian Heritage must work with Justice Canada and Infrastructure Canada** to provide funding to enable both civil society organizations and rights holders to better organize and access the human rights

accountability mechanisms established under the NHSA as well as mechanisms established by other governments.

- **Canadian Heritage must** expand Federal Court Challenges program or develop a similar type of program so that encampment residents and advocates working with encampment residents have recourse to litigation as necessary to advance the right to adequate housing.
- **Public Safety Canada must** develop and publicize guidelines for the RCMP on their human rights obligations when engaging with encampment residents, such as in the investigation of a violent crime targeting residents. RCMP officers should also receive Cultural Sensitivity Training and be made aware of local Indigenous supports before working with First Nations, Inuit and Métis encampment residents.

Provincial and Territorial Governments must:

- Establish and/or strengthen systems such as legal aid so that encampment residents and people experiencing homelessness or precarious housing have timely access to mechanisms to protect their rights or pursue redress for rights violations.
- Develop alternative mediation and dispute resolution mechanisms accessible to people living in encampments, consistent with principles of restorative justice, and able to give due regard to Indigenous legal traditions.
- Ensure that an independent body such as human rights commission, ombuds office, or housing advocate has the mandate and resources necessary to review systemic housing issues.
- Review provincial and territorial human rights codes to ensure prohibition of discrimination based on social condition, housing status and other forms of discriminatory treatment experienced by people experiencing homelessness.
- Develop guidelines for provincial police services on their human rights obligations when engaging with encampment residents.

Municipal governments must:

- Establish independent municipal accountability mechanisms. Larger municipalities should consider creating Ombuds offices.
- Document and make public all decisions related to municipal services for encampments in a manner that makes this information accessible to encampment residents and the wider public.
- Prohibit any restrictions on freedoms of association and assembly.
- Ensure journalists have access to and can report on encampment clearances and evictions.
- Ensure advocates and trusted service providers are allowed to support encampment residents if an eviction is threatened. Peaceful demonstrations and protests must be allowed.

ANNEX A

List of Engagement Partners

Facilitating the collection of submissions from encampment residents
Alliance to End Homelessness Ottawa, Ottawa, Ontario
BRAS Outaouais, Gatineau, Quebec
Canadian Lived Experience Leadership Network (CLELN)
Caroline Leblanc, Université de Sherbrooke
Le Centre d'intervention et de prévention en toxicomanie de l'Outaouais (CIPTO), Gatineau, Quebec
Clinique interdisciplinaire en droit social de l'Outaouais (CIDSO), Gatineau, Quebec
Dopamine, Montreal, Quebec
Elizabeth Fry Society of Mainland Nova Scotia, Dartmouth, Nova Scotia
Hamilton Social Medicine Response Team, (HAMSMART), Hamilton, Ontario
Lived and Living Experience of Homelessness Network (LLEHN), Victoria, British Columbia
Neighbourhood Solidarity with Unhoused Neighbours (NSUN), Victoria, British Columbia
Peel Alliance to End Homelessness, Peel, Ontario
Pivot Legal Society, Vancouver, British Columbia
Spectre de Rue, Montreal, Quebec
Stop the Sweeps, Vancouver, British Columbia
The Housing Justice Project, Victoria, British Columbia
The John Howard Society of Southeastern New Brunswick, Moncton, New Brunswick
The Shift

Supporting Engagement Activities
Canadian Alliance to End Homelessness (CAEH) 2023 National Conference Halifax
Canadian Drug Policy Coalition (CDPC)
Canadian Lived Experience Leadership Network (CLELN)
Caroline Leblanc, Université de Sherbrooke
CRAB Park tent city residents
Federation of Canadian Municipalities
Fiona York, Advocate
Main Street Project and West Central Women's Resource Centre, Winnipeg
National Indigenous Housing Network (NIHN)
National Right to Housing Network (NRHN)
Pivot Legal Society, Vancouver
Regent Park Community Health Centre
Réseau d'aide aux personnes seules et itinérantes de Montréal (RAPSIM)
Réseau SOLIDARITÉ itinérance du Québec (RSIQ)
Stop the Sweeps, Vancouver
Table des Organismes Montréalais de Lutte Contre le Sida (TOMS)
The Salvation Army, Saskatoon, Saskatchewan
Women's National Housing and Homeless Network (WNHHN)
Western Aboriginal Harm Reduction

Engagement with Indigenous government entities and National Indigenous Organizations
Assembly of First Nations (AFN)
British Columbia Assembly of First Nations
Congress of Aboriginal Peoples (CAP)
Inuit Housing and Homelessness Caucus
Manitoba Metis Federation
Métis Nation Government in British Columbia
Métis National Council – Métis Nation Housing Working Group
National Association of Friendship Centres (NAFC)
Native Women's Association of Canada (NWAC)
Nunatsiavut Government (NG) and Nunavut Tunngavik Incorporated (NTI)

Methodology

Lived and living experts who attended meetings with the Advocate were compensated according to Canadian Human Rights Commission (CHRC) guidelines. Sharing of information was purely on a voluntary basis.

THIS IS **EXHIBIT "I"** REFERRED TO
IN THE AFFIDAVIT OF MARIE JOSEE HOULE
SWORN REMOTELY AT THE
CITY OF CANTLEY BEFORE ME AT THE REGION OF WATERLOO
DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 15TH DAY OF AUGUST, 2025

A handwritten signature in black ink, appearing to read 'Ashley Schuitema', written in a cursive style.

ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G



Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments

Interim report

Office of the Federal Housing Advocate, Canadian Human Rights Commission

344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1

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NOTE OF GRATITUDE

As Canada's first Federal Housing Advocate, my role is to drive change on key systemic housing issues and to hold government decision makers to account for their human rights obligations related to housing and homelessness. The right to adequate housing means that all people are equally entitled to live in dignity in a safe and secure home without discrimination or harassment. Recognizing housing as a human right means that government "duty bearers" at all levels have legal obligations to protect this right for everyone, and especially for people whose right to housing is being violated.

In the past months, I have had the privilege of meeting with and hearing from people who have experienced encampments across the country. First and foremost, this report is designed to place them at the centre of efforts to address homelessness. I want to thank them for sharing their stories and insights. I also want to recognize and commend their courage and resilience in the face of systemic failures to uphold their human rights. As you read this Interim Review and think about potential solutions, I urge you to focus on the urgent need to ensure everyone in Canada has a safe and secure home where they can live in dignity.

I live and work much of the time in un-ceded Anishinabe Algonquin territory and have appreciated the opportunity to visit the territories of First Nations, Inuit and Métis peoples to learn more about the challenges of Indigenous Peoples related to encampments. My discussions across the country have highlighted the direct links between homelessness, encampments and the colonial dispossession of land.

My Interim Report would not have been possible without the work of national and local advocates who are working tirelessly to support people in encampments. This report has also been enriched through discussions with duty bearers from all levels of government. I thank all those who met with me or provided information for my review and I was encouraged to learn more about how human rights principles are informing responses in a number of places.

I encourage all interested readers to share any feedback with me so I can ensure my final report and recommendations will have an impact and result in the changes that are urgently needed.

Change depends on all of us working at all levels, starting in our own communities.

Sincerely,

Marie-Josée Houle, Federal Housing Advocate

INTRODUCTION

The Federal Housing Advocate launched a systemic review on February 23, 2023 to examine the human rights issues facing encampment residents in Canada. This review, pursuant to subsection 13.1(1) of the National Housing Strategy Act (the NHTA), is informed by research on homeless encampments that was commissioned by the Office of the Federal Housing Advocate (OFHA) and released in December 2022. This research confirmed that encampments are a human rights crisis and a violation of Indigenous Peoples' rights, which are unfolding in communities across Canada.¹

The challenges related to homelessness have been growing for many years and were exacerbated by the COVID-19 pandemic. The demands on shelters and social services are exceeding capacity, and homeless encampments have grown across the country. Punitive responses to encampments have also become widespread. This approach – including ticketing, arrest, forced eviction, and the destruction of tents and personal property – fails to address the underlying conditions that have led to the growth of encampments in the first place: chiefly, a lack of affordable, accessible housing. Further, it does not respect the human rights of encampment residents to live in dignity and have access to safe and secure housing.

This Interim Report provides an overview of what the Advocate has heard and learned to date about encampments in Canada and proposed human rights-based solutions. The report is intended to provide the foundation for a deeper reflection on these issues over the coming months. These discussions will in turn inform the findings and recommendations that will be included in the Advocate's final report (expected in early 2024). In preparation of the final report, the Advocate will continue to engage with rights holders, local and national advocates, as well as government human rights duty-bearers at all levels.

In this report, the term "homeless encampments" refers to temporary outdoor accommodations for individuals and groups of unhoused and unsheltered individuals that have been established – often without permission – on public property or privately-owned land.² The growth in number and size of such encampments is the consequence of a severe lack of adequate housing that meets people's varying needs, particularly accessible and affordable housing. The Advocate also recognizes the need for Indigenous understandings of encampments to be respected given that encampments occur on Indigenous land and Indigenous people are overrepresented in encampments.

RATIONALE FOR THE REVIEW

This report is an important step in the first systemic review undertaken by the Advocate under the National Housing Strategy Act (NHS Act). Guided by the human rights principles that form the foundation of the NHS Act, the review has been designed to create space for meaningful engagement and amplify the voices of encampment residents as rights-holders.³ People who are unhoused bring an essential perspective and unique understanding of the systems that deny them their rights. Thus, they “must be recognized as central agents of the social transformation necessary for the realization of the right to adequate housing.”⁴

The review is taking place at a time when formal recognition of the right to adequate housing is still new and accountability mechanisms like the Federal Housing Advocate are still being established. As such, the review is an important opportunity to raise awareness about the human rights obligations of all levels of government while identifying the gaps in implementation and proposing human rights-based solutions related to encampments.

Since the Review was launched on February 23, 2023, the Advocate has engaged in a number of events across the country to hear directly from encampment residents and local community advocates in Montreal, Saskatoon, Winnipeg, Vancouver, Toronto, and Calgary. Recognizing the significant over-representation of Indigenous individuals living in encampments, the Advocate also took part in a number of targeted engagements with Indigenous Peoples and their representative organizations.⁵ The Advocate met with national and local Indigenous organizations and advocates during her visits to Montreal, Saskatoon, and Winnipeg as well as during her August 2022 visit to British Columbia.⁶

In April 2023, the Advocate launched an online portal to invite individual and organizational submissions to inform this review. Recognizing that many people living in encampments would face challenges accessing this tool, she partnered with the Shift and local organizations in Victoria, Vancouver, Hamilton, Peel, Ottawa, Gatineau, Montreal, Moncton, and Halifax to support encampment residents in sharing their experiences and proposals for solutions. With the help of these local partners and others, 313 people with lived experience in encampments made submissions. In addition, 53 advocates, organizations and municipalities shared their perspectives and observations.

Finally, the Advocate is seeking to engage with all levels of government regarding their human rights obligations with respect to housing and encampments.

The Advocate’s engagement with the Federation of Canadian Municipalities (FCM), the FCM’s Big City Mayors’ Caucus, and the Association of Municipalities of Ontario (AMO) facilitated input from municipalities across the country. As well as receiving written responses, the Advocate met with a number of municipal leaders and officials working on effective responses to the human rights challenges posed by encampments.

In a number of instances, when municipalities were taking actions that appeared to contravene the human rights of encampment residents, the Advocate sent letters of concern to mayors, and municipal councils, the relevant provincial authorities, and provided comment in the media.⁷

Throughout the process, the Advocate and her staff also met regularly with federal officials to keep them informed about the process of the review and to learn more about federal efforts to develop a response.

The Advocate has engaged with provincial human rights commissions in Ontario, British Columbia, and Quebec. In April, she also met with provincial and territorial senior officials of the intergovernmental Forum on Housing, informing them of the review and asking for their input in next steps.

As an Interim Report, this document could not capture all relevant experiences. Rather, it is intended to provide the foundation for further reflection and engagement to identify human rights-based solutions. The Advocate's final report (expected in early 2024) will present her findings as well as concrete recommendations to increase dignity, security, and protection for the human rights of people who are unhoused and living in encampments, as well as upholding the rights of Indigenous Peoples. The Advocate looks forward to continuing her engagement in the coming months in preparation of this final report.

The right to adequate housing

The human right to adequate housing is an obligation affirmed in international human rights law, including in treaties that Canada has signed and ratified as well as in human rights declarations and other applicable international norms and standards.⁸ With the National Housing Strategy Act (NHSA) enacted in 2019, the human right to adequate housing is now enshrined in Canadian law.⁹ Recognizing housing as a human right means that governments at all levels have legal obligations to respect, protect, fulfill, and promote this right for everyone, without discrimination. These obligations are heightened in respect to those most vulnerable to violations of their human rights.

The right to adequate housing means that housing must be secure, provide availability of basic services, affordable, habitable, accessible, in a suitable location and culturally adequate.¹⁰

All people should have equitable access to adequate housing, without discrimination based on gender, race, disability, faith, place of birth, age, sexual orientation, or other grounds.

Being unhoused means not having stable, safe, and adequate housing, nor the means or ability to obtain it. Then United Nations Special Rapporteur on the right to adequate housing, Leilani Farha, explains:

Homelessness is a profound assault on dignity, social inclusion and the right to life. It is a prima facie violation of the right to housing and violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.¹¹

Homelessness also negatively impacts other rights. For example, the right to family life and family unity are undermined when women who are unhoused have their children taken away from them. Governments should avoid punitive measures and focus, rather, on providing a solution.¹²

A State must make every effort and use all available resources to satisfy the obligation to eliminate homelessness. This standard means eliminating homelessness in the shortest possible period of time.¹³

Under international human rights law, states have specific human rights obligations to:

- Adopt and implement plans to eliminate homelessness as quickly as possible in consultation with people who are unhoused. Such plans must include clear, time-bound goals, as well as setting out who is responsible for what across all levels of government.
- Measure and monitor the extent of homelessness using data disaggregated by gender, race, and other relevant characteristics;
- Eliminate forced evictions;
- Stop the criminalization of people who are unhoused;
- Combat discrimination, stigma, and negative stereotyping of people, including by prohibiting discrimination based on socio-economic status, including homelessness;
- Ensure access to justice for rights violations, including government failures to take adequate measures to address homelessness; and
- Regulate non-state actors so that they respect the rights of people who are unhoused and undertake actions consistent with the imperative to eliminate homelessness.¹⁴

Finally, the United Nations Human Rights Committee underscores that States should take particular measures to uphold the right to life, including actions related to housing:

The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include [...] extensive substance abuse, widespread hunger and malnutrition and extreme poverty and homelessness. The measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care, electricity and sanitation, and other measures designed to promote and facilitate adequate general conditions, such as the bolstering of effective emergency health services [...] and social housing programmes.¹⁵

Recognizing the right to housing in Canadian courts

There have been several developments toward recognizing the right to housing in Canada.

In the 2009 Adams decision, involving an encampment in Victoria, B.C., the Court ruled that, in the context of a shortage of adequate shelter for unhoused persons, bylaws imposing an absolute prohibition on the erection of temporary overnight shelter violated section 7 of the Canadian Charter of Rights and Freedoms.¹⁶ This decision was the first to establish a link between the Charter – in this case section 7 rights to life, liberty, and security of the person – and the right of encampment residents to shelter in public spaces. The decision also affirmed that the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights are relevant factors when courts consider section 7.¹⁷

Subsequently, many encampment cases have arisen, but the precedent set in Adams has not yet borne out a more robust and meaningful recognition of the rights of encampment residents, either under section 7, or under section 15 protections of equal treatment under the law. In fact, most encampment cases have been decided at the injunction stage, before Charter claims are even addressed.

In those rare cases that involve analysis of Charter rights, judges tend to opt for the narrowest and least systemic legal remedies. We often see some variation on the reasoning first defined in Adams.

For example, in a recent court case in Ontario that dealt with encampments in the city of Waterloo (Waterloo v. Persons Unknown and to be Ascertained, 2023), the decision concluded: “The essence of the British Columbia decisions is the establishment of a constitutional right to shelter oneself when the number of homeless persons exceed the number of available and accessible indoor shelter spaces within a given jurisdiction.”¹⁸

This current trend in legal recognition requires no positive government action. It simply requires governments to refrain from specific, harmful activity, namely: forcibly displacing people where there are no accessible shelter beds, as opposed to taking concrete steps to ensure access to shelter or housing. This is a far cry from full recognition of the right to housing under international law.

The right to housing and the human rights of Indigenous Peoples

Governments have particular human rights obligations related to housing when it comes to upholding the rights of Indigenous individuals and the collective rights of Indigenous Peoples.

First and foremost, governments need to address the impact of colonialism and related systemic housing inequality and dispossession experienced by Indigenous Peoples.¹⁹ Indigenous homelessness, in its many forms, including encampments, is directly tied to Canada’s ongoing legacy of colonial policy and practice. As Jesse Thistle, a Métis-Cree scholar on Indigenous homelessness, writes:

Racism and discrimination aimed at Indigenous peoples are firmly entrenched in Canadian society, producing impenetrable systemic and societal barriers, such as a lack of affordable and appropriate housing, insufficient and culturally inappropriate health and education services, irrelevant and inadequate employment opportunities, and a crumbling infrastructure in First Nations, Inuit, and Métis communities. The fiduciary abandonment of Indigenous communities by the state, which has greatly contributed to Indigenous homelessness, is manifested by chronic underfunding by the federal, provincial and territorial governments of Canada.²⁰

Ensuring Indigenous individuals have access to adequate, culturally appropriate housing, consistent with the right to housing, is one key step toward addressing this appalling human rights record. It is also key to addressing the ongoing crisis of missing and murdered Indigenous women, girls, and gender-diverse people. The National Inquiry into Missing and Murdered Indigenous Women and Girls has called on all governments in Canada to “ensure that Indigenous women, girls, and 2SLGBTQIA people have access to housing that is safe, appropriate to geographic and cultural needs, and available wherever they reside, whether in urban, rural, remote, or Indigenous communities.”²¹

Further, for Indigenous individuals, the right to housing can only be realized in tandem with the collective rights of Indigenous Peoples, including those contained in the United Nations Declaration on the Rights of Indigenous Peoples.²²

In this light, the right to adequate housing for Indigenous Peoples must be understood within the context of their rights to self-determination and self-government. The right to self-determination includes Indigenous Peoples’ right to free, prior, and informed consent. This requires federal, provincial, territorial, and municipal governments to work in consultation and cooperation with Indigenous Peoples to seek their agreement before taking measures that potentially impact the rights of Indigenous Peoples.²³

The right to self-determination and self-government also means that enjoyment of the right to adequate housing of Indigenous Peoples is inextricably linked to maintaining their unique relationship to their traditional territories and corresponding rights.²⁴ The right to housing for Indigenous Peoples should also be seen as connected to rights to practice ceremonies, harvesting, and other Indigenous economic, cultural, and spiritual traditions and practices.

Métis, Inuit and First Nations governments also have a collective right to design and implement their own housing policies and programs, including access to adequate financial resources to implement the right to housing.²⁵

For all individuals, forced evictions are a gross violation of the right to adequate housing. For Indigenous Peoples, the prohibition of forced eviction must be understood in the context of closely interconnected collective rights. Specifically, Article 10 of the UN Declaration states that Indigenous Peoples shall not be forcibly removed from their lands or territories.²⁶

A human rights-based approach to encampments

Everyone has a right to live in security, peace, and dignity, including people living in encampments.

People living in encampments face some of the most vulnerable circumstances of any member of Canadian society. Many are dealing with the combined effects of unaffordable housing, the health crisis brought on by the pandemic, and a severe economic downturn. They have often faced discrimination linked to the historical legacy and ongoing realities of colonialism, racism, sexism, ableism, and other forms of systemic marginalization. In other words, they have experienced a history of human rights violations and are at heightened risk of further violations.

Residents of encampments frequently experience harassment and violence from police, bylaw officers, and the public. While the Advocate heard that many unhoused people find that living in encampments is safer than alternatives such as shelters or living alone on the street, the conditions are still precarious. Many described losing their possessions, including government-issued identification, during enforcement actions. Most do not have access to basic services like clean water or heat. Some have suffered physical harm or have died as a result of exposure, fire, overdose, and other threats to life and safety. These conditions are an assault on their human dignity and amount to violations of the human right to housing.

Paradoxically, encampments are also a site of strong human rights claims. As articulated by former United Nations Special Rapporteur on the Right to Adequate Housing Leilani Farha and Dr. Kaitlin Schwan:

While encampments arise as a result of governments failing to effectively implement the right to housing, they can also be an expression of individuals and communities claiming their legitimate place within cities, finding homes within communities of people without housing, asserting claims to lands and territories, and refusing to be made invisible. They are a form of grassroots human rights practice critical to a democracy such as Canada's. For Indigenous peoples, the occupation of lands and traditional territories vis-à-vis encampments may also be an assertion of land rights, claimed in conjunction with the right to housing.²⁷

Living in an encampment does not change the scope of rights protections or government obligations. The prohibition on forced eviction, for example, applies “regardless of ownership or tenure status of those affected.” Encampment residents who face forced evictions must receive adequate compensation, reparation, and access to housing.²⁸

Furthermore, encampment residents have the right to remain where their community is whenever possible. Relocation should occur only when strictly necessary and after all other options have been explored through meaningful consultation with encampment residents.²⁹

Governments must also ensure encampment residents' basic needs are met, such as having access to safe drinking water and sanitation,³⁰ and government services and programs must be accessible without discrimination.³¹

Finally, encampment residents have a right to redress for any human rights violation they face, including access to justice to enforce their rights.³²

Designing and delivering solutions for encampments using a human rights-based approach also requires the application of the following key principles³³:

- **Participation** – People should be involved in decisions that affect their rights.
- **Accountability** – There should be monitoring of how people’s rights are being affected, as well as remedies when things go wrong.
- **Non-Discrimination and Equality** – All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realizing their rights should be prioritized.
- **Empowerment** – Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.
- **Legality** – Approaches should be grounded in the legal rights that are set out in domestic and international laws.

Existing human rights guidance

Two months into the pandemic, former United Nations Special Rapporteur on the Right to Adequate Housing Leilani Farha and Dr. Kaitlin Schwan published “A National Protocol on Homeless Encampments in Canada,” advocating for cities to adopt a human rights-based approach to encampments. The Protocol provides governments with a framework on how to use a rights-based approach when dealing with encampments based on eight principles, which are, in brief:

1. Recognize residents of homeless encampments as rights holders;
2. Meaningful engagement and effective participation of encampment residents;
3. Prohibition of forced evictions of encampments;
4. Explore all viable alternatives to eviction;
5. Ensure that any relocation is human rights compliant;
6. Ensure encampments meet the basic needs of residents consistent with human rights;
7. Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents; and
8. Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with encampments.³⁴

The research commissioned by the Advocate’s Office on encampments also recommended a rights-based transformation of government responses at all levels to encampments through the immediate adoption of the following five recommendations:

1. **De-Centre policing and law enforcement:** A rights-based approach to encampments requires all governments, including municipalities and the federal government, to end their practices of using trespass orders, bylaws, and policing to evict unhoused people from encampments.

2. **Municipal and interjurisdictional responsibilities:** In adopting a rights-based approach to encampments, federal and provincial governments have an obligation to provide funding and services that offset the disproportionate impact faced by municipalities in addressing the housing crisis and the existence of encampments. This includes short-term options, such as investments in modular housing and suitable shelter spaces, and longer-term investments in social and affordable housing.
3. **Ensure the meaningful participation of encampment residents:** A rights-based approach requires meaningful and inclusive participation of people living in homelessness in the design and implementation of policies, programs, and practices that affect them.
4. **Recognize the distinct rights of Indigenous Peoples:** Governments should meaningfully engage all relevant Indigenous stakeholders and nations, as identified by Indigenous Peoples themselves, in the development of policy approaches to encampments.
5. **Address the conditions within encampments and provision of basic services:** A rights-based approach requires access to basic services, such as clean water, sanitation facilities, electricity, and heat.³⁵

WHAT WE HEARD ABOUT THE HOMELESSNESS CRISIS

This section, and the one that follows, summarizes what the Advocate has heard so far over the course of public engagement about conditions contributing to the increase in encampments across the country. It reflects input from 313 people who have lived in encampments who made a submission through the Advocate’s online platform, and 53 submissions from frontline workers, city officials and staff, advocates, and community members.³⁶ It also includes perspectives expressed at six roundtable engagements,³⁷ a series of engagements held by The Shift,³⁸ input received from Indigenous Peoples and representative organizations, as well as municipal government representatives.

Barriers to secure housing

The federal government has authorized an over \$80 billion suite of loans and program funding as part of the National Housing Strategy (2017-2027) designed to respond to the housing and homelessness crisis. Yet, the Auditor General’s 2022 report on Chronic Homelessness found that the government is unable to determine if its efforts to prevent and reduce chronic homelessness were leading to improved outcomes.³⁹

The Advocate heard how the growth of encampments reflects an underlying lack of access to adequate, affordable housing, and how the supply of supportive housing is not able to meet current levels of demand. One roundtable participant expressed frustration at backlash to encampments, noting, “There is no housing to offer people.” In particular, the Advocate heard the deep fear and exhaustion from advocates and individuals on the front lines of the housing

crisis in Canada who feel like they are “fighting a losing battle” as the right to housing becomes more and more out of reach for many.

The Advocate also heard how discrimination prevents some groups from enjoying their right to housing. In particular, people with disabilities face an extreme shortage of adequate, affordable, and accessible housing that supports a life of dignity. One participant remarked, “The only way we get accessible housing is if someone dies or goes to long-term care.”⁴⁰ Racism also impacts access to housing. For example, one participant shared their experience of facing rejection by landlords as a Black person with dreadlocks.

Participants described the severe lack of supportive housing that meets the particular needs of people with active and severe addictions. Alongside a limited supply of detox and rehab programs, participants shared that there are not enough housing options for people leaving those programs. This shortage is especially alarming given incidents shared about drug use leading to eviction, likely into homelessness.

People also face discrimination because of their low income, being unhoused, or both. The Advocate heard about the stigma that unhoused people experienced that was related to their social identity and appearance. Participants also underscored how landlords requiring employment references, judicial or credit checks, or demonstrations of consistent recent access to housing disproportionately screen against marginalized people, particularly unhoused people. Further, the Advocate was concerned to hear of an increasing trend of landlords not accepting tenants who rely on social assistance.

Some people seeking housing shared that the only housing options offered were uninhabitable. Participants described seeing violations of adequate housing standards so deplorable due to rodents, bedbugs, and lack of running water, that they would rather live outside.

Participants also explained how lack of secure tenancy can lead to homelessness, particularly for women and gender diverse people. In some cases, it is not possible for romantic partners to be added to a lease. In others, couples will hide their relationship and cohabitation because their combined income may render them ineligible for housing or social assistance. The Advocate heard how this situation can lead to one person in the couple being made homeless when the relationship ends because they are not named on the lease and therefore have no tenancy protections.

Participants further warned that, in some provinces, public and supportive housing programs can be a pathway to homelessness, instead of a conduit to stable housing. The Advocate heard that in British Columbia for example, highly restrictive, but illegal “program agreements” have led to housing providers imposing extremely restrictive rules on residents and evicting people for even minor breaches.

Once someone is unhoused, the Advocate heard how it becomes increasingly difficult to access housing. Quick turnaround times and extensive bureaucratic hurdles increase the difficulty of making a transition away from street living, even with assistance. One participant recalled having two days to get paperwork together to enter public housing and not being able to make the deadline. Frontline workers also reported difficulties in helping unhoused people navigate

through the systems in place, for example, applications for programs, income tax paperwork, unemployment insurance, or arranging for a rent allowance. These challenges are growing as more and more of these systems are going online.

Even when successful in navigating the system, many face extensive waitlists for the current inadequate supply of affordable and social housing. One roundtable participant expressed particular frustration at ten-year waitlists for rent-geared-to-income housing.

Inadequate emergency shelters

The Advocate heard that there is a clear link between the levels of capacity, adequacy, and dignity within shelter systems, and the emergence of encampments.

A frontline worker described the lack of shelter space as “a crisis,” noting that lack of space in winter means people are forced to remain outside, exposed to the elements. Some get frostbite, in some cases resulting in amputated fingers and toes. Some people have died from exposure. “We had to drop people off at emergency rooms to keep them alive,” they said.⁴¹ Another participant described how some unhoused mothers have resorted to letting their kids sleep in stores or other indoor places they can go unnoticed, due to overfilled shelters.

Many also deplored the fact that shelters cannot maintain dignified living conditions. “Shelters are dead spaces,” one roundtable participant said, noting that conditions like theft, crowding, violence, and the threat of catching illnesses encourage people to opt to live in encampments.⁴² Numerous participants expressed frustration at the lack of privacy in shelters, and fear that their belongings will be stolen due to a lack of secure storage spaces. A participant shared that shelters for her are a location of trauma where she does not feel safe and where she has no privacy and no autonomy. In fact, numerous participants compared shelters to prison-like conditions. As one submission noted, this can be a source of trauma for those with experience being incarcerated. For many trying to avoid a relapse into addiction, a shelter can also be triggering, as poor mental health is exacerbated by living in a dorm with no privacy.

Emergency shelters often have rules that restrict autonomy, freedom of movement, privacy, and access to friends and family. They may also set expectations that are difficult to meet for people who have been living on the street. For example, shelters may require sobriety, impose disruptive bed checks, prevent couples from staying or sleeping together (segregation by gender), restrict the quantity of belongings residents can bring, or not provide space for pets. Such limits can have serious consequences. For example, separating families and couples deprives people of a key source of safety and support. Gender-specific shelters may also prevent same-gender couples from sleeping together.

People who suffer from addictions are also particularly affected by shelter restrictions. The Pan Canadian Women’s and Housing and Homelessness Survey demonstrates that people who use drugs were banned from shelters at a rate three times greater than those who did not use drugs.⁴³

Some also expressed the difficulty of maintaining employment while living in the shelter system. Shelters can require residents to be present at certain times for head counts, or to depart at a particular time of day, often early in the morning. One participant, for instance, described losing

her place in a shelter where she was volunteering because the shelter required her to be present for several bed counts, and she slept at a friend's house for one night. Since her eviction, she lost all her belongings and personal identification, and has been sleeping on the streets.

The Advocate also heard how shelters can be so unsafe, people will choose to live outside. Many of the participants said they face serious safety issues such as violence, gender-based violence and systematic discrimination and racism. Some participants reported allegations of theft and sexual assault involving shelter staff.

For women and gender diverse people in particular, staying in shelters can expose them to violence, including sexual assault. Some noted that women, trans women, and gender diverse people are more likely to avoid shelters – out of fear of violence, sexual exploitation, and child apprehension – and therefore have more difficulty accessing services. Many lamented the lack of emergency resources, including warming centers, specifically for women and LGBTQIA2S+ people.

Participants also shed light on the lack of safe places for women, gender diverse people, and others fleeing violence. Data shows that the vast majority of shelter beds in Canada are designated for men or are co-ed (68 percent), with only 13 percent dedicated specifically for women.⁴⁴ Some roundtable participants remarked that shelters designed for women fleeing violence can also be restrictive in who is granted access, creating barriers for people who aren't experiencing the "right kind" of abuse. Unhoused women fleeing a violent relationship may not be considered eligible to stay at a shelter because they don't fit specific criteria – for example their assault took place beyond a certain timeframe. Such restrictions, it was noted, can lead to people either staying in abusive living situations, or living outside in encampments. One assessment estimates that approximately 699 women and 236 accompanying children are turned away from domestic violence shelters every day across Canada.⁴⁵

Indigenous Peoples and the homelessness crisis

The Advocate heard how the rights of Indigenous Peoples are particularly impacted by the housing and homelessness crisis across Canada, and how unhoused Indigenous individuals face distinct harms.

Indigenous representative organizations and municipal government representatives all recognized that Indigenous Peoples are overrepresented among the population of unhoused people throughout Canada. Data corroborates this pattern. For example, the most recent Point in Time counts of homelessness in communities receiving federal funding through the Reaching Home program show that 35 percent of unhoused respondents identify as Indigenous compared to the 5 percent of the overall population that identified as Indigenous in the 2021 census.⁴⁶

Participants attribute this systemic disparity, in part, to the longstanding lack of equitable federal investment in housing and related infrastructure in Indigenous communities. They also highlighted the need for follow through on the findings of the Truth and Reconciliation Commission as well as the National Inquiry into Missing and Murdered Indigenous Women and Girls. They also called for greater recognition of the direct links between Indigenous

homelessness and the dispossession of Indigenous lands as well as the discriminatory and disproportionate apprehension of Indigenous children. As Indigenous housing scholar Alan Hanna stated in his report commissioned by the Advocate, the history of colonialism in housing policy is shameful. He also underscores that acknowledging this history is critical to understanding the present day access to housing challenges and right to housing violations regularly inflicted on Indigenous communities throughout Canada.⁴⁷

The full scale of housing needs for Indigenous people is uncertain, however, because of the prevalence of hidden Indigenous homelessness. Rather than living unsheltered, it is common for unhoused Indigenous individuals to live in overcrowded family homes, couch surf, or live out of cars, particularly in Northern, rural, and remote locations. Nevertheless, Indigenous communities are also seeing a rise in seasonal encampments, or incidents of unsheltered homelessness that can have lethal consequences, particularly in Northern climates.

Participants warned that a lack of resources and supports for Indigenous individuals living away from their communities in urban centres increases the risks of homelessness and other negative outcomes. Missing or inadequate essential supports include: a lack of transition services for those moving from reserves to cities, a lack of culturally appropriate housing, and few Indigenous housing providers. With increasing rents in urban areas, some seek to return to their home communities, but will face long waitlists for housing.

Indigenous individuals, meanwhile, often avoid mainstream shelter services due to fear of separation from key supports and personal possessions. The Ontario Federation of Indigenous Friendship Centres' submission shared:

For many Indigenous people, they would rather stay with their partners or pets in encampments than be separated from them in the shelter system. To restrict encampments and force residents into shelters, it would be essential that those shelters be safe and accommodating places that treat residents with dignity, not strip them of their possessions and loved ones.

Unhoused Indigenous people also face a lack of culturally appropriate services and care. The Ontario Federation of Indigenous Friendship Centres shared that mainstream services do not provide the supports and culturally safe services Indigenous people facing homelessness or housing precarity need.

Significantly, participants lamented the way jurisdictional confusion leads to barriers for funding Indigenous housing and homelessness programs. Federal Reaching Home funds, for example, are not available on-reserve. A representative of an Indigenous organization observed that third party, non-Indigenous entities are receiving funding to provide services to urban Indigenous people, but are not delivering culturally appropriate care and services. For urban Indigenous communities, some participants pointed to the failure of the federal government to take responsibility for necessary service provision. It was reported that, meanwhile, Indigenous governments are not resourced to support Indigenous people living in urban centres away from their home communities, and sometimes not jurisdictionally empowered to provide said support.

Positively, the Advocate did hear about some collaboration between Indigenous and non-Indigenous governments to bridge jurisdictional barriers. For example, the Newfoundland and Labrador Housing Corporation, a provincial crown corporation, will lease building space and allow the Nunatsiavut Government to operate housing and homelessness programs in Goose Bay, which is a hub for Inuit who have left Nunatsiavut, some due to lack of housing in their homeland.

Inadequate program funding for community services

The Advocate heard how frontline housing and homelessness services are underfunded, operating over capacity, and facing high rates of staff turnover and burnout.

Another remarked on the inability to recruit new employees, noting that first year university students are being hired for roles they aren't equipped to perform. Similarly, some noted the difficulty in retaining skilled workers when government agencies can offer higher pay and more stability.

At the root of the issue, participants remarked, is the reliance on project-based and short-term funding, particularly through the federal Reaching Home program, as opposed to sustained, perennial operational funding. By the time someone is hired and trained, one roundtable participant noted, the funding for the position is gone, which leads to instability for staff, and precludes being able to build trust with clients, many of whom have complex needs. The result, some noted, is that vulnerable and neglected people are being underserved, and not receiving the qualified, trauma-informed care to which they are entitled.

Further, limited funding results in “unproductive competition” between organizations as they fight for the same funding opportunities. This competition can lead groups to underestimate their real financial needs when submitting applications, which makes it difficult to maintain projects, even if they are successful in meeting needs.

The need for human rights-based action and more accountability

Participants described the need for a paradigm shift in government approaches to housing and homelessness. There is a need for people-centred approaches based on genuine effort and cross-jurisdictional collaboration.

Participants on the frontlines of the struggle for housing justice spoke to a long history of facing off against government denial and disregard. As one roundtable participant shared:

Everything we got in this city we had to fight for it, get arrested, get lawyers, get tickets: 24-7 women drop-ins, tent city, warming centres – these are all fought for by the community, not provided by the city. We have been beaten by police for the kind of activism we have done.⁴⁸

Participants noted that many municipalities and provinces continue to invest money and resources in hostile approaches to encampments (including hostile architecture), supporting harassment and surveillance of residents as opposed to genuine outreach. Some reported a lack of communication or meaningful engagement with encampment residents and organizations, as

well as denial by government of the seriousness of the housing crisis. “The government needs to understand that they created these issues of inequity and they are complicit in maintaining them,” one participant stated.⁴⁹

Participants also noted that work to address housing and homelessness issues has been stymied by lack of clear lines of responsibility, both across government ministries and between various levels of government. As a result, no one takes responsibility for financing and implementing appropriate solutions. “Everyone keeps acting like it’s not their responsibility and trying to pass the issue on to another government entity. They need to just come together and resolve this issue,” a participant emphasized.⁵⁰

The Advocate heard that many of the people in government responsible for delivering homelessness services and programs (at all levels) don’t understand the realities of people living on the street. People expressed concerns that responsibilities are not well defined and that the agencies often avoid responsibility by suggesting it is up to another department or level of government to address the problem.

The Advocate also heard from municipalities who reported that in attempting to take a human rights-based approach to housing and homelessness, they came up against limitations, particularly the need for cross-jurisdictional collaboration with provincial and federal governments. When the Advocate asked municipalities for solutions they would like to see put in place, the responses mostly centred around funding for non-market, supportive and affordable housing as well as the need for coordination of health and housing policies and funding streams. However, implementing these measures, they added, requires additional support from provincial and federal governments who bear the key responsibility for such investments. Some noted that municipalities can work with third-party partners to facilitate the building of supportive housing as a stop-gap in the absence of adequate funding, but such partnerships cannot bridge all funding gaps and program shortfalls, particularly when it comes to the need for supports to keep people housed. As Calgary Mayor Jyoti Gondek expressed in a letter to the Advocate, “As cities work towards more sustainable housing solutions, additional investments to enhance existing mental health and addiction service providers, [...] and more mobile services to provide supports to people where they are at would help alleviate the homelessness crisis.”

The disproportionate levels of Indigenous homelessness in municipalities across the country was also a key concern mayors shared with the Advocate. For example, in Edmonton, approximately 60 percent of people experiencing homelessness identify as Indigenous.⁵¹ There is frustration at the lack of support from the federal government for urban Indigenous programming given their fiduciary duty to Indigenous Peoples.

Some municipalities also noted that the poisoned drug crisis⁵² has added another layer of urgency and complication to addressing homelessness. Municipalities identified the need for a coordinated approach to the intersecting and compounding harms of increasing homelessness and poisoned drug supply, with greater support from provincial and federal governments.

WHAT WE HEARD ABOUT ENCAMPMENTS

Encampment evictions and clearances

The Advocate heard repeatedly about widespread experiences of encampment evictions and clearances.

More than 150 references were made in individual online submissions regarding people living in encampments facing routine seizure and disposal of their property – including personal identification, tents, photo albums, money, and clothing – and being displaced without the provision of adequate alternative housing. Similar experiences were also recounted during the Advocate’s in-person engagements. Some described seizure and displacement as daily occurrences.

Roundtable participants also described how some municipalities misuse health and safety regulations as justification to clear encampments. For example, one participant shared how a fire department was sent to an encampment under the pretense of a “wellness check,” but instead tore down tents and decamped people. Another shared that in Calgary, health concerns about mold in tents were used to justify dismantling an encampment. “But why would you not just use the resources to get them new tents rather than paying for a sweep?” they asked.⁵³ The Advocate was also very concerned to hear about new “safe street bylaws” being enacted in some municipalities, empowering by-law officers and police to remove items they deem to be abandoned.⁵⁴

Many participants with lived experience recounted facing violence, harassment, bullying, and constant threats of incarceration and fines from by-law officers and police, especially when being evicted and cleared out from temporary encampments.⁵⁵ The few participants who reported facing no particular issues with evictions and clearances were very disciplined in packing up their tents and all of their belongings before morning sweeps by law enforcement.

The Advocate also heard about incidents of excessive force used to clear encampment residents, such as during the 2021 eviction of an encampment at Lamport Stadium Park in Toronto.⁵⁶ “People could have died, it’s just luck that nobody did,” one roundtable participant reflected, noting that there were serious injuries among encampment residents, including someone who sustained a broken bone. Toronto’s Ombudsman investigated the Lamport encampment clearing, among others, and found that the city “[c]hose to clear encampments quickly, instead of focusing on the needs of the people living in them.”⁵⁷ In doing so, the Ombudsman concluded, “the city caused undue confusion and harm.”⁵⁸

Even where excessive force is not deployed, clearing an encampment is an inherently violent act. Participants described how destruction of encampments deprives residents of essential personal property needed for survival. One roundtable participant reflected, “slashing a tent is like slashing a throat.”⁵⁹

The Advocate also heard how encampment clearances not only destroy homes, but also communities. As another roundtable participant expressed, “my community is my family.”⁶⁰

Participants warned that evicting encampments takes stability and community away from people, leading to health crises, greater violence, and even loss of life.

Reliance on policing and law-enforcement based approaches to encampments and homelessness adds to this trauma. Outreach workers and organizations mentioned how the police invoke a trauma response in many people who are or have been experiencing homelessness. The Toronto Alliance to End Homelessness sums up:

Security approaches do not work in addressing homelessness, or in stopping people from setting up encampments. It traumatizes already vulnerable and marginalized people and increases their vulnerability to becoming chronically homeless, forcing people into often even more precarious places.

For unhoused Indigenous people, the trauma of encampment clearings is often added to previous traumas, including the trauma of forced removal from traditional lands, or the forced removal of children from their communities into residential schools, the 60s Scoop and the child welfare system. Indigenous representative organizations and frontline workers expressed that police involvement in the housing crisis is a continuation of colonial state violence and is deeply inappropriate.

Violence and stigma increase isolation and risk of harm

The Advocate heard how government approaches to encampments stigmatize their residents, and how this relates to broader public sentiment regarding encampments. As one individual submission noted, “There is no empathy from the government, thus no empathy from the public.”⁶¹

Roundtable and online submission participants reflected on the many ways people who are unhoused are criminalized for living in poverty. For example, Winnipeg police issue hundred plus dollar fines for trespassing or loitering outside shut down businesses. Participants also described how many cities have bylaws that do not permit encampments or allow anyone to erect a tent in city parks.⁶² In other municipalities, tents are only allowed between 7 p.m. and 7 a.m., making it difficult to establish any stability. Some described how municipalities will pursue legal action against groups, such as churches, that have worked to support encampments because they violate such bylaws. Often, such suits or other government-led actions against encampments are encouraged by public complaints and backlash against encampments, participants noted. In one extreme example, the Advocate learned of efforts by the Barrie city council to introduce a bylaw that would penalize individuals distributing essential supplies to unhoused people, such as providing tents or food supplies without a permit. Anyone found violating the bylaw could face fines up to \$100,000.⁶³

Participants also noted widespread discrimination against people who are unhoused. There were 60 references in online submissions about unhoused people being constantly judged, discriminated against, and harassed on the street or in local stores by members of the general public, by police or other authorities. Examples of behavior ranged from outright physical violence and intimidation, to being kicked out and falsely accused of stealing in stores and restaurants.

Some roundtable participants reflected on the lack of understanding of the systemic reasons why people end up unhoused, or why some may choose to live in an encampment in the midst of very limited options. Some highlighted facing stigma tied to drug use and mental health challenges, because of public assumptions that all people who live in encampments struggle with these issues. “Outsiders don’t know us. We get stereotypes of being criminals and drug users,” one participant said.⁶⁴ “Things would be different if people knew and understood the full situation,” another suggested.⁶⁵

The Canadian Drug Policy Coalition warned that criminalizing drug possession, in addition to being ineffective in reducing the use and availability of drugs, only serves to increase stigma and harm for drug users and their families: “The harms also go beyond the individual and affect families and communities who face stigma, social isolation, negative health outcomes, and financial burdens because of the criminalization of their loved one.”

Online submissions also reported a growing hatred toward encampment residents on social media. A community member from Timmins, Ontario shared their concerns:

The discrimination and violence toward people experiencing homelessness has continued in 2023 with a group of community members, supported by local municipal councilors, calling for the criminalization of and violence toward people experiencing homelessness. A public town hall, hosted by the city council on June 15, 2023, was a culmination in calls for violence toward people experiencing homelessness and toward people who use drugs.⁶⁶

They described a Facebook page, created to advocate against the safe injection site in Timmins, which has become a focus for posts and comments targeting unhoused people and other marginalized community members, including frequent calls for violence.

The Advocate heard how this pervasive environment of criminalization, stigma, and hate leads to increased isolation for those most in need of supports. Encampment clearings are just one piece contributing to increased insecurity for people who are unhoused. One roundtable participant described the situation as a “very sadistic game of whack-a-mole,” as people who are unhoused are chased out of location after location, as shelters close, encampments are cleared, and they face increasing public backlash and lack of access to public spaces like malls or coffee shops. Current policy is not focused on housing people, they reflected, but rather on making them “invisible.”⁶⁷ Similarly, a staff person of an Indigenous representative organization said, “The only purpose of bylaw enforcement is to displace them from public space.”⁶⁸

People who opt to live hidden away to avoid being harassed are also deprived of access to community support and services critical for their physical and mental well-being. Frontline service workers emphasized that people are being forced by police to move, making it more difficult to maintain contact and more likely for people to fall through the cracks. This phenomenon uniquely impacts particular groups. Black, Indigenous, and racialized people who face elevated levels of police surveillance and violence, for example, are especially impacted.

Safety and security risks in encampments alongside peer support

Participants shared stories about incidents in encampments such as robberies, physical assaults, harassment, sexual violence, sex trafficking, attacks by encampment dogs, racism, organized crime, and death. Many also spoke about the danger of their living conditions, such as the threat of encampment fires or exposure during harsh winter months. The Elizabeth Fry Society of Simcoe Muskoka noted that people living in encampments are constantly displaced, without shelter or reliable access to food and water, potentially going several days without sleep – all circumstances that increase stress and feed the rise of incidences of violence and exacerbate challenging mental health issues.

While encampments can be sites with risks of violence and harm, many participants saw greater danger in being alone on the streets or in certain temporary housing situations, such as shelters and single room occupancy units. Many expressed that they see encampments as a place that provides community, support, and safety for most of the people living there. Encampment residents establish a care network outside of traditional systems, they share resources, and rely on each other to survive. At CRAB Park in Vancouver, for example, someone will welcome new residents, provide an orientation, and go over guidelines – such as no stealing, no fighting, no police. The roundtable participant who shared this experience added, “Residents know each other better than people who live in a high-rise.”⁶⁹

An employee at an organization working with encampments in Kingston, Ontario shared their observations of peer support in encampments: “People look out for each other in encampments. This doesn’t mean that conflict or challenges don’t happen. Of course, they do like in any communal living situation. [...] People may watch over each other’s belongings, pets, etc. Or also support each other if facing a physical threat. I have seen people break up disagreements and fights among other people in a respectful way. I have also seen people protecting a woman fleeing an abusive partner, by taking turns staying with her or near her tent.”⁷⁰

The result is that people can develop a deep sense of safety, community, and freedom in encampments. One participant explained, “I was homeless for eight years. Without the support of my peers, I would not be alive today, the encampment community gave me a sense of belonging. We would listen and take care of one another.”⁷¹

Some participants expressed the difficulty of leaving behind the encampment community once they obtained housing. One participant shared that after being housed they kept living outside with their peers because they did not want to sleep alone. Another participant invited their “street family” to move into their new place and ended up losing their housing as a result. These challenges and the draw of encampment living are exacerbated by the tendency for people to be relocated far from their communities and familiar services when they finally access housing through social services.

One service provider working in and around encampments did warn about potential dangers from growing encampment size:

[T]he larger the encampment, the more dangerous it became for those living there. While there may be additional safety and community within a smaller group of tents/people living together, there is a tipping point at which the volume of people results in significant risk, danger, and criminal activity.⁷²

Another participant noted that the same level of safety and community isn't achieved with externally managed encampments: "They [nonprofit staff] go home and sleep in a bed at night. They can't run it – need people who live there to run it."⁷³

Gendered experiences in encampments

Gender shapes the pathways into, and experiences of, encampments. Roundtables indicated that some women and gender-diverse people reside in encampments because there are no gender-specific shelters in their community, shelters are full, or because they experience gender-based barriers to accessing shelters or housing. Roundtables also revealed that women, transwomen, and gender-diverse people commonly experience harassment or violence within large mainstream homeless shelters, particularly co-ed and congregate shelters, meaning that many are forced to choose between living in situations of violence, hidden homelessness, or residing unsheltered or in encampments.

Women and gender-diverse people report nuanced and complex experiences in encampments of both heightened safety and heightened risk as well as isolation and community. While some women and gender-diverse people report safety concerns related to residing outdoors and in encampments (e.g., vulnerability to physical violence), some women and gender-diverse people report that residing in an encampment is a *safer* option amongst the other options available to them (e.g., accessing a shelter, returning to an abusive relationship). Previous reports suggest that encampments can buffer women from exposure to violence, harassment, or abuse that they might otherwise experience when residing outdoors alone, or within situations of hidden homelessness.⁷⁴ In some cases, encampment evictions eroded the security systems, safety measures, and mutual aid systems women and gender-diverse people had adopted for themselves and their communities within encampments.⁷⁵

In other cases, roundtables revealed unique safety risks for women and gender-diverse people, including sexual and physical violence. For example, a trans woman shared her experience: "Living in the camps was hell. I was beaten, robbed. I got judged for being a trans woman. It was hard to find a place."⁷⁶ Experiences of violence, exploitation, or coercion within encampments is a particular concern for young girls and gender-diverse people, those with disabilities, and persons experiencing multiple forms of marginalization. While gender-based violence occurs in encampments and is a violation of human rights in all settings, roundtables revealed that gender-based violence is common across all forms of homelessness. This suggests that housing precarity, rather than the context of encampments themselves, is correlated with gender-based violence.

While the conditions of encampments often fail to meet the basic needs of women and gender-diverse people, they are also circumstances in which women and gender-diverse people may have greater agency, autonomy, and dignity to determine the circumstances of their lives. For some women and gender-diverse people, residing in encampments provides an alternative to

shelters or systems that evicted them and have been involved in profound harm to them, including the violence of having their children apprehended due to their housing status or poverty. Nonetheless, women and gender-diverse people residing in encampments also experience unique barriers to maintaining their sexual and reproductive health, including barriers to accessing prenatal and postnatal care. These complex experiences illustrate the ways in which the choice to reside in encampments are inherently tied to the inequities, violence, and underinvestment within other systems.

Unmet basic needs of encampment residents

The Advocate was concerned to hear that the basic needs of encampment residents are not being met, and, in fact, many municipalities are creating further obstacles to unhoused people in accessing water, sanitation, and essential infrastructure.

In the 366 online submissions, there were 119 references to lack of basic services in and around encampments. Roundtable participants also spoke about lack of basic services, such as water and sanitation, in and around encampments. Numerous participants spoke about having no place to shower, use the bathroom, access clean water, or store their belongings. In addition, participants spoke of the lack of access to safe food, clothing, garbage removal, tents or tarps to protect themselves from the elements, blankets, first aid supplies, needle disposal, cooking equipment, places to do laundry, fire extinguishers, and electricity.

Participants shared that some camps do have amenities, but such camps are rare. One online submission said that encampment residents should be “treated as refugees of poverty and the community, government and agencies should swarm to [provide] all that is needed – food, access to garbage service, access to cooking facilities and bathrooms, hygiene facilities and access to support.”⁷⁷ Another roundtable participant noted that what help has been provided has come from the local community, not the city. Individuals have dropped off gear and water, for example.

Even where basic amenities exist, participants reported incidents of municipalities purposefully cutting off service to encampment residents. For instance, one roundtable participant spoke about a city turning off electricity to an encampment, leaving residents without power for almost 6 weeks. They said that by denying services, and making living conditions worse, the municipalities are trying to force encampment residents to leave.

Lack of access to basic needs such as sanitation, food, and shelter, coupled with persistent sources of stress and trauma – from living under constant threat of eviction, to facing hostility, stigma, and discrimination from the public, law enforcement, or city staff – cause serious physical and mental health consequences for encampment residents. These can include worsening mental health and post-traumatic stress disorder, chronic physical conditions such as back injuries, as well as injuries from exposure, such as frostbite (including losing digits and even limbs) in winter, and heat exhaustion in summer.

Absence of services and supports

Participants also highlighted the need for greater access to social, mental and physical health, and legal services in and around encampments.

There were 35 references in online submissions made regarding the lack of assistance and services for encampment residents. A lived experience participant said: “I feel some folks have lost their ability to get the help they need. The help we need is not there. People need more than advice or help towards goals. They need everything.”⁷⁸

Sometimes services are available, but they are not accessible. For example, a roundtable participant spoke about the increased use of “By-Name Lists,” which require individuals to be on a prepared list to have access to any services. These are ideally real-time, up-to-date lists of people known to be experiencing homelessness. In some areas, these lists exclude newcomers and people hesitant to be identified.

In cases where people living in encampments have been displaced and pushed into isolated locations, services can be geographically too far away to reach, especially if someone is carrying their belongings with them. In some instances, the services themselves are moving further away from people who require them. A roundtable participant warned of the impact of defunding city housing services and community-based supports.

Several submissions also shed light on the fact that there is a lack of clarity among encampment residents on where help can be found. As one participant who has been living in and out of encampments shared: “Encampment residents usually do not know what resources are available to find housing or shelter. I was one of those people.”⁷⁹

Service providers also recounted extreme difficulty in navigating the often complex and cumbersome web of programs and policies. One roundtable participant explained: “There’s this revolving door – not enough services, insane amount of barriers. One service isn’t able to connect you with the next because there’s so many barriers. The service providers themselves can’t even navigate the barriers that exist.”⁸⁰

Participants lamented that supports rolled out at the height of the Covid-19 pandemic have been withdrawn, even though the need remains. In particular, some noted the success of Covid-era service centres with services housed under one roof alongside shelter space. For encampment residents, the lack of access to care for physical and mental health was a point of major concern. Participants described lack of access to care for serious physical injuries including frostbite and major wounds. Unaddressed trauma and mental illness, meanwhile, was mentioned 77 times in submissions.

Participants also underscored the serious lack of appropriate services to address addictions and related health impacts. For some people, addictions are tied to the reason they are unhoused, for others, substance use is a response to living unhoused. “People can’t afford to live, it is crushing them,” one roundtable participant explained. “Using substances is a response.”⁸¹ The

Canadian Drug Policy Coalition emphasized how many existing policies and laws in Canada intentionally or unintentionally create and even increase risks and harms related to drug use.

Some participants emphasized that encampments can be a safer environment for people struggling with substance use, thanks to community care. As one roundtable participant with experience of homelessness said: “People mutually support each other in encampments, nobody ODs.”⁸² By contrast, participants spoke about people overdosing in supportive housing where it can take days before staff find them. Others mentioned how a lot more overdoses happen in shelters compared to encampments. An employee in Kingston observed that if encampment residents are using in their tent, they are not far for someone to run and get help if they experience a drug poisoning, overdose, or other health need. The worker also mentioned that they have “seen people run a communal medic tent where people could use with peers, or get support if someone overdosed, or needed first aid help. Encampment communities have their own integrity and rules that they encourage each other to abide by.”⁸³

Nonetheless, community care is no substitute for properly resourced addictions and harm reduction programming. Participants described a lack of access to specialized or knowledgeable care or treatment, clean needle distribution programs, safe consumption sites, and naloxone. Participants also described the increased health consequences, including Hepatitis C and HIV, due to unclean needle use.

Participants also noted the scarcity of culturally appropriate resources for unhoused Indigenous people. An Elder, for example, reflected on the lack of Indigenous crisis workers able to provide culturally appropriate assistance to encampment residents. Another roundtable participant described an incident of non-Indigenous city staff opposing an Indigenous-led, sacred fire at an encampment, despite its crucial role in wellness and traditional healing.

PROMISING MUNICIPAL PRACTICES

During the Advocate’s engagement, she heard from municipalities that are working to develop more humane and human rights-centred responses to homelessness and encampments. The following are some of the promising municipal practices shared with the Advocate.

The Saskatoon fire department’s people first approach

Saskatoon, like other Canadian cities, faces significant homelessness driven by intersecting factors. Colonialism,⁸⁴ lack of access to affordable housing, lack of addictions and mental health supports, and inadequate income assistance are primary contributors.

The Saskatoon Fire Department (SFD) became directly involved with people who are precariously housed and living in encampments at the end of 2021. Chief Morgan Hackl and Deputy Chief Yvonne Raymer said that the fire department uses the same approach that they would when supporting and rehousing people who have survived a house fire.

The SFD created the Inadequate Housing Team to connect people living in encampments with housing and social services. This team is staffed by two fire inspectors who are rotated from

regular inspection duties every few months. The team has two primary goals: 1) ensure public fire safety; and 2) reduce the number of encampments by connecting people directly to shelters and services. Their work varies widely from day to day, but most of their time is spent talking to unhoused people, giving out water on extremely hot days, offering to connect people to housing and financial assistance services, cleaning up used needles, and supervising the cleanup of inactive encampment sites.

The inspectors know the risk of fire and fatalities for residents and the dangers present for emergency medical services staff when fuel sources such as propane are used in encampments. At the same time, the team understands that fire risk cannot be managed without providing adequate shelter.

While the team has a mandate to enforce bylaws prohibiting public homeless encampments, the team approaches encampment residents first with offers to help them access social assistance and enforce bylaws only when these services are refused. Chief Hackl and Deputy Chief Raymer told the Advocate that the vast majority (around 80 percent) of encampment residents accept shelters or hotels and will make an appointment to connect with a housing worker. They do acknowledge that shelters are not adequate or safe for everyone. If a person refuses shelter or housing, SFD will work with social service organizations to create a plan with a timeline for that individual to access other housing options.

Housing as healthcare in London, Ontario

The homeless crisis in London has grown rapidly. With a low vacancy rate, unaffordable rents, and inadequate shelter allowances provided by Ontario Works (Ontario's social welfare program), the number of people experiencing homelessness in London, Ontario has increased dramatically since the Covid-19 pandemic. There is also an acute need for access to deeply affordable supportive housing units for people with complex housing needs, and fully funded health supports.

Recognizing the severity of the unmet needs, the City of London has worked on a “whole of community system response” that contextualizes homelessness within broader health and social service needs.⁸⁵ The system response brought together more than 200 people representing nearly 70 local organizations to help the growing numbers of people facing homelessness, addiction, and mental health challenges, with the ultimate goal of transitioning them into stable housing.⁸⁶ “Because in London, Ontario, we believe that housing is healthcare and that it is a fundamental human right,” the city's plan affirms.⁸⁷

To address the immediate crisis, the city is working to develop short-term supports addressing the ongoing and emerging concerns facing individuals who are living unsheltered. By leveraging the strengths of many existing providers and resources, the city hopes to coordinate the delivery of social services, health care supports, and basic needs provisions through mobile service depots.⁸⁸ Mayor Josh Morgan explained to CBC:

We call them depots, but really these are 90-minute drop-ins at specific locations where people can get access to basic needs, food, water, garbage

collection, some conversation with support workers, and then that group moves on to the next spot and does the same thing in another location.⁸⁹

Using a mobile service, London is working to bring services directly to where individuals are and ensure access for encampment residents.

At the same time, it is working to develop a community-informed, long-term strategy and to build more highly supportive housing.

Supporting encampment residents in Halifax, Nova Scotia

The Halifax Regional Municipality is in the midst of an affordable housing and homelessness crisis. Between 2018 and 2022, the number of people who are unhoused has more than doubled. At the same time, the number of people forced to shelter outside, many in municipal parks, has increased by 500 percent.⁹⁰ Among those who are experiencing homelessness are a disproportionate number of people who identify as Black or Indigenous. There are also disproportionate numbers of people who have a disability or mental health condition.⁹¹

The municipality does not condone or support the installation of infrastructure associated with encampments, but has taken the approach of allowing occupants of homeless encampments to remain until adequate housing has been identified and offered, or until the health and safety of the occupants or public are at risk.

While the province has overall responsibility for initiatives to address homelessness in Nova Scotia, the Halifax Regional Municipality acknowledges it also has an important role to play in addressing this human rights issue. Accordingly, the municipality has developed and led several initiatives to support those who are experiencing homelessness, including: creating four designated outdoor sheltering locations in municipal parks, building modular units to house people experiencing homelessness, and funding community service providers and street outreach workers who provide crisis support and help access services.

The municipality also created a lived experience committee to advise staff on solutions.

Respecting charter rights in Kitchener-Waterloo, Ontario

In January 2023, the Ontario Superior Court of Justice found that a municipal by-law prohibiting certain activities on municipal lands in Waterloo violated section 7 (right to life, liberty, and security of the person) of the Canadian Charter of Rights and Freedoms due to a lack of available and truly accessible shelter spaces that meet the needs of people experiencing homelessness.⁹²

The Region of Waterloo decided not to appeal the decision, and to instead “focus on supporting those experiencing homelessness in the community.” The Regional Council approved a \$163 million investment in housing and homelessness to advance the region’s Interim Housing Strategy and increase shelter capacity.⁹³ The region’s creation of an outdoor, tiny homes shelter on region-owned property to provide a greater range of accessible options for individuals experiencing homelessness is a key part of this strategy.⁹⁴

While the Region of Waterloo is the lead for housing and shelter locally, Kitchener recognizes that municipalities have a role to play as well. In Kitchener, increased homelessness has led to

highly visible encampments in public places, including Victoria Park, a city-owned property. The municipality notes that while “those camping in Victoria Park are violating some bylaws, we have been taking a compassionate approach to addressing this encampment.”⁹⁵

Kitchener is working to support residents in relocating to better shelter or housing. This work involves engaging residents and identifying alternative places to live, addressing their basic needs for housing, improving their current housing, and connecting residents with the necessary social and health support services.⁹⁶

In the meantime, the municipality also tries to mitigate risks for encampment residents. To this end:

By-law and other City staff visit Roos Island daily to check on residents, help connect them with shelter options and other services, check for fire risks and provide safer heating options. Staff also facilitate daily garbage removal and cleanup of litter, sharp objects and abandoned or damaged tents. Staff and contracted security regularly patrol Victoria Park to address any safety or security issues raised by park users or Roos Island residents.⁹⁷

A collaborative, housing first approach at Dufferin Grove Park in Toronto

In August 2021, 22 tents were erected in Dufferin Grove Park in Toronto, with approximately 15 individuals staying on site, including youth, adults, and Black and Indigenous individuals. In the wake of public criticism regarding encampment clearings in 2021, the city worked with community partners to undertake a new approach.

Toronto and its community partners adopted a Housing First approach, working to find permanent housing as quickly as possible, without imposing any conditions or barriers such as mandatory drug rehabilitation treatment or abstinence. At the same time, the city notes, “The Housing First approach includes providing individualized, person-centered supports that are strengths-based, trauma informed, grounded in a harm reduction philosophy and promote self-sufficiency.”⁹⁸

Community partners were involved at the advisory and operational level in determining the overall approach to encampments. This collaboration resulted in numerous positive outcomes including relationship building with encampment residents, connecting individuals to health and social supports, and ultimately transitioning 90 individuals to safer indoor spaces.⁹⁹

Importantly, the collaboration also resulted in a reflection report outlining the successes and learnings from this initiative. This report will guide the City of Toronto’s future approaches to addressing homeless encampments.¹⁰⁰

DEFINING POTENTIAL SOLUTIONS

Solutions are urgently needed

Governments at all levels in Canada have a duty to uphold international human rights standards as well as Charter rights for everyone in Canada, and especially for people who are experiencing greater disadvantages and marginalization. The conversations the Advocate has had and the submissions she has received in recent months have reinforced her concerns about the human rights of people experiencing homelessness and living in encampments.

It is imperative that we change the conversation about encampments and recognize that encampments are a symptom of systemic failures and not the fault of individuals.

The current surge in encampments across the country reflects a lack of government action and inadequate allocation of resources for essential programs and services over the course of many years. By operating in bureaucratic silos and isolated jurisdictional territories, all governments are also failing in their duty to protect life. An all of government approach including all jurisdictions working together is the only way forward to successfully address the interconnected issues such as the poisoned drug supply, the opioid crisis, extreme poverty, colonialism, racism and encampments.

Today, the fundamental right of encampment residents to exist as equal members of society, and to live a life with dignity is at stake in Canada. The failures to provide access to basic services and meet the essential needs of encampments residents are not only a breach of the human rights to housing and to the highest attainable standard of physical and mental health, but they may also amount to cruel and inhumane treatment.

All governments must act to eliminate forced evictions of encampment residents, to stop the criminalization of people who are unhoused, to combat discrimination, stigma, and negative stereotyping of people who are unhoused, and to ensure access to legal remedies for rights violations related to housing.

In their efforts to address homelessness and improve access to housing, many governments are not upholding the rights of encampment residents to participate in decisions that affect them.

The rights of Indigenous people, women and gender-diverse peoples, older people, and people with disabilities are also being negatively affected.

Governments are often failing to uphold Indigenous Peoples' right to self-determination, including their right to design and implement their own housing policies and programs, and to access adequate financial resources to implement them. This has a further negative impact on access to culturally appropriate housing.

Ultimately, the Advocate is concerned about duties to respect, protect, and fulfill obligations related to:

- The right to life and dignity protected by the International Covenant on Civil and Political Rights (ICCPR) and the Canadian Charter of Rights and Freedoms;

- The rights of Indigenous Peoples as protected in the United Nations Declaration on the Rights of Indigenous Peoples and the UN Declaration Act;
- The right to equality protected in the ICCPR, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Charter, and federal and provincial human rights codes; and
- The right to adequate housing as protected in the ICESCR and recognized in the National Housing Strategy Act.

It is encouraging that some municipal governments are taking steps to adopt plans and programs consistent with human rights to address encampments and eliminate homelessness as quickly as possible. They are also pioneering new ways to put the human rights obligations around meaningful engagement into practice. However, much more is needed on a nationwide scale.

We must also recognize and commend the resilience and courage of encampment residents, local advocates and organizations that are finding ways to build community and solidarity as well as provide people who are unhoused with the basics needed to survive.

What we heard about solutions

There is an urgent need to design and implement solutions using a human rights-based approach to uphold the human rights and dignity of encampment residents, while simultaneously addressing the systemic failures in Canada's housing and related systems that are driving the growth of encampments and homelessness in general.

The Advocate recognizes that solutions ultimately require housing that is adequate as per the United Nations definition, but which is in very short supply right now. While medium- to longer-term solutions to provide housing adapted to the needs of unhoused individuals are sought, there are actions needed immediately to protect the human rights of people in encampments to live in dignity, security and be free from discrimination.

Many potential solutions were shared with the Advocate by encampment residents and organizations that support them in their struggle to exist outside of the provision of adequate housing and shelter. In considering these solutions, it is critical to remember that the complexity of the issues requires holistic whole-of-government approaches. A robust policy debate is needed to fulfill these human rights.

The Advocate recognizes that municipalities are the first line of response to encampments, but are often not empowered and generally not adequately resourced to meet the complex housing and public health crises growing in their communities.

The following section provides details on potential solutions shared with the Advocate during her engagement so far. They are being shared here to be used as an important building block for the recommendations the Advocate will provide in her final report.

ENSURE HUMAN RIGHTS-BASED ACTION AND GREATER ACCOUNTABILITY

Participants made clear that a new approach to housing and homelessness is needed – one based on meaningful action, collaboration across all levels of government, and accountability. For too long, governments have dragged their feet on addressing homelessness, in direct opposition to their human rights obligation to eliminate homelessness as quickly as possible. The Advocate heard how in some places, local oversight mechanisms like an ombudsman and lessons learned reports can influence change. At the same time, encampment residents told the Advocate how their access to remedies or restitution for ongoing violations of their rights is often out of reach due to barriers in accessing existing legal recourse for harms, or because no avenue currently exists to address violations of their rights.

Participants outlined the following actions that governments at all levels should take in order to meet their obligations to progressively realize the right to housing and uphold encampment residents' rights:

- Strengthen collaboration on housing priorities, taking an all-of-government approach, bridging across levels of government and between different departments, especially housing and health.
- Take steps, including strengthening legislation, to reinforce implementation of, and accountability for, advancing and protecting the human rights of people experiencing homelessness.
- Enact policy in line with the National Protocol for Homeless Encampments in Canada, including a clear stance against the displacement of people who are unhoused and inadequately housed.
- Ensure greater transparency when governments form partnerships with community-based organizations so that organizations and people experiencing homelessness understand the respective roles and responsibilities. These roles and responsibilities must be known by the organizations and people who live on the street.
- Ensure more significant government participation in community tables, especially when looking for solutions.
- Set up accessible and effective complaint mechanisms so that people experiencing homelessness can assert their rights. This also includes setting up accessible and effective complaint mechanisms for shelters and housing providers, to enable them to adopt a human rights-based approach to continuous improvement.
- Include “social condition” as a status protected against discrimination under human rights codes where it is not already included.

MEANINGFULLY ENGAGE WITH ENCAMPMENT RESIDENTS

Encampment residents are entitled to directly influence decisions and policies that affect them and have essential insight to provide. Participants suggested the following steps to improve meaningful engagement with encampment residents:

- Facilitate the involvement of encampment residents in all relevant policy decisions and allow residents to be involved in any decisions regarding matters that will affect them.
- Establish community advisory panels to allow people experiencing homelessness to provide meaningful input into new bylaws.
- Municipal officials and service providers should establish lines of communication and cooperation with the informal peer leadership that generally exists in encampments.
- Allow and encourage respected encampment residents to act as community leaders or managers, responsible for areas such as safety and cleanliness, and provide them with training to assist them in this role.
- Make paid jobs inside encampments available to residents, including leadership roles on outreach and support teams.

TREAT ENCAMPMENTS RESIDENTS WITH DIGNITY AND RESPECT

Participants underscored how governments are not doing enough to uphold their obligations to address hate and stigma, which increase encampment residents' isolation and exposure to risk of harm. Suggestions for governments included:

- Uphold the prohibition on forced evictions by ensuring that there is no removal of encampments, including individual tents and habitations, except where strictly necessary to ensure the safety and security of the residents.
- Establish designated sites where people are allowed to camp.
- Review and revise existing bylaws and other regulations to ensure they recognize the need to protect, rather than punish, encampment residents.
- Prohibit law enforcement from removing the personal possessions of residents and require them to immediately return those that they are holding.
- Require law enforcement to receive human rights training to better understand the rights of encampment residents, including Indigenous residents.
- Create public education programs to encourage understanding of unhoused people's experiences and grow compassion, including by fostering a two-way dialogue and respect between people living on the street and others who share the space with them.
- Decriminalize drug possession for personal use, as well as the sharing or selling of drugs for subsistence, to support personal drug use costs, or to provide a safe supply.
- Establish memorials to remember people experiencing homelessness who have died or gone missing.

UPHOLD THE RIGHTS OF INDIGENOUS PEOPLES

Participants underscored the need to recognize the direct links between colonial practices, the dispossession of land, and encampments. They also highlighted the failure of governments to act on implementing existing recommendations, particularly from the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls.

They identified the critical need to ensure solutions were in line with the United Nations Declaration on the Rights of Indigenous Peoples and the UN Declaration Act, and that they should be designed for Indigenous people by Indigenous people. Suggestions for governments included:

- Take urgent and sustained action to implement the Calls to Action of the Truth and Reconciliation Commission as well as the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.
- Ensure dedicated funding for Indigenous housing and homelessness programs and Indigenous service providers.
- Support Indigenous governments to provide self-determined, culturally appropriate housing and supports, including through the transfer of care and control of housing and homelessness programs and related funds to relevant Indigenous governments and their representative organizations.
- Support the role of cultural workers and elders in the process of finding solutions and supporting individuals experiencing homelessness.
- Ensure Indigenous individuals have access to traditional medicines, including by designating a sacred fire site in encampments.
- Put in place programs to protect the security of Indigenous women and 2SLGBTQIA+ individuals.

PROVIDE FOR ENCAMPMENT RESIDENTS' BASIC NEEDS

Participants made clear that access to basic needs must be a priority for government action to ensure the health and wellbeing of encampment residents, as well as their right to live with dignity. Suggestions for governments included:

- Allow encampments to be established in areas with access to basic needs and services and stop moving them to spaces that lack access.
- Ensure equitable and accessible toilets, showers, and potable running water are continually available in or near all encampments, with any necessary infrastructure provided, including drainage.
- Improve waste collection services in encampments, and design waste collection policies around those utilised for housed residents.
- Ensure the enjoyment of the right to food for all by facilitating increased access through service providers, providing community gardens, and improving access to social assistance payments for food.
- Build capacity (including funding) for municipalities to meet the basic survival needs of encampment residents. Municipal officials such as fire services, police, paramedics, parks and recreation and outreach workers should be focused on supporting, not punishing, encampment residents.

UPHOLD ENCAMPMENT RESIDENTS' RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

Participants called on governments to provide targeted psycho-social, health, and wellness supports for encampment residents to address the full scope of their physical and mental health needs. Participants highlighted the need for harm reduction programming to address the addictions and opioid crisis. Suggestions for governments included:

- Promote outreach services, including by city officials such as community safety officers, and provide them with the training and resources they require.
- Facilitate the establishment of 24/7 drop-in support centres and community hubs that allow access to multiple different types of supports.
- Ensure access to pharma and dental care for encampment residents.
- Increase the availability of harm-reduction services and supports for encampment residents and ensure a continuum of care for people suffering from addictions.
- Implement policies with particular regard for the health and well-being of protected communities, including older persons and Indigenous individuals, women, youth and 2SLGBTQQIA+ individuals.
- Provide recurrent, stable funding for homelessness programs to allow resources adapted to the needs of people living on the street to be made permanent.
- Redirect funding away from harmful drug and bylaw enforcement towards outreach services aimed at promoting education, health, and well-being.
- Improve access to services and supports by:
 - Improving access to transportation, including through free tickets for encampment residents;
 - Providing free Wi-Fi in encampments; and
 - And allowing encampment residents greater access to recreation and community centres.

IMPROVE ENCAMPMENT SAFETY AND SECURITY FOR ALL RESIDENTS

Governments have an obligation to ensure encampment residents can live free from violence. The Advocate heard that this has not been the experience for most encampment residents to date. Participants noted that encampment residents face threats to their safety and right to life. Exposure to violence and danger is greater for some, including women, gender-diverse people, and people with disabilities. They called for action to protect the safety and security of all encampment residents. Participants highlighted the needs for improved security and support for encampment community building to ensure safety and maintain the wellbeing of encampment residents. Suggestions for governments included:

- Support security for encampment residents by providing properly trained security services – who are not police – to patrol to deter threats while not harassing residents, particularly at night.
- Prevent law enforcement actors from harassing encampment residents and service providers and hold them accountable for human rights violations.

- Implement policies aimed at ensuring the security of particular groups, including women, gender diverse individuals and people with disabilities.
- Improve the security of personal spaces, including toilets and showers by ensuring these have locks, and provide storage facilities for residents' personal possessions.
- Support programs to train and support people experiencing homelessness so that they are better equipped to prevent and intervene in harmful situations (e.g., suicide intervention training).
- Improve encampment fire safety by providing fire extinguishers in encampments.

PRIORITIZE LONG-TERM RIGHT TO ADEQUATE HOUSING SOLUTIONS

Participants called for government action to provide permanent housing solutions that uphold the right to housing for all, without discrimination. Participants underscored the need for security of tenure, affordability, habitability, and accessibility, while guaranteeing the ability of people to live in dignity. Suggestions for governments included:

- Undertake housing needs assessments to gain a better understanding of the housing landscape and inform effective housing policies and programs with the central goal of making sure housing is accessible for everyone.
- Implement a Housing First model as a critical first step, in order to provide housing with support for those who are chronically homeless.
- Increase the availability of affordable housing by increasing investment in social housing, constructing more rent-geared-to-income homes, and redeveloping existing real estate assets into housing for low-income people.
- Strengthen the regulation of landlords and housing providers to ensure they meet human rights and other standards.
- Increase supports for people exiting out of homelessness to allow them to adapt and successfully maintain their housing.
- Ensure appropriate plans are made so that people being released from incarceration and youth transitioning from care have immediate access to accommodation and supports to help them readjust to independent living.
- Support greater protections for security of tenure as well as funding for legal aid and housing loss prevention programs.
- Establish programs to support mothers reuniting with their children by covering initial housing costs (security deposit, the first month's rent, the utilities hook-up fees) and providing access to employment, education, and wellbeing supports.
- Federal and provincial governments should ensure more flexible and predictable funding for supportive housing.
- Introduce policies to prevent discrimination against people who receive social security, have a poor credit rating or have a gap in their housing history.
- Implement universal basic income.
- Make access to social assistance and emergency grants easier and more equitable.
- Bring all forms of housing under the residential tenancy legislation and confer fulsome tenants' rights on all, regardless of tenure.

IMPROVE EMERGENCY SHELTER CONDITIONS AND ACCESS

Participants emphasized that while permanent housing should be the ultimate goal, immediate improvements to emergency shelter services are also needed. Suggestions for governments included:

- Encourage and facilitate the establishment of shelters designed to accommodate and be accessible for people with specific needs (e.g., for women and gender-diverse people, couples, families, 2SLGBTQIA+ people, Indigenous individuals).
- Improve access to temporary accommodation (including cabins and tiny homes) by increasing security, reinforcing respect for dignity and autonomy, and reducing barriers and deterrents.
- Remove any existing policies related to the apprehension of children from parents who are required to use any form of shelter or temporary accommodation.
- End discrimination against substance use and take a harm reduction approach, including the provision “wet and dry” shelters.

CONCLUSIONS AND NEXT STEPS

This Interim Report provides an overview of what the Advocate has heard and learned to date about encampments in Canada and proposed human rights-based solutions. It draws attention to the seriousness of the issues and urgent need for human rights-based responses.

The report is intended to provide the foundation for a deeper reflection and engagement with rights holders, advocates, Indigenous governments and representative organizations as well as provincial, territorial, municipal and federal governments. These discussions will provide an opportunity to fill in any gaps and in turn inform the findings and recommendations that will be included in the Advocate's final report, expected in early 2024.

ENDNOTES

¹ "Homeless encampments in Canada: A human rights crisis," Office of the Federal Housing Advocate, December 8, 2022, <https://www.housingchrc.ca/en/homeless-encampments-in-canada-a-human-rights-crisis> (accessed August 1, 2023).

² Terminology related to encampments can be a source of diverging interpretations and conflicted meaning. One organization's submission expressed a concern that, "[t]he term encampment is a false descriptor leaving the impression that a person's domicile in a tent is temporary and chosen on the basis of a pleasure or sport and as a means to separate and devalue segments of the population" In her Interim Report, the Advocate has chosen to use the term "homeless encampment" as the language most commonly in use for now. She recognizes, however, that the term may not reflect everyone's reality or experience and that it differs from terms commonly used internationally, such as informal settlements.

³ The Advocate's engagement on encampments is also informed by the National Protocol for Homeless Encampments in Canada: A Human Rights-Based Approach. Written by Leilani Farha and Kaitlin Schwan and published by the Shift, April 30, 2020.

⁴ Leilani Farha, *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*, UN Doc. A/HRC/31/54, UN Human Rights Council (2015), para 17.

⁵ The Advocate is also undertaking engagement with First Nations, Inuit, and Métis governments and representative organizations to inform the release of future, distinctions-based reports on the right to housing for First Nations, Inuit, and Métis peoples.

⁶ For more information on the Advocate's findings from her visit to British Columbia, see Federal Housing Advocate's Observational Report British Columbia (August 23 to September 2, 2022), <https://www.housingchrc.ca/en/publications/federal-housing-advocates-observational-report>

⁷ See letters of concern regarding encampments in Montreal, Kingston, Prince George, Vancouver, and Barrie, included in the Annex.

⁸ *Universal Declaration of Human Rights*, 10 December 1948, UN Doc. A/810, art. 25; *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, UN Doc. A/6316, 993 UNTS 3 (entered into force January 3, 1976; accession by Canada 19 May 1976), art. 11(1) [ICESCR]; *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, 660 UNTS 195 (entered into force 4 Jan. 1969, accession by Canada 14 Oct. 1970), art. 5(e)(iii) [ICERD]; *Convention on the Elimination of All Forms of Discrimination against Women*, 21 December 1965, 1249 UNTS 14 (entered into force 3 Sept. 1981; accession by Canada 10 Dec. 1981), art. 14(2) [CEDAW]; *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3 (entered into force 2 September, 1990, accession by Canada 13 Dec. 1991), art. 27(1) [CRC]; *Convention on the Rights of Persons with Disabilities*, 13 Dec. 2006, (entered into force 3 May 2008, accession by Canada 11 March 2010), arts. 9 and 28 [CRPD]. See also article 10 of the Declaration on Social Progress and Development, section III (8) of the Vancouver Declaration on Human Settlements, article 8 (1) of the Declaration on the Right to Development, and the ILO

Recommendation Concerning Workers' Housing, 1961 (No. 115)). Further, *UN Committee on Economic, Social and Cultural Rights* (CESCR), General Comment No. 4, The Right to Adequate Housing, U.N. Doc. E/1992/23 (1991).

⁹ See, National Housing Strategy Act, S.C. 2019, c. 29, s. 313 [NHSA].

¹⁰ "The Right to Adequate Housing, Fact Sheet 21," Office of the UN High Commissioner for Human Rights and UN Habitat, 2014, https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf (accessed August 1, 2023).

¹¹ Leilani Farha, *Guidelines for the Implementation of the Right to Adequate Housing: 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*, UN Doc. A/HRC/43/43, UN Human Rights Council (2019), para. 30 [*Guidelines for the Implementation of the Right to Adequate Housing*].

¹² The right to family is recognized in article 16(3) of the *Universal Declaration of Human Rights*, article 23(1) of the *ICCPR*, and article 10(1) of the *ICESCR*. The UN Committee on Economic, Social, and Cultural Rights (CESCR) expressed concern that women in Canada "continue to be forced to relinquish their children into foster care because of inadequate housing," and that "low-income families, single-mother-led families and Aboriginal and African Canadian families, are overrepresented in families whose children are relinquished to foster care." Concluding Observations of the Committee on Economic, Social, and Cultural Rights: Canada, UN Doc. E/C.12/CAN/CO/4E/C.12/CAN/CO/5 (2006), para. 24.

¹³ Committee on Economic, Social, and Cultural Rights, General Comment No. 3 on the nature of States parties' obligations, UN Doc. E/1991/23 (1990), paras. 10 and 12.

¹⁴ Leilani Farha, *Guidelines for the Implementation of the Right to Adequate Housing*, para. 32; Leilani Farha, *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*, UN Doc. A/HRC/31/54, UN Human Rights Council (2015), paras. 49, 73, and 90; Committee on Economic, Social, and Cultural Rights, General Comment No. 20 on non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20 (2009), para. 35, and Human Rights Committee, General Comment No. 36 on the right to life, UN Doc. CCPR/C/GC/35 (2018), para. 61.

¹⁵ Human Rights Committee, General Comment No. 36 on the right to life, UN Doc. CCPR/C/GC/35 (2018), para. 26.

¹⁶ *Victoria (City) v Adams*, 2009 BCCA 563 at paras. 132 and 195.

¹⁷ *Victoria (City) v Adams*, 2009 BCCA 563 at paras. 32-35.

¹⁸ *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670 at para 82.

¹⁹ Leilani Farha, *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*, UN Doc. A/HRC/37/53, UN Human Rights Council (2018), para. 38.

²⁰ Jesse A. Thistle, *Definition of Indigenous Homelessness in Canada*, Canadian Observatory on Homelessness (2017), <https://www.homelesshub.ca/sites/default/files/attachments/COHIndigenousHomelessness-summary.pdf> (accessed August 30, 2023).

²¹ Call to Justice 4.6.

²² *United Nations Declaration on the Rights of Indigenous Peoples*, 2 October 2007, UN Doc. A/RES/61/295 (Canada signaled its full support in May 2016). https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

²³ Special Rapporteur on adequate housing Leilani Farha, *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context* (Index: A/74/183), UN General Assembly, 2019, para. 54.

²⁴ *United Nations Declaration on the Rights of Indigenous Peoples*, art. 25; and *Indigenous and Tribal Peoples Convention*, 1989 (No. 169) of the International Labour Organization, art. 13.

²⁵ Special Rapporteur on adequate housing Leilani Farha, *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context*, UN Doc. A/74/183, UN General Assembly (2019), para. 64.

²⁶ See also, Inter-American Court of Human Rights, *Moiwana Community v. Suriname*, judgement of 15 June 2015, para. 186, www.corteidh.or.cr/docs/casos/articulos/seriec_124_ing.pdf (accessed August 30, 2023).

²⁷ Special Rapporteur on the right to adequate housing Leilani Farha and Kaitlin Schwan, *A National Protocol for Homeless Encampments in Canada* (2020), para. 39.

²⁸ Leilani Farha, *Guidelines for the Implementation of the Right to Adequate Housing*, para. 38.

²⁹ Leilani Farha, *Guidelines for the Implementation of the Right to Adequate Housing*, para. 42(b).

³⁰ The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, The Independent Expert on the question of human rights and extreme poverty, Magdalena Sepúlveda, and The Special Rapporteur on the right to adequate housing, Raquel Rolnik, "Water and

Sanitation: A human right for all, even slum-dwellers and the homeless,” Office of the High Commissioner for Human Rights (2011), <https://www.ohchr.org/en/statements/2011/03/water-and-sanitation-human-right-all-even-slum-dwellers-and-homeless?LangID=E&NewsID=10875> (accessed August 2, 2023).

³¹ Leilani Farha, *Guidelines for the Implementation of the Right to Adequate Housing*, paras. 42 and 48(b).

³² Committee on Economic, Social, and Cultural Rights, General Comment No. 9: The domestic application of the Covenant: The domestic application of the Covenant, UN Doc. E/C.12/1998/24 (1998), paras. 2-3.

³³ *A human rights based approach: an introduction*, Scottish Human Rights Commission, https://www.scottishhumanrights.com/media/1409/shrc_hrba_leaflet.pdf (accessed August 30, 2023).

³⁴ Special Rapporteur on the right to adequate housing Leilani Farha and Kaitlin Schwan, *A National Protocol for Homeless Encampments in Canada* (2020).

³⁵ Alexandre Flynn et al., *Overview of Encampments Across Canada: A Right to Housing Approach*, The Office of the Federal Housing Advocate (2022).

³⁶ The Advocate received submissions from most provinces and territories, but the majority came from British Columbia (130), Ontario (121), Quebec (44), New Brunswick (19) and Alberta (11). The Advocate is still waiting for submissions from partner organizations in Vancouver and Halifax. These will be reflected only in the Advocate’s final report.

³⁷ Conducted in Saskatoon, Saskatchewan, Winnipeg, Manitoba, Vancouver, British Columbia, Toronto, Ontario, Calgary, Alberta, and Montreal, Quebec.

³⁸ The cities that took part in the project were Victoria, British Columbia, Montreal, Quebec, Hamilton, Ontario, and Moncton, New Brunswick.

³⁹ *Report 5 – Chronic Homelessness*, Office of the Auditor General of Canada (2022), https://www.oag-bvg.gc.ca/internet/english/parl_oag_202211_05_e_44151.html (accessed August 31, 2023).

⁴⁰ Encampments Roundtable – Toronto – June 1, 2023.

⁴¹ Encampments Roundtable – Winnipeg – April 18, 2023.

⁴² Encampments Roundtable – Toronto – June 1, 2023.

⁴³ Kaitlin Schwan et al., *Pan Canadian Women’s and Housing and Homelessness Survey*, Canadian Observatory on Homelessness (2021) <https://womenshomelessness.ca/wp-content/uploads/EN-Pan-Canadian-Womens-Housing-Homelessness-Survey-FINAL-28-Sept-2021.pdf> (accessed August 30, 2023).

⁴⁴ Kaitlin Schwan et al., *A Rights-Based, GBA+ Analysis of the National Housing Strategy*, Canadian Human Rights Commission (2021), p. 11, <https://womenshomelessness.ca/wp-content/uploads/EN-Rights-Based-GBA-Analysis-of-NHS-28-Sept-2021.pdf> (accessed August 30, 2023).

⁴⁵ Kaitlin Schwan et al., *The Crisis Ends with Us: Request for a Review into the Systemic Denial of the Equal Right to Housing of Women and Gender-Diverse People in Canada*, Women’s National Housing & Homelessness Network (2022), <https://womenshomelessness.ca/wp-content/uploads/WNHHN-Claim-15-June-2022.pdf> (accessed August 31, 2023).

⁴⁶ “Everyone Counts 2020-2022: Preliminary Highlights Report,” Infrastructure Canada (2023), <https://www.infrastructure.gc.ca/homelessness-sans-abri/reports-rapports/pit-counts-dp-2020-2022-highlights-eng.html-h2.5.4> (accessed August 31, 2023).

⁴⁷ Alan Hanna, *Systemic barriers for First Nations people: security of tenure in Canada* (Ottawa, Ontario: Canadian Human Rights Commission = Commission canadienne des droits de la personne, 2022).

⁴⁸ Encampments Roundtable – Toronto – June 1, 2023.

⁴⁹ Encampments Roundtable – Calgary – August 8, 2023.

⁵⁰ Encampments Roundtable – Calgary – August 8, 2023.

⁵¹ Letter from Edmonton Mayor Sohi.

⁵² Between January and September of 2021, at least 5,368 Canadians died from “apparent opioid toxicity.” The number of deaths has increased dramatically during the Covid-19 pandemic, due to increased isolation and stress, and “as street drugs became increasingly noxious.” Laura McQuillan, “‘Mass poisoning crisis’: Canadians need to change how we talk about drug deaths, advocates say,” CBC (24 May 2022), <https://www.cbc.ca/news/health/drug-poisoning-deaths-language-1.6457834> (accessed August 31, 2023).

⁵³ Encampments Roundtable – Calgary – August 8, 2023.

⁵⁴ Kate Partridge, “Prince George police, bylaw officers given power to decide what can be removed from streets,” CBC (12 July 2022), <https://www.cbc.ca/news/canada/british-columbia/prince-george-encampment-bylaws-1.6517643> (accessed August 31, 2023).

⁵⁵ There were 112 references across online submissions.

- ⁵⁶ Matthew Bingley, "Toronto officials, police under fire for tactics used to clear homeless encampments," Global News (22 July 2021), <https://globalnews.ca/news/8052972/lamport-stadium-park-encampment-toronto-police/> (accessed August 31, 2023);
- ⁵⁷ "Toronto's Ombudsman says City Chose Speed over People in Clearing Encampments," Ombudsman Toronto (24 March 2023), <https://www.ombudsmantoronto.ca/Publications/News-Releases/News-Folder/Toronto-s-Ombudsman-says-City-Chose-Speed-over-Peo> (accessed August 31, 2023).
- ⁵⁸ *Ombudsman Toronto Investigation Report: Investigation into the City's clearing of Encampments in 2021*, Ombudsman Toronto (24 March 2023), p 2, <https://www.ombudsmantoronto.ca/Publications/News-Releases/News-Folder/Investigation-into-the-City-s-Clearing-of-Encampme.aspx?ext=.pdf> (accessed August 31, 2023).
- ⁵⁹ Encampments Roundtable – Toronto – June 1, 2023.
- ⁶⁰ Encampments Roundtable – Toronto – June 1, 2023.
- ⁶¹ Submission 2150 – Gatineau – June 28, 2023.
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- ⁷⁸ Submission 1590 – Moncton – May 16, 2023.
- ⁷⁹ Submission 2036 – Mississauga – June 15, 2023.
- ⁸⁰ Encampments Roundtable – Calgary – August 8, 2023.
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- ⁸² Encampments Roundtable – Toronto – June 1, 2023.
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⁹⁹ *Ibid.*, p. 7.

¹⁰⁰ *Ibid.*, p. 13.

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IN THE AFFIDAVIT OF MARIE JOSEE HOULE
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DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 15TH DAY OF AUGUST, 2025

A handwritten signature in black ink, appearing to read 'Ashley Schuitema', written in a cursive style.

ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

Federal response to encampments a step forward, and work must continue

3 October, 2024

October 3, 2024 – Ottawa, Ontario – Office of the Federal Housing Advocate

In response to the federal government's funding announcements for human rights-based encampment responses, the Federal Housing Advocate, Marie-Josée Houle, issues the following statement:

Across Canada, people continue to be forced to live in public spaces because they have nowhere else to go. This national human rights crisis calls for a national response.

Last year, I launched a systemic review of this issue to better understand people's experiences and arrive at solutions. I met with encampment residents, local advocates, Indigenous leaders and municipal governments to form the basis of my recommendations. In particular, my final report (<https://www.chrc-ccdp.gc.ca/publications/upholding-dignity-and-human-rights-federal-housing-advocates-review-homeless>) urged the federal government to lead on this issue by swiftly developing a National Encampments Response Plan by August 31, 2024, which would design solutions following meaningful engagement with people who are living in encampments.

I was pleased to see in Canada's Housing Plan (<https://housing-infrastructure.canada.ca/housing-logement/housing-plan-report-rapport-plan-logement-eng.html>) that the federal government set aside \$250 million for human rights-based encampment responses. Most recently, on September 22, 2024, the federal government announced (<https://www.canada.ca/en/housing-infrastructure-communities/news/2024/09/leading-the-effort-to-end-encampments-and-address-homelessness-in-canada.html>) it is ready to negotiate agreements and invest in any province or territory who will cost-match the federal government's funding.

I welcome these important steps and federal leadership in bringing provincial, territorial and municipal governments to the table. The government is taking timely action and must continue to act quickly as winter rapidly approaches.

New resources are positive. While the funding is not adequate to deal with the scale of the challenge across the country, it can act as a catalyst by incentivizing new approaches and developing successful human rights-based community models that can be shared and influence others.

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Critically, the recognition of the need for a human rights-based approach to encampments is an important shift in direction. The government has recognized that if we want better results, we need to do things differently and put people experiencing homelessness at the centre of efforts to find solutions.

Despite this positive initiative, I remain concerned about several potential issues.

I am disappointed that the announcement on September 22nd did not reference the language in Canada's Housing Plan that called for "human rights-based community action plans" to address encampments. I urge the federal government to continue to demonstrate its leadership and emphasize the importance of human rights-based approaches through the consistent use of human rights language in all its communications about encampment responses.

It is essential that there are clear guidelines on what constitutes a human rights-based approach to encampments. Funding should be directed to communities and partners that publicly recognize the human rights of encampment residents and be used for projects that are consistent with a human rights-based approach. At minimum, human rights-based community action plans should include:

- measures to protect the life, dignity and human rights of people who are unhoused and living in encampments, including essential services such as clean drinking water, electricity, healthcare and harm reduction, heating and cooling, sanitation, cooking facilities and waste collection
- transparent, human rights-based protocols for enforcing by-laws
- a commitment to repealing by-laws which contribute to the criminalization and insecurity of encampment residents and to ending practices like coercive "clean up" actions, including the confiscation of belongings that people need to survive and live in dignity
- meaningful engagement of encampment residents in the design, implementation, decision-making and evaluation of human rights-based community action plans
- recognition of the acute over-representation of Indigenous people experiencing homelessness and living in encampments, and the meaningful engagement of Indigenous governments and organizations in the action plans in line with obligations under the United Nations Declaration on the Rights of Indigenous Peoples Act

My report recognized that encampments should not be seen as a solution. At the same time, it reminded governments that forcibly evicting people living in encampments is a violation of international human rights law and it causes more harm. Instead of forced evictions, governments must engage with encampment residents to find solutions that include adequate housing that meets their needs. I reiterate my call for a prohibition on forced evictions, and I urge the federal government to lead on this issue by putting in place a moratorium on forced evictions on federal lands and by prohibiting the use of the new program funds to support forced evictions and other police-led responses. I also urge provinces, territories and municipalities to follow suit.

As this funding is rolled out, there is a need for transparency and accountability. The agreements negotiated between the federal government and the provinces and territories must include minimum human rights standards and must be made public. I also encourage the federal government to reconsider appointing a focal point for encampments, such as a Special Advisor, who would ensure meaningful engagement with stakeholders, monitor and publicly report results, and document and share good practices.

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Finally, a coordinated and all-of-government approach is needed to address this crisis as well as the root causes of homelessness. This encampment response funding should be offered alongside other federal housing funds so that communities can provide long-term solutions. Municipalities on the front lines of this crisis need supports. Resources must also be coordinated with funds to address Métis, Inuit and First Nations housing needs and homelessness, including fully funding the commitment to close the First Nations Housing & Infrastructure Gap by 2030. The response from all levels of government should also ensure that coordinated resources are available for health, community services, housing loss prevention and supportive housing.

Above all, we need to ensure there is ongoing funding and support for people living in encampments, as well as a focus on permanent housing. The ultimate goal must be to get people into adequate housing options as quickly as possible. In the meantime, we must take steps to respect the dignity and human rights of people experiencing homelessness and living in encampments. It is critical that we act before winter comes.

– 30 –

Background

- In Canada's Housing Plan (<https://housing-infrastructure.canada.ca/housing-logement/housing-plan-logement-eng.html>) released on April 12, 2024, the federal government announced \$250 million, to be cost-matched by provinces and territories, for “human rights-based community action plans that commit to a housing first approach to ending encampments, and include supportive and transitional housing, housing-focused services, and rent supplements specifically dedicated to individuals living in encampments or experiencing homelessness.”
- On May 30, 2024, Minister Fraser provided a detailed and substantive official response to the Advocate's report on encampments (<https://www.chrc-ccdp.gc.ca/resources/publications/response-the-minister-the-advocates-report-homeless-encampments>) as required by the legislation. His response highlighted the new funding for human rights-based community action plans and recognized the need for meaningful engagement with Indigenous governments.
- On September 22, 2024, the federal government announced (<https://www.canada.ca/en/housing-infrastructure-communities/news/2024/09/leading-the-effort-to-end-encampments-and-address-homelessness-in-canada.html>) it is ready to negotiate agreements and invest in any province or territory who will cost-match the federal government's funding.

Associated links

- Final report – Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments (<https://www.chrc-ccdp.gc.ca/publications/upholding-dignity-and-human-rights-federal-housing-advocates-review-homeless>).
- News release – Federal Housing Advocate's report on encampments in Canada details human rights concerns and solutions (<https://www.chrc-ccdp.gc.ca/resources/newsroom/federal-housing-advocates-report-encampments-canada-details-human-rights>).

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- Interim report – Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments (<https://www.chrc-ccdp.gc.ca/publications/advocates-review-homeless-encampments>).
- News release – Federal Housing Advocate to review encampments and human rights violations of residents (<https://www.chrc-ccdp.gc.ca/resources/newsroom/federal-housing-advocate-review-encampments-and-human-rights-violations>).
- Research – Case study on encampments from 5 regions of Canada (<https://www.homelesshub.ca/resource/encampments-across-canada-human-rights-approach>).
- Implementing the Advocate's recommendations on encampments – Fact sheet for provinces and territories (<https://homelesshub.ca/resource/fact-sheet-recommendations-for-provinces-and-territories-implementing-the-federal-housing-advocates-report-on-homeless-encampments-upholding-dignity-and-human-rights/>).
- Implementing the Advocate's recommendations on encampments – Fact sheet for municipalities (<https://homelesshub.ca/resource/fact-sheet-recommendations-for-municipalities-implementing-the-federal-housing-advocates-report-on-homeless-encampments-upholding-dignity-and-human-rights/>).

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Implementing the Federal Housing Advocate's report on homeless encampments: Upholding dignity and human rights

Recommendations for municipalities

February 2024

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Executive summary

- On February 13, 2024, the Federal Housing Advocate released the final report and recommendations from her review of homeless encampments. The report, entitled [Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments](#), is a call to action for an urgent national response to the human rights crisis facing people living in homeless encampments.
- The Federal Housing Advocate is recommending that the federal government establish a National Encampments Response Plan by August 31, 2024. It is critical that this plan be rooted in a human rights-based approaches and that new resources are in place before next winter. Furthermore, the report calls for greater collaboration, coordination, and consistency from all governments.
- The plan must drive urgent change that responds to the Calls to Action and detailed recommendations presented in this report and addressed to all governments in Canada. These recommendations have been developed as the result of extensive consultation with encampment residents, community organizations, and municipalities across the country.
- This fact sheet is designed to highlight the Advocate's recommendations directed at municipal governments. A summary of those recommendations includes the need for municipal actors to:
 - Commit to a human rights-based approach to address the needs of encampment residents.
 - Respect the inherent rights of Indigenous Peoples.
 - Take immediate action to respect and protect the human rights and dignity of all people living in encampments and reduce the risks that they face.
 - Implement immediate measures to address the root causes of encampments and provide access to adequate housing.
 - Ensure government accountability and that people experiencing homelessness have access to justice.

Canada has the capacity to solve this crisis. Municipal governments have a key role to play in upholding the human rights and right to housing of encampment residents.

You can download the [full report](#).

Background

- There has been a significant rise in encampments in the last five years, and particularly since the COVID-19 pandemic. Encampments are now being reported across the country— in both large and small municipalities, as well as in more rural areas.
- The human rights violations of encampment residents are twofold:
 1. Encampment residents are at dire risk of harm due to the failure to uphold their basic rights.
 2. The encampments exist only because of a larger, systemic failure to uphold the right of all people to adequate housing without discrimination.
- Municipalities must work closely with Provinces and territories as well as Indigenous governments and the federal government must play a leadership role.
- Recognizing the severity of this crisis, the Federal Housing Advocate launched a systemic review of encampments in February 2023. This systemic review has been carried out pursuant to subsection 13.1(1) of the [National Housing Strategy Act](#).
- As part of this review, the Advocate has engaged with encampment residents and local advocates in communities across Canada. These face-to-face meetings were complemented by written submissions received through an online portal, created specifically for this review. The Advocate worked with local partners across the country who already existing relationships based on trust with encampment residents to facilitate the collection of testimonies from people with lived experience.
 - 313 people with lived experience in encampments made submissions.
 - There were also 53 submissions from municipalities, frontline workers, advocates, and other community members.
- The Advocate followed up on written submissions with face-to-face meetings, through a series of roundtables talks and other public events, in order to ensure encampment residents and homelessness advocates voices were heard.
- The Office of the Federal Housing Advocate (OFHA) also worked with the Federation of Canadian Municipalities (FCM), the FCM's Big City Mayors' Caucus, and the Association of Municipalities of Ontario (AMO) to obtain input from municipalities across the country.
- Recognizing the significant over-representation of Indigenous individuals living in encampments, the Advocate has also taken part in a number of targeted engagements with First Nations, Inuit and Métis governments and organizations.

Human rights obligations for municipalities

- With the National Housing Strategy Act enacted in 2019, the human right to adequate housing is now explicitly enshrined in Canadian law. Moreover, the right to housing, and interconnected rights, such as the right to life that is guaranteed by Section 7 of the [Canadian Charter of Rights and Freedoms](#), must be taken into account in the application of municipal regulations, policies and programs addressing homelessness and encampments.
- Further, municipal governments must apply the lens of International human rights to encampments, including in treaties that Canada has signed and ratified as well as in human rights declarations and other international norms and standards. All governments must commit to upholding the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) and work in consultation and cooperation with First Nations, Inuit and Métis governments and representative organizations to fully implement its provisions. In particular, all governments must work with Indigenous governments and representative organizations to more effectively respond to the distinct needs of urban First Nations, Inuit, and Métis individuals, particularly those who are unhoused and living in encampments.

Recommendations

1. Municipalities must work with the Federal Government in the development of a National Encampments Response Plan in cooperation and consultation with all other governments.

- Development of the plan must include provincial and territorial governments, First Nations, Inuit and Métis governments, **municipalities (coordinated and convened by Federation of Canadian Municipalities (FCM)** between municipalities and the federal government) and right to housing organizations who can convene people with lived experience in encampments and people with human rights expertise.

2. Municipalities must commit to a human rights-based approach to address the needs of encampment residents.

- Integrate the human rights principles and guidance set out in the [National Protocol on Homeless Encampments in Canada](#) and the [Homeless Encampments: Municipal Engagement Guidance](#), both produced by The Shift.
- Consistently use the human rights language of the National Housing Strategy Act across all government legislation, policy, and communications.
- Cease using language that stigmatizes or discriminates against people living in encampments or undermines the work of grassroots organizations providing support to them.
- Adopt policies and procedures on how to conduct meaningful, culturally safe, and trauma-informed engagement with people living in encampments or experiencing homelessness.
- Recognize the right of people in encampments to be part of the decision-making process which means:
 - Recognizing and engaging with the informal peer leadership in encampments;
 - Supporting the emergence of camp-led consensus-based decision making.
- Ensure people who have lived/living experience with addictions and substance use have a central role in designing the health solutions they need.
- Municipalities must develop a human rights-based policy related to encampments and ensure that any response to encampments prioritizes upholding the human rights of encampment residents. The role of police and by-law officers should be de-emphasized in these responses.
- Municipalities must ensure the development of all relevant by-laws, policies, programs and plans includes meaningful engagement with people with lived experience in encampments.

3. All measures taken by municipalities must respect the inherent rights of Indigenous Peoples.

- Support Indigenous governments to provide culturally appropriate housing and supports to their citizens regardless of place of residency, including through recognition of First Nations, Inuit and Métis jurisdiction, accelerated transfer of care and control of housing and homelessness programs and in other areas such as mental health and addictions; and respecting existing funding arrangements with Indigenous governments and their representative organizations.
- Support and allocate funds to ensure effective implementation of housing and homelessness action plans developed by First Nations, Inuit and Métis governments and organizations, including the First Nations Housing and Related Infrastructure Strategy, the [Inuit Nunangat Housing Strategy](#), and the [Canada-Métis Nation Housing Sub-Accord](#).
- Substantially increase investment in adequate, sustainable, and culturally appropriate housing in First Nations, Inuit, and Métis communities based on accurate assessment of needs and the actual costs of building and maintaining housing in small, remote, and northern communities.
- Work with Indigenous Peoples to more effectively respond to the distinct needs of urban First Nations, Inuit, and Métis individuals, particularly those who are unhoused and living in encampments.
- Support Indigenous governments and engage with relevant Indigenous service providers to develop and implement holistic strategies to provide wrap-around supports to Indigenous individuals who are unhoused or living in encampments with a goal of providing access directly into adequate housing.
- Ensure that all municipal departments and agencies engaged in the design and delivery of housing-related services make a concerted effort to have their staff, management and boards be representative of First Nations, Inuit and Métis people. All departments and agencies must also provide cultural safety training for all staff and management.
- Implement Indigenous-led training on the UN Declaration on the Rights of Indigenous Peoples as called for by the [Truth and Reconciliation Commission of Canada](#) and prioritize implementation of all Calls to Action relevant to resolving the crisis of housing and homelessness.
- Support the role of cultural workers, Elders and Knowledge Keepers in the process of finding solutions and supporting individuals experiencing homelessness.
- Work with First Nations, Inuit and Métis governments and organizations in building capacity to collect and analyze relevant homelessness data and ensure data collection initiatives respect Indigenous data sovereignty.
- Take action to 'support the establishment and long-term sustainable funding of Indigenous-led low barrier shelters, safe spaces, transition homes, second stage housing, and services for Indigenous women, girls, and 2SLGBTQIA people who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to

sexualized violence and exploitation’ as called for by the National Inquiry on Missing and Murdered Indigenous Women and Girls and prioritize implementation of the Inquiry’s other Calls to Justice relevant to addressing the housing needs of Indigenous women, girls and 2SLGBTQIA+ persons.

4. Municipalities must take immediate action to respect and protect the human rights and dignity of all people living in encampments and reduce the risks that they face.

- End the practice of forced evictions of encampments on public lands.
- Put in place alternatives to removal of encampments.
 - Ensure meaningful engagement as the priority for finding solutions that meet the needs of encampment residents.
- Implement measures to protect and support people living in encampments:
 - In consultation with encampment residents, identify needs and provide dignified access on site or in reasonable proximity to essential facilities and services such as clean drinking water, sanitation, cooking facilities and waste collection (see the [list of essential services](#) developed by the National Working Group on Homeless Encampments).
 - Respect people’s right to refuse services.
 - Eliminate any policies or practices that restrict access to encampment sites during daylight hours or require daytime tear down of tents and removal of personal effects.
 - Facilitate delivery of existing services and supports such as health care and income supports to encampment residents which are the responsibility of other levels of government.
 - Engage in dialogue with women and gender-diverse encampment residents, provide services for persons who have or are experiencing gender-based violence and identify and support measures to enhance the protection of women and 2SLGBTQIA+ individuals, particularly those who are Indigenous.
 - Ensure protection from the poison drug supply through access to harm reduction services and regulated safe supply for encampment residents who are at risk of overdose because of reliance on an unregulated supply.
 - Provide access to storage facilities for people to protect their belongings.
 - Ensure availability of transportation so that encampment residents have ready access to clinics and other supports.
 - Ensure that police, bylaw enforcement officers and private security firms do not play any direct role in managing encampments.
 - Respect Indigenous protocols and ensure municipal services are culturally appropriate.
 - The availability of services to people experiencing homelessness should not be a justification for an eviction.

- Ensure drop-in-shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.
- Repeal any regulations that restrict people experiencing homelessness from accessing public space.
 - Repeal by-laws and other regulations which prohibit encampment residents from using public spaces.
 - Ban “hostile architecture” (e.g. spikes on sidewalks, armrests on benches) that is designed to stop homeless people from sitting, sleeping and sheltering.
- Repeal and/or refrain from passing by-laws that restrict community members from offering support services to encampment residents.
- Empower and support residents to manage their encampments themselves, to the extent possible. Government resourcing and supports should not be used to undermine resident autonomy or decision-making. Government should support encampment residents in creating collective camp wide processes for decision-making, but they should not run these processes.
- Provide direction to by-law enforcement officers and emergency service to halt the confiscation of belongings, along with surveillance and harassment which may constitute violations of the human rights of encampment residents. This includes providing direction to all relevant municipal agencies to end practices which make drug use grounds for displacement, seizure of property, mandatory referrals to health and social services and treatment, and other measures that impose coercive limitations on the rights of encampment residents who use drugs.
 - Ensure that drug use—or perception of drug use—is not a pretext for restricting access to essential supports and services.
- Promote collaboration among municipal agencies and community-based service providers to provide an integrated approach to meeting the needs of encampment residents and referring people to the available services.
- Provide financial and other support to organizations serving encampment residents to ensure adequate staffing levels and address risk of overwork and burnout.
- While permanent housing remains the ultimate goal, immediate improvements to existing emergency shelter services are also needed. Shelter providers must:
 - Ensure that their facilities and services are designed to accommodate and be accessible for people with specific needs (e.g., for Indigenous individuals, women, Black and racialized individuals, 2SLGBTQI+ people, couples, families, youth, seniors and people with disabilities).
 - Put in place policies and practices that are trauma-informed and that meet the needs of and respect the dignity and human rights of people experiencing homelessness.

5. Municipalities must Implement immediate measures to address the root causes of encampments and provide access to adequate housing.

- Ensure programs are available to rapidly rehouse anyone entering encampments using available housing allowances and providing individualized supports where necessary to support them in maintaining their housing.
- Put in place measures to facilitate the rapid construction of non-market affordable housing.
 - Immediately provide surplus municipal land at no cost in areas close to transit and other necessary amenities to non-profit affordable housing providers or land trusts.
 - Implement zoning and other changes to fast track the development of community housing.
 - Waive development and other municipal fees to fast-track non-profit affordable housing and support the operations of the housing providers over the long-term.
- Maintain strong standards and enforcement for state of repair in rental units and other landlord obligations to address conditions which can lead to homelessness.
- Strengthen housing loss prevention initiatives, including accessible emergency funds to reduce incidents of evictions due to late payment of rent.

6. Municipalities must ensure government accountability and that people experiencing homelessness have access to justice.

- Require that all officials with responsibilities relevant to housing, homelessness, and encampments receive training on the right to adequate housing, Gender-based Analysis (GBA) Plus, and the UN Declaration on the Rights of Indigenous Peoples.
- Establish independent municipal accountability mechanisms. Larger municipalities should consider creating Ombuds offices.
- Document and make public all decisions related to municipal services for encampments in a manner that makes this information accessible to encampment residents and the wider public.
- Prohibit any restrictions on freedoms of association and assembly.
- Ensure journalists have access to and can report on encampment clearances and evictions.
- Ensure advocates and trusted service providers are allowed to support encampment residents if an eviction is threatened. Peaceful demonstrations and protests must be allowed.

THIS IS **EXHIBIT "L"** REFERRED TO
IN THE AFFIDAVIT OF MARIE JOSEE HOULE
SWORN REMOTELY AT THE
CITY OF CANTLEY BEFORE ME AT THE REGION OF WATERLOO
DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 15TH DAY OF AUGUST, 2025

A handwritten signature in black ink, appearing to read 'Ashley Schuitema', written in a cursive style.

ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G



A National Protocol for Homeless Encampments in Canada

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EXECUTIVE SUMMARY

A National Protocol for Homeless Encampments in Canada: A Human Rights Approach

Homeless encampments threaten many human rights, including most directly the right to housing. People living in encampments face profound challenges with respect to their health, security, and wellbeing, and encampment conditions typically fall far below international human rights standards. Residents are frequently subject to criminalization, harassment, violence, and discriminatory treatment. Encampments are thus instances of both human rights *violations* of those who are forced to rely on them for their homes, as well as human rights *claims*, advanced in response to violations of the right to housing.

Ultimately, encampments are a reflection of Canadian governments' failure to successfully implement the right to adequate housing.

As encampments increasingly emerge across Canada, there is an urgent need for governments to interact with them in a manner that upholds human rights. This Protocol, developed by the UN Special Rapporteur on the Right to Housing and her lead researcher, Kaitlin Schwan, with the input of many experts, outlines eight Principles to guide governments and other stakeholders in adopting a rights-based response to encampments. While encampments are not a solution to homelessness, it is critical that governments uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol are based in international human rights law, and the recognition that encampment residents are rights holders and experts in their own lives. The Protocol is intended to assist governments in realizing the right to adequate housing for this group.

PRINCIPLES

Principle 1: Recognize residents of homeless encampments as rights holders

All government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. This means a shift away from criminalizing, penalizing, or obstructing homeless encampments, to an approach rooted in rights-based participation and accountability.

Principle 2: Meaningful engagement and effective participation of homeless encampment residents

Residents are entitled to meaningful participation in the design and implementation of policies, programs, and practices that affect them. Ensuring meaningful participation is central to respecting residents' autonomy, dignity, agency, and self-determination. Engagement should begin early, be ongoing, and proceed under the principle that residents are experts in their own lives. The views expressed by residents of homeless encampments

must be afforded adequate and due consideration in all decision-making processes. The right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them.

Principle 3: Prohibit forced evictions of homeless encampments

International human rights law does not permit governments to destroy peoples' homes, even if those homes are made of improvised materials and established without legal authority. Governments may not remove residents from encampments without meaningfully engaging with them and identifying alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of appropriate forms of legal protection, is defined as a 'forced eviction' and is considered a gross violation of human rights. The removal of residents' private property without their knowledge and consent is also strictly prohibited.

Common reasons used to justify evictions of encampments, such as 'public interest,' 'city beautification', development or re-development, or at the behest of private actors (e.g., real estate firms), do not justify forced evictions.¹

Principle 4: Explore all viable alternatives to eviction

Governments must explore all viable alternatives to eviction, ensuring the meaningful and effective participation of residents in discussions regarding the future of the encampment. Meaningful consultation should seek to maximize participation and should be supported by access to free and independent legal advice. Where personal needs differ amongst residents of encampments such that a singular best alternative is not unanimous, governments will have to develop several solutions each of which is consistent with the principles outlined in this Protocol.

Principle 5: Ensure that relocation is human rights compliant

Considerations regarding relocation must be grounded in the principle that "the right to remain in one's home and community is central to the right to housing."² Meaningful, robust, and ongoing engagement with residents is required for any decisions regarding relocation. Governments must adhere to the right to housing and other human rights standards when relocation is necessary or preferred by residents. In such cases, adequate alternative housing, with all necessary amenities, must be provided to all residents prior to any eviction. Relocation must not result in the continuation or exacerbation of homelessness, or require the fracturing of families or partnerships.

Principle 6: Ensure encampments meet basic needs of residents consistent with human rights

Canadian governments must ensure, at a minimum, that basic adequacy standards are ensured in homeless encampments while adequate housing options are negotiated and

¹ A/HRC/43/43, para 36.

² A/73/310/Rev.1, para 26.

secured. Governments' compliance with international human rights law requires: (1) access to safe and clean drinking water, (2) access to hygiene and sanitation facilities, (3) resources and support to ensure fire safety, (4) waste management systems, (4) social supports and services, and guarantee of personal safety of residents, (5) facilities and resources that support food safety, (6) resources to support harm reduction, and (7) rodent and pest prevention.

Principle 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for homeless encampment residents

Governments have an obligation to bring about positive human rights outcomes in all of their activities and decisions concerning homeless encampments. This means that Canadian governments must move, on a priority basis, towards the full enjoyment of the right to housing for encampment residents. Any decision that does not lead to the furthering of inhabitants' human rights, that does not ensure their dignity, or that represents a backwards step in terms of their enjoyment of human rights, is contrary to human rights law.

Principle 8: Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with homeless encampments

Governments' engagement with Indigenous Peoples in homeless encampments must be guided by the obligation to respect, protect, and fulfil their distinct rights. This begins with recognition of the distinct relationship that Indigenous Peoples have to their lands and territories, and their right to construct shelter in ways that are culturally, historically, and spiritually significant. Governments must meaningfully consult with Indigenous encampment residents concerning any decisions that affects them, recognizing their right to self-determination and self-governance. International human rights law strictly forbids the forced eviction, displacement, and relocation of Indigenous Peoples in the absence of free, prior, and informed consent.

Given the disproportionate violence faced by Indigenous women, girls, and gender diverse peoples, governments have an urgent obligation to protect these groups against all forms of violence and discrimination within homeless encampments, in a manner that is consistent with Indigenous self-determination and self-governance.

A National Protocol for Homeless Encampments in Canada: A Human Rights Approach

I. Introduction

1 In the face of escalating homelessness and housing affordability crises, many cities across Canada have seen a rise in homeless encampments. In various Canadian communities, people experiencing homelessness have turned to living in s, vehicles, or other forms of rudimentary or informal shelter as a means to survive.³ While they vary in size and structure, the term '*encampment*' is used to refer to any area wherein an individual or a group of people live in homelessness together, often in tents or other temporary structures (also referred to as *homeless camps*, *tent cities*, *homeless settlements* or *informal settlements*).

2 Homeless encampments in Canada must be understood in relation to the global housing crisis and the deepening of housing unaffordability across the country. Encampments must also be understood in the context of historical and ongoing structural racism and colonization in Canada, whereby Indigenous peoples have been systemically discriminated against and dispossessed of their lands, properties, and legal systems. Other groups have also endured systemic and historical disadvantage that has created barriers to accessing housing and shelters, including 2SLGBTQ+, Black and other racialized communities, people living with disabilities, and people who are criminalized. While encampments are often framed and discussed as matters of individual poverty or deficiency, they are the result of structural conditions and the failure of governments to implement the right to housing or to engage with reconciliation and decolonization materially and in good faith.

3 Homeless encampments threaten many human rights, including most specifically the right to housing. In international human rights law, homelessness - which includes those residing in encampments - is a prima facie violation of the right to adequate housing.⁴ This means that governments have a positive obligation to implement an urgent housing-focused response, ensuring that residents have access to adequate housing in the shortest possible time and, in the interim, that their human rights are fully respected.

4 Government responses to homeless encampments often fail to employ a rights-based approach. Residents of encampments are frequently the victims of abuse, harassment, violence, and forced evictions or 'sweeps.' In many cases, the issues

³ Encampments have arisen in cities across the country, including: Abbotsford, Vancouver, Victoria, Edmonton, Toronto, Ottawa, Gatineau, Peterborough, Winnipeg, Montreal, Nanaimo, Calgary, Saskatoon, Fredericton, Moncton, Oshawa, Halifax, and Maple Ridge.

⁴ A/HRC/31/54, para. 4.

associated with encampments are within the jurisdiction and responsibility of municipal authorities, including through bylaws specific to policing, fire and safety, sanitation, and social services. This has led to a pattern whereby municipal governments deploy bylaws, local police, and zoning policies that displace people in encampments, in turn compromising the physical and psychological health of people who have no place else to go and who rely on encampments to survive, absent accessible alternatives.⁵

5 Provincial, territorial, and federal governments have historically left engagement with encampments to city officials, who receive little (if any) guidance and support. Municipal authorities are often unaware of their legal obligations under international human rights law, including with respect to the duty to ensure the dignity and security of encampment residents.⁶ Further, accountability mechanisms with respect to the right to housing remain weak in Canada, meaning that people living in encampments have limited avenues through which to claim this right.

6 Ensuring a human rights-based response to homeless encampments should be a key concern for every Canadian city, and all governments should employ a human rights-based framework to guide their engagement with encampment residents.

II. Purpose of the National Protocol on Homeless Encampments

7 The purpose of this document is to provide all levels of government with an understanding of their human rights obligations with respect to homeless encampments, highlighting what is and is not permissible under international human rights law. This Protocol outlines 8 broad human rights-based Principles that must guide state⁷ action in response to homeless encampments of all kinds.

8 This Protocol does not attempt to foresee every possible context or challenge that may arise within encampments. Governments and relevant stakeholders must apply human rights principles as described in the Protocol to each case as it arises, endeavouring at all times to recognize and respect the inherent rights, dignity, and inclusion of encampment residents.

9 This Protocol has been developed by the UN Special Rapporteur on the right to housing in consultation with a range of experts from across Canada, including those

⁵ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

⁶ A/HRC/43/43, para 7.

⁷ 'State' refers to all levels and branches of government and anyone exercising government authority.

with lived expertise of homelessness, urban Indigenous leaders, community advocates, researchers, lawyers, and experts in human rights law.⁸

III. Encampments in Canada in the context of the Human Right to Adequate Housing

10 Under international human rights law, everyone has the right to adequate housing as an element of the right to an adequate standard of living.⁹ This requires States to ensure that housing is accessible, affordable, habitable, in a suitable location, culturally adequate, offers security of tenure, and is proximate to essential services such as health care and education.¹⁰ The right to adequate housing includes the right to be protected from: arbitrary or unlawful interference with an individual's privacy, family, and home; any forced eviction (regardless of legal title or tenure status); and from discrimination of any kind.¹¹

11 Homelessness constitutes a *prima facie* violation of the right to housing. It is a profound assault on a person's dignity, security, and social inclusion. Homelessness violates not only the right to housing, but often, depending on circumstances, violates a number of other human rights, including: non-discrimination; health; water and sanitation; freedom from cruel, degrading, and inhuman treatment; and the rights to life, liberty, and security of the person.¹²

12 Encampments constitute a form of homelessness, and thus are a reflection of the violation of residents' right to adequate housing. People living in encampments typically face a range of human rights violations and profound challenges with respect to their health, security, and wellbeing. Encampment conditions typically fall far below international human rights standards on a variety of fronts, often lacking even the most

⁸ This Protocol was prepared by: Leilani Farha and Kaitlin Schwan with the assistance of Bruce Porter, Vanessa Poirier, and Sam Freeman. Reviewers include, among others: Margaret Pfoh (Aboriginal Housing Management Association), Cathy Crowe (Shelter and Housing Justice Network), Greg Cook (Sanctuary Toronto), Tim Richter (Canadian Alliance to End Homelessness), Anna Cooper (Pivot Legal Society), Caitlin Shane (Pivot Legal Society), Emily Paradis (University of Toronto), Emma Stromberg (Ontario Federation of Indigenous Friendship Centres), and Erin Dej (Wilfred Laurier University).

⁹ United Nations Committee on Economic, Social and Cultural Rights Committee's General Comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.

¹⁰ United Nations Committee on Economic, Social and Cultural Rights Committee's General Comment No. 4 (1991) on the right to adequate housing. At the domestic level, adequate housing and core housing need is defined in relation to three housing standards: adequacy, affordability, and suitability. The Canadian Mortgage and Housing Corporation [defines](#) these housing standards in the following ways: "(1) [Adequate](#) housing are reported by their residents as not requiring any major repairs; (2) [Affordable](#) dwellings cost less than 30% of total before-tax household income; and (3) [Suitable](#) housing has enough bedrooms for the size and make-up of resident households, according to National Occupancy Standard (NOS) requirements."

¹¹ A/HRC/43/43.

¹² A/HRC/31/54; A/HRC/40/61, para 43.

basic services like toilets.¹³ Residents of encampments are also frequently subject to criminalization, harassment, violence, and discriminatory treatment.¹⁴

13 In the face of poverty and deep marginalization, people without homes face many untenable choices. For example, they may be forced to choose between ‘sleeping rough’ on their own (putting themselves at risk of violence and criminalization), entering an emergency homeless shelter (which may be inaccessible or inappropriate for their needs, or in which their autonomy, dignity, self-reliance, and/or independence may be undermined), or residing in a homeless encampment (in which they may lack access to basic services and face threats to their health). These choices are further narrowed for those living in communities that lack any emergency shelters, or where existing shelters are at (or over) capacity.

14 For people without access to adequate housing, the availability, accessibility, appropriateness, and adequacy of shelters plays a significant role in determining whether or not a person chooses to reside in a homeless encampment. In some cities, emergency shelters operate at 95-100% capacity,¹⁵ necessitating that some individuals sleep rough or reside in an encampment. Existing shelters may also not be low-barrier, wheelchair accessible, trans-inclusive, or safe for people experiencing complex trauma or other challenges. Homeless persons with mental health challenges, drug or alcohol dependencies, or pets may find themselves barred from shelters. Under such conditions, some individuals may prefer, or feel they have little choice but to, reside in an encampment. Encampments thus may become a necessity or the best option available for some of those the most marginalized people in Canadian society.

15 For Indigenous peoples, a desire to avoid state surveillance and a mistrust of institutional settings, including shelters, may be a factor in turning to or living in an encampment. Negative or harmful interactions with colonial institutions, such as residential schools, the child welfare system, corrections, hospitals, asylums or sanatoriums, and shelters, may be intergenerational in nature and highly traumatic. For these reasons and others, Indigenous peoples are overrepresented in homeless populations across Canada, and further to this, are more likely to be part of “outdoor” or “unsheltered” populations – including homeless encampments.¹⁶

¹³ See Cooper, A. (2020). *Why People Without Housing Still Need Heat*. Pivot Legal Society. Available from: http://www.pivotlegal.org/why_people_without_housing_still_need_heat

¹⁴ A/HRC/43/43, para 31; see also *Homelessness, Victimization and Crime: Knowledge and Actionable Recommendations*. Available from: <https://www.publicsafety.gc.ca/lbrr/archives/cnmcs-plcng/cn35305-eng.pdf>

¹⁵ Employment and Social Development Canada. (2018). *Shelter Capacity Report 2018*. Ottawa. Available from <https://www.canada.ca/en/employment-social-development/programs/homelessness/publications-bulletins/shelter-capacity-2018.html>

¹⁶ See Ontario Federation of Indigenous Friendship Centres. (2020). *Indigenous Homelessness in the 20 Largest Cities in Canada*. Submission to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Canada.

16 Regardless of the reasons why a person resides in a homeless encampment, homeless encampments *do not* constitute adequate housing, and do not discharge governments of their positive obligation to ensure the realization of the right to adequate housing for all people. Under international human rights law, “States have an obligation to take steps to the maximum of their available resources with a view to achieving progressively the full realization of the right to adequate housing, by all appropriate means, including particularly the adoption of legislative measures.”¹⁷ As part of these obligations, States must prioritize marginalized individuals or groups living in precarious housing conditions - including residents of homeless encampments.¹⁸

17 Governments have an urgent, positive obligation to provide or otherwise ensure access to adequate housing - for residents of encampments as they do for all people experiencing homelessness. Governments must act to immediately pursue deliberate, concrete, and targeted efforts to end homelessness by ensuring access to adequate housing. In the interim, governments must ensure the availability of sufficient shelter spaces - accessible and appropriate for diverse needs - where dignity, autonomy, and self-determination are upheld.

18 The fact that encampments violate the right to housing does not in any way absolve governments of their obligations to uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol seek to support governments and other stakeholders to ensure that their engagements with encampments are rights-based and recognize residents as rights holders, with a view to realizing the right to adequate housing for these groups while respecting their dignity, autonomy, individual circumstances, and personal choices.

19 International human rights law does not permit government to use force to destroy peoples’ homes, even if they are made of canvas or improvised from available materials and constructed without legal authority or title. States may not remove residents from encampments without meaningfully engaging them to identify alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection, consistent with international human rights law is defined as a ‘forced eviction’ and is considered a gross violation of human rights.

20 Unfortunately, such forced evictions or sweeps have become common in Canada. Evictions have contravened international law by being carried out without meaningful consultation with communities and without measures to ensure that those affected have access to alternative housing. They have been justified on the basis that the

¹⁷ International Covenant on Economic, Social and Cultural Rights, art. 2 (1).

¹⁸ A/HRC/43/4.

residents are there illegally, are at risk to themselves, are on land that is slated for development, or are obstructing the enjoyment of the community by others. Declining conditions at encampments and public health and safety concerns are also frequently the grounds on which local governments and provinces seek injunctions for removal. The impact of municipalities' failure to proactively provide resources and services to mitigate or improve those conditions and concerns is most often ignored. Some communities have engaged bylaw officers or local police to tear down encampments at first sight.¹⁹

21 None of these reasons, however, justify forced evictions under international law. Forced evictions often have harmful or disastrous consequences for encampment residents.²⁰ Victims may face life-threatening situations that compromise their health and security, or result in the loss of access to food, social supports, social and medical services, and other resources.²¹

22 Few governments have recognized encampments as a response to violations of fundamental human rights and a response to the isolation and indignity of homelessness. They have failed to treat those living in such encampments as legally entitled to the protection of their homes and their dignity.

IV. Relevant Authority

23 Canadian governments' responsibilities and relevant authority to ensure the right to adequate housing, including for people residing in encampments, is found in: (1) international human rights treaties, (2) the *National Right to Housing Act*, (3) the *Canadian Charter of Rights and Freedoms* and human rights legislation, and (4) the UN *2030 Agenda for Sustainable Development (The Sustainable Development Goals)*.

1. International Human Rights Treaties

24 Canada has ratified multiple international human rights treaties that articulate the right to adequate housing. In 1976, Canada ratified the *International Covenant on Economic, Social and Cultural Rights*, which contains the chief articulation of the right to housing under Article 11.1 "the right of everyone to an adequate standard of living for [themselves] and [their] family, including adequate food, clothing and housing, and to

¹⁹ Ball, V. (2019). *Encampment residents fear eviction*. The Expositor. Available from: <https://www.brantfordexpositor.ca/news/local-news/encampment-residents-fear-eviction>

²⁰ A/HRC/43/43, para 36.

²¹ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>; Collinson, R. & Reed, D. (2018). *The Effects of Eviction on Low-Income Households*. Available from: https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf

the continuous improvement of living conditions.”²² The right to housing and the prohibition against forced evictions has been interpreted in General Comments No. 4 and 7²³ by the UN Committee on Economic, Social and Cultural Rights. In addition, Canada has ratified other treaties that codify the right to adequate housing, including:

- *Convention on the Rights of Persons with Disabilities*
- *Convention on the Rights of the Child*
- *Convention on the Elimination of Racial Discrimination*
- *Convention on the Elimination of Discrimination against Women*

25 Human rights ratified by Canada “extend to all parts of federal States without any limitations or exceptions,” thus federal, provincial/territorial, and municipal governments are equally bound by these obligations.²⁴ In interpreting the right to adequate housing, the Committee on Economic, Social and Cultural Rights has emphasized that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.”²⁵

26 Canada has also formally recognized the *UN Declaration on the Rights of Indigenous Peoples*, which also codifies the right to adequate housing and affirms that Indigenous Peoples have the right to be actively involved in developing and determining housing programmes and policies that affect them.²⁶ Further, Indigenous Peoples’ right to land and self-determination is indivisible from the right to housing under international human rights law, meaning that they “shall not be forcibly removed from their lands or territories and that no relocation shall take place without their free, prior and informed consent.”²⁷ All encampments are located on the traditional territories of Indigenous nations, including in cities, towns, and rural areas. On these territories, Indigenous Peoples’ right to land and self-determination is in effect, whether or not those lands are subject to land claims or treaty.

1. Canadian Housing Policy and Legislation

27 The right to housing has also recently been recognized in Canadian legislation. In June 2019, the *National Housing Strategy Act* (the *Act*) received royal assent in Canada. The *Act* affirms Canada’s recognition of the right to housing as a fundamental human

²² ICESCR, Article 11, masculine pronouns corrected.

²³ General Comment 4 (1991), UN Doc. E/1992/23; General Comment 7 (1997), UN Doc. E/1998/22.

²⁴ A/69/274.

²⁵ General Comment 4 (1991), para 7.

²⁶ A/74/183.

²⁷ A/74/183.

right and commits to further its progressive realization as defined under the *International Covenant on Economic, Social and Cultural Rights*.

28 The Preamble and Section 4 of the *Act* underscore the interdependence of the right to housing with other fundamental rights, such as the right to life and an adequate standard of health and socio-economic wellbeing. Specifically, Section 4 states:

It is declared to be the housing policy of the Government of Canada to:

- (a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;
- (b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- (c) support improved housing outcomes for the people of Canada; and
- (d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

2. The Canadian Charter and Provincial/Territorial Human Rights Legislation

29 The government of Canada's international human rights obligations must be considered by courts in Canada when determining the rights of residents of encampments under domestic law,²⁸ particularly the *Canadian Charter of Rights and Freedoms*.²⁹ The Supreme Court has recognized that the right to "life, liberty and security of the person" in section 7 of the *Charter* may be interpreted to include the right to housing under international law.³⁰ Canada has told the UN that it accepts that section 7 at least ensures access to basic necessities of life and personal security.³¹

²⁸ It should be noted that a human rights-based approach under domestic law should entail mindfulness about core human rights and equality principles, such as substantive equality and non-discrimination, which recognizes that state interventions be particularly attuned to the specific needs of particular groups, including those impacted by systemic and historical disadvantage. In this regard, a 'one size fits all' approach may not fully capture the distinct needs of groups residing within encampments.

²⁹ *R. v. Hape*, [2007] 2 S.C.R. 292, 2007 SCC 26, para 56: "In interpreting the scope of application of the Charter, the courts should seek to ensure compliance with Canada's binding obligations under international law where the express words are capable of supporting such a construction."

³⁰ *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927; See Martha Jackman and Bruce Porter, "[Social and Economic Rights](#)", in Peter Oliver, Patrick Maklem & Nathalie DesRosiers, eds, *The Oxford Handbook of the Canadian Constitution* (New York: Oxford University Press, 2017), 843-861.

³¹ Canada's commitments are described in *Victoria (City) v. Adams*, 2008 BCSC 1363 (CanLII), paras 98-99. Online, <http://canlii.ca/t/215hs>

30 In Canada, courts have considered the human rights implications of encampments, and have emphasized that Section 7 life and security of the person interests are engaged where state action poses significant harm to the health and wellbeing of persons enduring homelessness and housing insecurity. For example, Canadian courts have recognized that the daily displacement of people experiencing homelessness causes physical and psychological harm. The Court accepted in the case of *Abbotsford (City) v. Shantz*, that "the result of repeated displacement often leads to the migration of homeless individuals towards more remote, isolated locations as a means to avoid detection. This not only makes supporting people more challenging, but also results in adverse health and safety risks." The court recognized that these health and safety risks include "impaired sleep and serious psychological pain and stress."³²

31 In the case of *Victoria v. Adams*,³³ residents of an encampment challenged a bylaw that prevented them from constructing temporary shelter in a park, on the basis of which city officials had secured an injunction to evict them. The British Columbia Supreme Court agreed that while the *Charter* does not explicitly recognize the right to housing, international law is a persuasive source for *Charter* interpretation and found that the bylaw violated the residents' right to security of the person. The BC Court of Appeal upheld the decision of the BC Supreme Court and other decisions in British Columbia have followed.³⁴ In *British Columbia v. Adamson* 2016,³⁵ for example, the court found that in the absence of alternative shelter or housing for all people experiencing homelessness, encampment residents must not be evicted from their encampment. In *Abbotsford v. Shantz* 2015³⁶ the Court found that denying encampment residents space to erect temporary shelters on public property was "grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless."³⁷

32 The right to equality is also protected under the Canadian Charter as well as under federal, provincial, and territorial human rights legislation. Not all levels of government interpret or administer human rights codes in the same manner, with each province and territory administering its own human rights codes.³⁸ Regardless of jurisdiction, the UN Committee on Economic, Social and Cultural Rights has stated that the right to

³² *Abbotsford (City) v. Shantz*, 2015 BCSC 1909, paras 213 and 219.

³³ *Victoria (City) v. Adams*, 2008 BCSC 1363 (CanLII), paras 85-100. Online, <http://canlii.ca/t/215hs>

³⁴ Key examples of case law includes: *Victoria v. Adams* 2008/ 2009, *Abbotsford v. Shantz* 2015, *BC v. Adamson* 2016, and *Vancouver (City) v. Wallstam* 2017.

³⁵ *British Columbia v. Adamson* (2016 BCSC 1245). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1245/2016bcsc1245.html?resultIndex=1>

³⁶ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

³⁷ *Abbotsford (City) v. Shantz* (2016 BCSC 2437), para 224. Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

³⁸ For an overview of provincial and territorial human rights codes, see: <https://ccdi.ca/media/1414/20171102-publications-overview-of-hr-codes-by-province-final-en.pdf>

equality should be interpreted to provide the widest possible protection of the right to housing and has urged Canadian courts and governments to adopt such interpretations.³⁹

33 While it is clear that the *Charter* provides some protection from forced evictions and sweeps of encampment residents, the extent to which it requires governments to address the crisis of homelessness that has led to reliance on encampments remains unresolved. The Supreme Court of Canada has yet to agree to hear an appeal in a case that would clarify the obligations of governments to address homelessness as a human rights violation. The Supreme Court has, however, been clear that the *Charter* should, where possible, be interpreted to provide protection of rights that are guaranteed under international human rights law ratified by Canada.

34 Governments should not use uncertainty about what courts might rule as an excuse for violating the human rights of those who are homeless. Canadian governments have an obligation, under international human rights law, to promote and adopt interpretations of domestic law consistent with the right to adequate housing. The UN Committee on Economic, Social and Cultural Rights has expressed concern that governments in Canada continue to argue in court against interpretations of the *Canadian Charter* that would protect the rights of homeless persons and residents of homeless encampments.

35 Therefore, it is critically important that, as part of a Protocol based on respect for human rights, municipal, provincial/territorial, and federal governments instruct their lawyers not to undermine international human rights or oppose reasonable interpretations of the *Charter* based on international human rights. They should never seek to undermine the equal rights of residents of homeless encampments to a dignified life, to liberty, and security of the person.

3. UN 2030 Agenda for Sustainable Development

36 In September 2015, member states of the United Nations, including Canada, adopted the *2030 Agenda for Sustainable Development (2030 Agenda)*. Target 11.1 of the SDGs specifically identifies that by 2030, all States must “ensure access for all to adequate, safe and affordable housing and basic services and to upgrade informal settlements.” This means governments must take steps to eliminate homelessness and make cities inclusive, safe, resilient and sustainable. Upgrading informal settlements

³⁹ CESCR, General Comment No. 9, para 15; E/C.12/1993/5, paras 4, 5, and 30.

includes the upgrading of homeless encampments.⁴⁰ States have affirmed that a rights-based approach to the SDG's is critical if they are to be achieved.⁴¹

V. Key Principles

37 It is critical that all levels of government in Canada employ an integrated human rights-based approach when engaging with encampments. The Principles outlined here aim to support the right to housing for all encampment residents as part of Canada's commitment to the right to housing under international human rights treaties and domestic law.

PRINCIPLE 1: Recognize residents of homeless encampments as rights holders

38 All government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. For many governments and those exercising governmental authority, this will mean a shift away from criminalizing, penalizing, or obstructing encampments, to an approach rooted in rights-based participation and accountability.⁴²

39 This will mean understanding encampments as instances of both human rights *violations* of those who are forced to rely on them for their homes, as well as human rights *claims* advanced in response to violations of the right to housing. While encampments arise as a result of governments failing to effectively implement the right to housing, they can also be an expression of individuals and communities claiming their legitimate place within cities, finding homes within communities of people without housing, asserting claims to lands and territories, and refusing to be made invisible. They are a form of grassroots human rights practice critical to a democracy such as Canada's.⁴³ For Indigenous peoples, the occupation of lands and traditional territories vis-à-vis encampments may also be an assertion of land rights, claimed in conjunction with the right to housing.

40 In recognition of encampments as rights violations and rights claims, governments must rectify the policy failures that underpin the emergence of homeless encampments, while simultaneously recognizing residents as rights holders who are advancing a legitimate human rights claim. Their efforts to claim their rights to home

⁴⁰ A/73/310/Rev.1.

⁴¹ The *National Housing Strategy* of Canada mirrors many of the commitments made in the *2030 Agenda*. However, the *Strategy* only commits Canada to reducing chronic homelessness by 50%, despite the *2030 Agenda's* imperative to eliminate homelessness and provide access to adequate housing for all.

⁴² A/73/310/Rev.1, para 15.

⁴³ A/73/310/Rev.1.

and community must be supported, not thwarted, criminalized, or dismissed as illegitimate or gratuitous protest.⁴⁴

PRINCIPLE 2: Meaningful engagement and effective participation of encampment residents

41 Ensuring encampment residents are able to participate in decisions that directly affect them is “critical to dignity, the exercise of agency, autonomy and self-determination.”⁴⁵ As rights holders, encampment residents are entitled to “participate actively, freely and meaningfully in the design and implementation of programmes and policies affecting them.”⁴⁶ Meaningful engagement must be grounded in recognition of the inherent dignity of encampment residents and their human rights, with the views expressed by residents of homeless encampments being afforded adequate and due consideration in all decision-making processes.

42 Governments and other actors must engage encampment residents in the early stages of discussion without using the threat of eviction procedures or police enforcement to coerce, intimidate, or harass.⁴⁷ Engagement should proceed under the principle that residents are experts in their own lives and what is required for a dignified life.⁴⁸ Indigenous residents of encampments should also be engaged in decision-making processes in a manner that is culturally-safe and trauma informed.

43 In the context of homeless encampments, the right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them. All meetings with government officials or their representatives regarding the encampment should be documented and made available to encampment residents upon request.

44 Participation processes must comply with all human rights principles, including non-discrimination. Compliance with international human rights law requires:

- i. **Provision of necessary institutional, financial, and other resources to support residents’ right to participate**
In order to participate in decisions that affect them, encampment residents should be provided with financial and institutional resources (e.g., wifi/internet access, meeting spaces) that support their active participation in decision-making. Such supports should include, but are not

⁴⁴ A/73/310/Rev.1.

⁴⁵ A/HRC/43/43, para 20.

⁴⁶ Ibid. See also the Committee on the Rights of the Child’s General Comment No. 21 (2017) on children in street situations.

⁴⁷ A/HRC/40/61, para 38.

⁴⁸ A/HRC/43/43, para 21.

limited to: legal advice, social service supports, Indigenous cultural supports, literacy supports, translation, mobility supports, and transportation costs to attend consultations or meetings.⁴⁹ These resources should support democratic processes within the encampment, including community meetings, the appointment of community leaders, and the sharing of information.⁵⁰ Residents must be granted a reasonable and sufficient amount of time to consult on decisions that affect them.

ii. **Provision of relevant information about the right to housing**

Encampment residents must be provided with information about their right to housing, including information about procedures through which they can hold governments and other actors accountable, as well as specific information about the rights of Indigenous Peoples.⁵¹

iii. **Provision of relevant information concerning decisions that affect residents, ensuring sufficient time to consult**

Encampment residents must be provided with all relevant information in order to make decisions in matters that affect them.⁵²

iv. **Establishment of community engagement agreement between homeless encampment residents, government actors, and other stakeholders**

In order to facilitate respectful, cooperative, and non-coercive communication between residents, government, and other stakeholders, government may seek to collaborate with residents to create a formal community engagement agreement (when appropriate and requested by residents).⁵³ This agreement should outline when and how encampment residents will be engaged,⁵⁴ and should be ongoing and responsive to the needs of the encampment residents.⁵⁵ It should allow the residents of homeless encampments to play an active role in all aspects of relevant proposals and policy, from commencement to conclusion. Residents should be able to challenge any decision made by government or other actors, to propose alternatives, and to articulate their own demands and priorities. Third party mediators should be available to protect against power imbalances that may lead to breakdown in negotiations or create

⁴⁹ Committee on Economic, Social and Cultural Rights' General Comment No. 4, para. 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 39).

⁵⁰ A/73/310/Rev.1.

⁵¹ A/73/310/Rev.1, para 19.

⁵² A/73/310/Rev.1.

⁵³ A/73/310/Rev.1.

⁵⁴ A/73/310/Rev.1.

⁵⁵ United Nations. *Guiding Principles on Extreme Poverty and Human Rights*, foundational principles, para 38.

unfair results.⁵⁶ Relevant government authorities and professionals should also be provided with “training in community engagement and accountability.”⁵⁷

v. **Provision of equitable opportunities for the meaningful participation of all encampment residents**

As a matter of human rights law, particular efforts must be taken to ensure equitable participation by women, persons with disabilities, Indigenous Peoples, migrants, and other groups who experience discrimination or marginalization.⁵⁸ Where possible, members of these groups should be afforded central roles in the process.⁵⁹

Principle 2 in Action – The “People’s Process” in Kabul, Afghanistan

The upgrading of informal settlements was identified as a key goal in the *2030 Agenda for Sustainable Development*, committing States to “upgrade slums” by 2030 (target 11.1). As identified by the UN Special Rapporteur on the right to adequate housing, “Participation in upgrading requires democratic processes through which the community can make collective decisions.” Under international human rights law, the democratic processes required to upgrade slums mirrors encampment residents’ right to participate in plans to resolve their housing needs. As such, democratic processes implemented to upgrade informal settlements in cities around the world can provide helpful examples for Canadian homeless encampments.

One such example is the “people’s process” in Kabul, Afghanistan. This process delineates community leadership and control over the upgrading process, and includes an organizational structure that enables the community to engage different levels of government. As part of this process, “local residents elect community development councils responsible for the selection, design, implementation and maintenance of the projects.” City staff are trained to work alongside informal settlement residents to implement and complete upgrading.

⁵⁶ A/HRC/43/4, para 42.

⁵⁷ A/73/310/Rev.1, para 20.

⁵⁸ A/HRC/43/4.

⁵⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 21 (2009) on the right of everyone to take part in cultural life, in particular para 16.

PRINCIPLE 3: Prohibition of forced evictions of encampments

45 Under international human rights law, forced evictions constitute a gross violation of human rights and are prohibited in all circumstances, including in the context of encampments.⁶⁰

46 Forced evictions are defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection ... in conformity with the provisions of the International Covenants on Human Rights.”⁶¹

47 Forced evictions are impermissible irrespective of the tenure status of those affected. This means that the forced eviction of encampments is prohibited if appropriate forms of protection are not provided – including all of the requirements described in this Protocol.⁶² It may also be considered a forced eviction when governments’ and those acting on their behalf harass, intimidate, or threaten encampment residents, causing residents to vacate the property.⁶³

48 Common reasons used to justify evictions of encampments, such as ‘public interest,’ ‘city beautification,’ development or re-development, or at the behest of private actors (e.g., real estate firms), do not justify forced evictions.⁶⁴ Evictions (as opposed to “forced evictions”) may be justified in rare circumstances, but they may only be carried out after exploring all viable alternatives with residents, in accordance with law and consistent with the right to housing, as described in this Protocol.

49 Governments must repeal any laws or policies that sanction forced evictions and must refrain from adopting any such laws, including for example anti-camping laws, move-along laws, laws prohibiting tents being erected overnight, laws prohibiting personal belongings on the street, and other laws that penalize and punish people experiencing homelessness and residing in encampments.⁶⁵

⁶⁰ A/HRC/43/43, para 34; CESCR General Comment No.7.

⁶¹ CESCR General Comment No.7.

⁶² A/HRC/43/43, para 34; also see: “Security of tenure under domestic law should not, consequently, be restricted to those with formal title or contractual rights to their land or housing. The UN guiding principles on security of tenure (A/HRC/25/54, para. 5), states that security of tenure should be understood broadly as “a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one’s home in security, peace and dignity.”

⁶³ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>

⁶⁴ A/HRC/43/43, para 36.

⁶⁵ See, for example, Ontario’s *Safe Street’s Act* (1999).

Principle 3 in Action: Forced Eviction & Harassment of Homeless Encampment Residents

In cities around the world, people experiencing homelessness are frequently subject to discriminatory treatment, harassment, and extreme forms of violence because of their housing status. People residing in homeless encampments are exposed to similar or worse treatment, particularly when faced with pressure to relocate or disperse.

In some cases, local laws, policies, or practices can provide the mechanisms for this harassment. For example, in British Columbia local authorities enforced a bylaw prohibiting overnight shelters in parks by using tactics that included spreading chicken manure and fish fertilizer on a homeless encampment. Residents and allies of the homeless encampment subsequently filed a human rights complaint with regard to these practices (*Abbotsford (City) v. Shantz*), and the BC Supreme Court found that certain bylaws violated encampment residents' constitutional rights to life, liberty and security of the person.

Under international human rights law, such activities are strictly prohibited and constitute instances of forced eviction, even if they align with local laws or policies. Given this, it is critical that Canadian governments review local and national policies and laws to ensure they do not violate the prohibition against the forced eviction of homeless encampments.

PRINCIPLE 4: Explore all viable alternatives to eviction

50 Government authorities must explore all viable alternatives to eviction, in consultation with encampment residents.⁶⁶ This means ensuring their meaningful and effective participation in discussions regarding the future of the encampment.

51 Free and independent legal advice should be made available to all residents to help them understand the options, processes, and their rights. Consultations should be conducted at times and locations that are appropriate and accessible for residents to ensure their participation is maximised. Financial and other support should be available to residents so that they can fully participate in all discussions regarding the future of the encampment and so that residents can retain outside consultants (e.g., environmental engineers, architects) where needed to assist them in developing alternative options to eviction.

52 Discussions regarding viable alternatives to eviction must include meaningful engagement with Indigenous Peoples and be grounded in principles of self-determination, free, prior and informed consent. In urban contexts, for example, urban Indigenous organisations should be engaged early in the planning process to establish service delivery roles and to ensure the availability of culturally appropriate services.

⁶⁶ A/HRC/43/4.

53 Where personal needs differ amongst residents of encampments such that a singular best alternative is not unanimous, governments will have to develop several solutions each of which is consistent with the principles outlined in this Protocol.

PRINCIPLE 5: Ensure that any relocation is human rights compliant

54 Homeless encampments are not a solution to homelessness, nor are they a form of adequate housing. Governments have an urgent, positive obligation to ensure encampment residents have access to long-term, adequate housing that meets their needs, accompanied by necessary supports. Rather than eviction, governments must engage with homeless encampments with a view to ensuring residents are able to access such housing.

55 Despite this obligation, many governments respond to encampments by simply moving residents from one bad site to another through the use of law enforcement, physical barriers, or other means, and without meaningfully engaging residents. This in no way addresses the underlying violations of the right to housing experienced by residents of encampments, is often costly, and can contribute to increased marginalization. If relocation is deemed necessary and/or desired by encampment residents, it is critical that it is conducted in a human rights compliant manner.

56 As a starting point, meaningful, robust, and ongoing engagement with residents (as defined in Principle 2) is required for the development of any relocation of homeless encampments or of their residents. Meaningful engagement with communities should ensure the development of plans that respect the rights of residents and can be implemented cooperatively, without police enforcement.⁶⁷ Considerations regarding relocation must be grounded in the principle that “the right to remain in one’s home and community is central to the right to housing.”⁶⁸ If relocation is consistent with the human rights of residents, it will almost always be achievable without the use of force.

57 If government authorities propose the relocation of residents of homeless encampments, and the residents desire to remain in situ, the burden of proof is on the government to demonstrate why in situ upgrading is unfeasible.⁶⁹

58 If, after meaningful engagement with those affected, relocation is deemed necessary and/or desired by encampment residents, adequate alternative housing must be provided in close proximity to the original place of residence and source of livelihood.⁷⁰ If governments have failed to provide residents with housing options that

⁶⁷ A/HRC/40/61, para 38.

⁶⁸ A/73/310/Rev.1, para 26.

⁶⁹ A/73/310/Rev.1, para 32.

⁷⁰ A/HRC/4/18, annex I, para. 60.

they find acceptable, residents must be permitted to remain or be provided with a satisfactory alternative location, while adequate permanent housing options are negotiated and put in place.

59 If, in the exceptional case there is no viable alternative to eviction by authorities, eviction must be compliant with all aspects of international human rights law.⁷¹ Compliance with international human rights law requires:

i. **Prohibition against the removal of residents' private property without their knowledge and consent**

The removal of residents' private property by governments and those acting on their behalf, including the police, without their knowledge and consent, is strictly prohibited.⁷² Such actions are contrary to the rights of residents and may contribute to the deepening of residents' marginalization, exclusion, and homelessness.⁷³ Governments and police must also seek to actively prevent the removal of homeless residents' private property by private actors or any other form of harassment.

ii. **Adherence to the right to housing and other human rights standards when relocation is necessary or preferred**

Adequate alternative housing, with all necessary amenities (particularly water, sanitation and electricity), must be in place for all residents prior to their eviction.⁷⁴ Alternative housing arrangements should be in close proximity to the original place of residence and to services, community support, and livelihood.⁷⁵ It is critical that all encampment residents be allowed to participate in decisions regarding relocation, including the timing and site of relocation.⁷⁶ A full hearing of the residents' concerns with the proposed relocation should be held, and alternatives explored.

⁷² A/HRC/4/18, *Basic Guidelines on Development Based Evictions*, see para 50: "States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use."

⁷³ National Law Centre on Homelessness & Poverty. (2017). *Violations of the Right to Privacy for Persons Experiencing Homelessness in the United States*. Available from: <https://nlchp.org/wp-content/uploads/2018/10/Special-Rapporteur-Right-to-Privacy.pdf>. See para 7: "For them, whatever shelter they are able to construct, whether legally or illegally, is their home, and their right to privacy should inhere to that home the same as it would for any regularly housed person. To deny them that right is to further marginalize and dehumanize this already highly marginalized and dehumanized population."

⁷⁴ A/73/310/Rev.1, para 34.

⁷⁵ Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 60) and A/HRC/4/18, annex I, para. 60.

⁷⁶ A/73/310/Rev.1, para 31.

iii. **Relocation must not result in the continuation or exacerbation of homelessness, or require the fracturing of families or partnerships**

Relocation must not result in the continuation or deepening of homelessness for residents.⁷⁷ Relocation must not require the separation of families or partners, as defined by rights-holders themselves, including chosen family and other kinship networks.⁷⁸ Governments should engage encampments with a view to keeping the community intact, if this is desired by the residents.⁷⁹ Governments should also ensure that relevant housing policies are supportive of the ways in which rights-holders define their own families, partnerships, communities and extended Indigenous kinship structures, and accommodate these whenever possible in public or social housing.

iv. **Access to justice to ensure procedural fairness and compliance with all human rights**

Access to justice must be ensured at all stages of government engagement with encampment residents, not just when eviction is imminent.⁸⁰ Access to justice and legal protection must meet international human rights law standards,⁸¹ including the provision of due process, access to legal aid, access to fair and impartial legal advice, and the ability to file complaints in a relevant forums (including Indigenous forums) that are geographically proximate.⁸²

⁷⁷ A/73/310/Rev.1.

⁷⁸ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>. See para 52: “States should also ensure that members of the same extended family or community are not separated as a result of evictions.”; also, UNHR Summary Conclusions on the Family Unit, Available at <https://www.unhcr.org/protection/globalconsult/3c3d556b4/summary-conclusions-family-unity.html>, see para 8: “International human rights law has not explicitly defined ‘family’ although there is an emerging body of international jurisprudence on this issue which serves as a useful guide to interpretation. The question of the existence or non-existence of a family is essentially a question of fact, which must be determined on a case-by-case basis, requiring a flexible approach which takes account of cultural variations, and economic and emotional dependency factors. For the purposes of family reunification, ‘family’ includes, at the very minimum, members of the nuclear family (spouses and minor children).”

⁷⁹ A/HRC/43/43, para 42.

⁸⁰ A/HRC/43/43.

⁸¹ Committee on Economic, Social and Cultural Rights, General Comment No. 7, para 3.

⁸² It should be noted that broad and inclusive participatory-based processes can potentially foster access to justice for equity-seeking groups, and such processes should be responsive to the unique barriers to justice these groups face.

Principle 5 in Action - *Melani v. City of Johannesburg*

Globally, there are many compelling examples of courts upholding the rights of informal settlements or homeless encampments right to remain in place (“in situ”) in their community. One such example is *Melani v. City of Johannesburg* in South Africa. In this case, the Slovo Park informal settlement challenged the City of Johannesburg’s decision to relocate the community to an alternative location 11 km away. The court held that the Government’s upgrading policy, as required by the constitutional right to housing, envisages “a holistic development approach with minimum disruption or distortion of existing fragile community networks and support structures and encourages engagement between local authorities and residents living within informal settlements.” The Court concluded that relocation must be “the exception and not the rule” and any relocation must be to a location “as close as possible to the existing settlement.” The Court ordered the City of Johannesburg to reverse the decision to relocate the community, and mandated the city to apply for funding for in situ upgrading.

The South African approach is an example of how some national courts are making the shift to adopt a human rights-based approach to encampments. This is a shift that moves in the right direction and should be applied by all courts in Canada.

PRINCIPLE 6: Ensure encampments meet basic needs of residents consistent with human rights⁸³

60 Much of the stigma attached to residents of encampments is a result of governments failing to ensure access to basic services, including access to clean water, sanitation facilities, electricity, and heat, as well as support services.⁸⁴ These conditions violate a range of human rights, including rights to housing, health, physical integrity, privacy, and water and sanitation.⁸⁵ In these conditions, residents face profound threats to dignity, safety, security, health, and wellbeing.⁸⁶ The denial of access to water and sanitation by governments constitutes cruel and inhumane treatment, and is prohibited under international human rights law.⁸⁷

⁸³ Details regarding securing basic needs consistent with human rights can be found in Schedule B.

⁸⁴ A/73/310/Rev.1.

⁸⁵ A/HRC/43/4.

⁸⁶ UN Water. *Human Rights to Water and Sanitation*. Available from: <https://www.unwater.org/water-facts/human-rights/>

⁸⁷ A/73/310/Rev.1, para 46: “Attempting to discourage residents from remaining in informal settlements or encampments by denying access to water, sanitation and health services and other basic necessities, as has been witnessed by the Special Rapporteur in San Francisco and Oakland, California, United States of

61 Canadian governments must ensure, at a minimum, that rudimentary adequacy standards are ensured in homeless encampments on an urgent and priority basis, while adequate housing options are negotiated and secured. Government's compliance with international human rights law requires:

i. **Access to safe and clean drinking water**

Water and sanitation are critical to health for all people. Through *Resolution 64/292*, the United Nations explicitly recognized the right to safe and clean drinking water and sanitation as a "human right that is essential for the full enjoyment of life and all human rights."⁸⁸ The *Resolution* calls upon States and international organizations "to provide safe, clean, accessible and affordable drinking water and sanitation for all." This obligation extends to those residing in homeless encampments.⁸⁹

ii. **Access to hygiene and sanitation facilities**

Homeless encampments must be provided with sufficient resources and supports to ensure access to hygiene and sanitation facilities – toilets, showers, hand-washing stations, for example – within the encampment, or within very close proximity. Using existing facilities that remain open to the general public will not be appropriate. Facilities should ensure the hygiene and dignity of all residents irrespective of needs or identity. Peer-led hygiene and sanitation facilities have worked well in some contexts.

iii. **Resources and support to ensure fire safety**

General safety precautions should be implemented in an encampment environment to ensure residents are safe from fire and chemical exposure. Fire Departments should assist residents in developing a harm reduction approach to fire safety.

iv. **Waste management systems**

The lack of waste management systems in encampments has serious health and safety implications. Encampments necessarily create garbage during the course of daily activities. Garbage piles can become combustible fire hazards and can increase the risk of exposure to chemical waste. Human and animal biological waste also poses a particular danger. Without sanitary facilities, accumulated fecal waste can contaminate the

America, 29 constitutes cruel and inhuman treatment and is a violation of multiple human rights, including the rights to life, housing, health and water and sanitation."

⁸⁸ A/RES/64/292, para 2. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

⁸⁹ A/RES/64/292, para 3. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

ground and transmit diseases.⁹⁰ The improper disposal of needles can also transmit diseases through puncture wounds or re-use of needles. It is the responsibility of governments to ensure that homeless encampments have sufficient resources for the establishment of waste management systems.

v. **Social Supports and Services**

Residents of homeless encampments should be ensured access to health, mental health, addiction, and broader social services in a manner equitable to other community residents and consistent with human rights. All supports should be culturally appropriate and anti-oppressive. Governments should consult encampment residents on how best to provide access to these services, including through approaches such as outreach and/or on-site service provision. The provision of social services should not be linked to data gathering of any kind.

vi. **Guarantee Personal Safety of Residents**

Although research indicates that unsheltered people in Canada are disproportionately targets of violence, rather than perpetrators,⁹¹ interpersonal violence and exploitation can occur within encampments. Interpersonal violence is often exacerbated when people do not have their basic needs met,⁹² thus the provision of meaningful resources and supports will likely help ameliorate issues of safety.

It is the State's duty to protect the safety of all residents, particularly those who may be particularly vulnerable to abuse, harm, trafficking, or exploitation. Responses to violence must be guided by principles of transformative justice, rather than reproduce punitive outcomes and must be based in community-developed safety protocols. Governments must recognize that engaging police or other state authorities as a response to violence in encampments may put people at increased risk of harm, including due to risks of being criminalized or incarcerated.

vii. **Facilities and resources that support food safety**

Consuming contaminated food or water can cause a variety of foodborne

⁹⁰ CalRecycle. *Homeless Encampment Reference Guide*. Available at:

<https://www.calrecycle.ca.gov/illegalDump/homelessCamp#SolidWaste>

⁹¹ Sylvia, N., Hermer, J., Paradis, E., & Kellen, A. (2009). "More Sinned Against than Sinning? Homeless People as Victims of Crime and Harassment." In: Hulchanski, J. David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (Eds.), *Finding Home: Policy Options for Addressing Homelessness in Canada* (e-book), Chapter 7.2. Toronto: Cities Centre, University of Toronto.

www.homelesshub.ca/FindingHome

⁹² Slabbert, I. (2017). Domestic violence and poverty: Some women's experiences. *Research on social work practice*, 27(2), 223-230.

illnesses. Encampments are often more susceptible to foodborne illnesses due to a lack of storage, cooling appliances, improperly cooked foods, and limited or no access to clean water. Diseases can spread quickly in an encampment setting.

One of the best ways to prevent the spread of illness is to for governments to provide resources that enable the encampment to implement food safety measurements such as refrigeration facilities, which are also important for storing medicines.

viii. **Resources to support harm reduction**

Governments must provide encampments with the resources to implement effective harm reduction measures. Appropriate professionals should support residents to establish emergency protocols for responding to overdoses and other health emergencies.

ix. **Rodent and pest prevention**

The presence of rodents and pests can pose a significant threat to the health of residents. Appropriate prevention and treatment options should be available for pest management that are safe for use in human environments. Encampment residents should be provided with the resources to prevent and address the presence of rodents and pests.

62 In implementing these standards, it must be recognized that residents of encampments are experts with respect to their living spaces — they often know what resources are needed and how best to mobilize them. As a matter of human rights, residents must be engaged in planning and carrying out any measures developed to improve access to basic services. Practices, systems, and agreements residents have already put in place should be respected by government officials and should inform any further improvements.

PRINCIPLE 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents

63 As a matter of international human rights law, the rights and dignity of residents must be at the heart of all government engagement with homeless encampments.⁹³ Dignity is an inherent human rights value that is reflected in the *Universal Declaration of Human Rights*. As such, Canadian governments have an obligation to bring about positive human rights outcomes in all of their activities and decisions concerning homeless encampments.

⁹³ ICESCR.

64 Where Canadian governments at any level make decisions with regards to encampments, it is essential that they do so taking into account the full spectrum of human rights of residents and ensure that their enjoyment of those rights is enhanced by all decisions. Any decision that does not lead to the furthering of human rights, fails to ensure their dignity, or represents a backwards step in terms of their enjoyment of human rights, is contrary to human rights law.

65 More broadly, the Canadian government has an obligation to the progressive realization of the right to housing, alongside all other human rights.⁹⁴ A central component of that obligation is to address on an urgent basis the needs of those in the greatest need. This means that Canadian governments must move, as a matter of priority, towards the full enjoyment of the right to housing for encampment residents.⁹⁵ When governments fail to bring about positive human rights outcomes for encampment residents, they fail their obligation to progressively realize the right to housing.⁹⁶

PRINCIPLE 8: Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with encampments

66 Indigenous Peoples in Canada experience some of the most severe and egregious forms of housing need, and are dramatically overrepresented in homeless populations across the country, including specifically amongst those who are sleeping rough.⁹⁷ Under these conditions, many Indigenous Peoples experience profound violations of the right to housing and the right to self-determination, as well as violations of the right to freely pursue their economic, social, and cultural development.⁹⁸

67 For Indigenous Peoples in Canada, encampments and political occupation may occur simultaneously as a means of survival and a means of asserting rights to lands and

⁹⁴ ICESCR, in General Comment No.3 on the nature of states parties' obligations under Art 2(1) of the ICESCR.

⁹⁵ ICESCR, Article 2(1).

⁹⁶ Further, if governments failed to ensure human rights outcomes were obtained for encampment residents, and residents suffered some detriment to their enjoyment of their rights (e.g., loss of dignity or ended up street homeless without any shelter at all), this might be classed as retrogression and a breach of obligations.

⁹⁷ See ESDC (Employment and Social Development Canada). (2019). *Everyone counts highlights: Preliminary results from the second nationally coordinated point-in-time count of homelessness in Canadian communities*. Retrieved from <https://www.canada.ca/en/employment-social-development/programs/homelessness/reports/highlights-2018-point-in-time-count.html#3.5>. Similarly, the [2018 Toronto Street Needs Assessment](#) documented that 16% of those enumerated were Indigenous, and 38% of those sleeping rough were Indigenous. See also Patrick, C. (2014). *Aboriginal Homelessness in Canada: A Literature Review*. Toronto: Canadian Homelessness Research Network Press. Retrieved from <https://www.homelesshub.ca/sites/default/files/AboriginalLiteratureReview.pdf>.

⁹⁸ Article 3 of the *Declaration* and article 1 of the *Covenant*.

territories within cities and elsewhere. Whatever the impetus, any government engagement with Indigenous Peoples in encampments must be guided by the obligation to respect, protect, and fulfil their distinct rights. These rights are outlined in the United Nations Declaration on the Rights of Indigenous Peoples, as well as many other international human rights treaties.

68 Under international human rights laws, the enjoyment of the right to housing for Indigenous Peoples is “deeply interconnected with their distinct relationship to their right to lands, territories and resources, their cultural integrity and their ability to determine and develop their own priorities and strategies for development.”⁹⁹ Recognition of the indivisible nature of Indigenous Peoples’ human rights, and the obligation to uphold these rights, must shape all government engagement with Indigenous encampment residents, as well as the Indigenous Peoples who own or occupy the land or territories upon which the encampment is located.

69 Compliance with international human rights law requires:

i. **Recognition of the distinct relationship that Indigenous Peoples have to their lands and territories**

In order to ensure adequate housing for Indigenous Peoples, States, Indigenous authorities, and other actors must recognize the distinct spiritual and cultural relationships that Indigenous Peoples have with their lands and territories.¹⁰⁰ This recognition includes protection for Indigenous residents of encampments, who have the right to utilize their lands and territories in line with their own economic, social, political, spiritual, cultural, and traditional practices (as defined and assessed by the Peoples themselves).¹⁰¹

Under international human rights law, governments “should respect those housing structures which an Indigenous community deems to be adequate in the light of their own culture and traditions.”¹⁰² In the context of encampments, governments must respect Indigenous Peoples’ right to construct shelter and housing in ways that incorporate their lived histories, cultures, and experiences.¹⁰³

ii. **Guarantee of self-determination, free, prior and informed consent and**

⁹⁹ A/74/183, particularly para 6: “The right to adequate housing can be enjoyed by Indigenous Peoples only if its articulation under article 11 (1) of the International Covenant on Economic, Social and Cultural Rights is understood as interdependent with and indivisible from the rights and legal principles set out in the United Nations Declaration on the Rights of Indigenous Peoples.”

¹⁰⁰ A/74/183.

¹⁰¹ A/74/183.

¹⁰² A/74/183, para 62.

¹⁰³ A/74/183.

meaningful consultation of Indigenous Peoples

Governments must ensure the participation of Indigenous Peoples in all decision-making processes that affect them.¹⁰⁴ Governments must consult with Indigenous encampment residents in order to obtain their free, prior, and informed consent before taking any action that may affect them.¹⁰⁵

Engagement with Indigenous communities should involve genuine dialogue and should be guided by “mutual respect, good faith and the sincere desire to reach agreement.”¹⁰⁶ This consultation process must engage representatives chosen by Indigenous Peoples themselves, in accordance with their own procedures and practices.¹⁰⁷ As outlined in Principle 2, governments must provide Indigenous residents with necessary institutional, financial, and other resources in order to support their right to participate.¹⁰⁸ Indigenous women and girls must be consulted on a priority basis.¹⁰⁹

iii. Prohibition against the forced eviction, displacement, and relocation of Indigenous Peoples

Indigenous Peoples’ access to and control over their lands, territories and resources constitute a fundamental element of the realization of their right to adequate housing.¹¹⁰ As such, international human rights law strictly prohibits the relocation of Indigenous Peoples in the absence of free, prior, and informed consent.¹¹¹

iv. Protection and guarantees against all forms of violence and discrimination for Indigenous women, girls, and gender diverse peoples

Indigenous women, girls, gender diverse, and Two-Spirit peoples experience particular forms of violence – including sexual violence and

¹⁰⁴ United Nations Declaration on the Rights of Indigenous Peoples.

¹⁰⁵ United Nations Declaration on the Rights of Indigenous Peoples, in particular arts. 10, 19, and 23.

¹⁰⁶ A/74/183, para 56.

¹⁰⁷ United Nations Declaration on the Rights of Indigenous Peoples, art. 18. See also Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 6(1)(b); American Declaration on the Rights of Indigenous Peoples, arts. XXI (2) and XXIII (1); and A/HRC/18/42, annex (Expert Mechanism advice No. 2 (2011)). See also Human Rights Committee, General Comment No. 23 (1994) on the rights of minorities, para 7.

¹⁰⁸ Committee on Economic, Social and Cultural Rights’ General Comment No. 4, para 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para 39).

¹⁰⁹ A/74/183, para 59.

¹¹⁰ A/74/183, para 51. See also A/HRC/7/16, paras 45–48; The United Nations Declaration of the Rights of Indigenous Art. 26.2: “Indigenous Peoples have the right to own, use, develop, and control the lands, territories and resources that they possess by reason of traditional occupation or use, as well as those which they have otherwise acquired.”

¹¹¹ United Nations Declaration on the Rights of Indigenous Peoples, Art. 10: “Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

homicide – in relation to the intersection of their indigeneity, gender identity, socioeconomic and cultural status, and their housing status.¹¹² Canadian law recognizes the concept of multiple and intersecting forms of discrimination, and under international human rights law all Indigenous women, girls, and those who are gender diverse or Two-Spirited “must enjoy full protection and guarantees against all forms of violence and discrimination, whether inside or outside their communities.”¹¹³

It is incumbent upon governments to provide Indigenous women and girls protection and guarantee against all forms of violence and discrimination within encampments, including from state authorities, in a manner that is consistent with Indigenous self-determination and self-governance.

¹¹² A/74/183, para 59.

¹¹³ A/74/183, para. 59.

SCHEDULE A: Select Case Law on Homeless Encampments in Canada

Victoria (City) v. Adams, [2009 BCCA 563](#)¹¹⁴

The City of Victoria made an application for an injunction to remove a "tent city" at Cridge Park. The City relied on its *Streets and Traffic Bylaw* and *Parks Regulation Bylaw*, which prohibits loitering and taking up an overnight temporary residence in public places. On appeal, the Court of Appeal established that the Victoria City bylaws violated section 7 of the *Canadian Charter* "in that they deprive homeless people of life, liberty and security of the person in a manner not in accordance with the principles of fundamental justice," and the provisions were not saved by section 1 of the *Charter* (para. 42). The Court of Appeal confirmed that the bylaw was overbroad "because it is in effect at all times, in all public places in the City."¹¹⁵

Abbotsford (City) v. Shantz, 2015¹¹⁶

The City of Abbotsford applied for an interim injunction requiring the defendants to remove themselves and their encampment from a city park. The Court concluded that the bylaws were "grossly disproportionate" because:

"the effect of denying the City's homeless access to public spaces without permits and not permitting them to erect temporary shelters without permits is grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless."¹¹⁷

The Court concluded that allowing the City's homeless to set up their shelters overnight and taking them down during the day would "reasonably balance the needs of the homeless and the rights of other residents of the City."¹¹⁸

¹¹⁴ *Victoria(City) v. Adams* (2009, BCCA 563). Online, <https://www.canlii.org/en/bc/bcca/doc/2009/2009bccca563/2009bccca563.html?resultIndex=1>

¹¹⁵ The Court of Appeal stated at para. 116 that: "The prohibition on shelter contained in the Bylaws is overbroad because it is in effect at all times, in all public places in the City. There are a number of less restrictive alternatives that would further the City's concerns regarding the preservation of urban parks. The City could require the overhead protection to be taken down every morning, as well as prohibit sleeping in sensitive park regions." This case is perhaps one of the most notable successes in homeless litigation in Canada.

¹¹⁶ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

¹¹⁷ Para 224

¹¹⁸ The Court stated, "The evidence shows, however, that there is a legitimate need for people to shelter and rest during the day and no indoor shelter in which to do so. A minimally impairing response to balancing that need with the interests of other users of developed parks would be to allow overnight shelters to be erected in public spaces between 7:00 p.m. and 9:00 a.m. the following day." [para 276]

British Columbia v. Adamson, [2016 BCSC 584](#) [Adamson #1] and [2016 BCSC 1245](#) [Adamson #2]¹¹⁹

The Province of BC applied for an interlocutory injunction to restrain the defendant encampment residents from trespassing on the Victoria courthouse green space. On the first application, the court concluded that the balance of convenience did not favour the granting of the injunction, stating

“the balance of convenience is overwhelmingly in favour of the defendants, who simply have nowhere to move to, if the injunction were to issue, other than shelters that are incapable of meeting the needs of some of them, or will result in their constant disruption and a perpetuation of a relentless series of daily moves to the streets, doorways, and parks of the City of Victoria.”¹²⁰

Following this, a second injunction was filed based on new evidence of the encampment deterioration conditions, as well as supporting evidence that the Province would make housing available to encampment residents. The court made an order requiring the encampment to be cleared, but granting residents to stay until alternate housing options were made available to them.¹²¹

Vancouver (City) v. Wallstam, [2017 BCSC 937](#)¹²²

The City of Vancouver applied for an interlocutory injunction requiring encampment residents to vacate and remove all tents and other structures from a vacant city lot. The Court relied on the injunction test set out in *RJR-MacDonald*.¹²³ The court noted that:

“The test requires that the *applicant* prove it will suffer irreparable harm if the injunction is not granted...When I asked counsel what harm the *City* would suffer if the injunction was not granted, he answered that not granting the injunction would mean that a ‘vital social housing project won't go ahead’ and that interferes with the public good. He also points out the timeline for development of the project requires the injunction urgently ... While everyone can agree that more social housing is an important goal, I must balance that general concern against the position of the occupants that the tent city, as it currently exists, is now providing shelter and safe living space for the occupants.”¹²⁴

¹¹⁹ *British Columbia v. Adamson* (2016 BCSC 1245). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1245/2016bcsc1245.html?resultIndex=1>

¹²⁰ Para 183.

¹²¹ Paras 85-86,

¹²² *Vancouver (City) v. Wallstam* 2017 BCSC 937 at para 60. Online, <https://www.canlii.org/en/bc/bcsc/doc/2017/2017bcsc937/2017bcsc937.html?resultIndex=1>

¹²³ In *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311

¹²⁴ Para 46-47.

The court concluded that the City failed to meet the *RJR-MacDonald* test and dismissed the City's application, but without prejudice to bring it forward again on a more complete factual record.¹²⁵

¹²⁵ Para 64.

SCHEDULE B: An Elaboration on Principle 6

Ensure encampments meet basic needs of residents consistent with human rights

Canadian governments must ensure, at a minimum, that rudimentary adequacy standards are ensured in homeless encampments on an urgent and priority basis, while adequate housing options are negotiated and secured. Government's compliance with international human rights law requires:

i. **Access to safe and clean drinking water**

Water and sanitation are critical to health for all people. Through *Resolution 64/292*, the United Nations explicitly recognized the right to safe and clean drinking water and sanitation as a "human right that is essential for the full enjoyment of life and all human rights."¹²⁶ The *Resolution* calls upon States and international organizations "to provide safe, clean, accessible and affordable drinking water and sanitation for all." This obligation extends to those residing in homeless encampments.¹²⁷

To ensure access to safe and clean drinking water, governments should provide homeless encampments with resources for:

- On site/close-proximity clean and safe drinking/potable water, ensuring a sufficient number of access points for water relative to the number of residents
- Dishwashing Station(s) with clean water, sufficient in number for the number of residents

ii. **Access to hygiene and sanitation facilities**

Homeless encampments must be provided with sufficient resources and supports to ensure access to hygiene and sanitation facilities – toilets, showers, hand-washing stations, for example – within the encampment, or within very close proximity. Using existing facilities that remain open to the general public will not be appropriate. Facilities should ensure the hygiene and dignity of all residents irrespective of needs or identity. Peer-led hygiene and sanitation facilities have worked well in some contexts.

Hygiene and sanitation facilities should include:

- Washing stations, including showers with privacy and safety for women and gender diverse peoples, stocked with soap, water, paper towels

¹²⁶ A/RES/64/292, para 2. Available at:

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

¹²⁷ A/RES/64/292, para 3. Available at:

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

- Adequate numbers of toilets based on the encampment population which must be accessible for residents with disabilities. Every toilet station must also have a hand-washing station
- Access to cleaning and bathing supplies
- Access to free laundry facilities
- Free feminine hygiene products
- Access to clean bedding

iii. **Resources and support to ensure fire safety**

General safety precautions should be implemented in an encampment environment to ensure residents are safe from fire and chemical exposure. Fire Departments should assist residents in developing a harm reduction approach to fire safety. Residents should be provided with resources to support best safety practices, including:

- Fire-safety approved sources of heat (e.g., safe metal vessels for heat)
- Warming tents
- In-tent heat sources
- Fire-proof tents
- Fire evacuation plan
- Signage indicating evacuation plans
- Accessible information on fire safety tips and how to handle and store flammable materials (e.g., gasoline, butane, propane)
- Fire extinguishers appropriately spaced and training for residents on how to operate them
- Electricity/charging stations for phones and laptops
- On-site ashtrays or cigarette disposal posts

iv. **Waste management systems**

The lack of waste management systems in homeless encampments has serious health and safety implications. Encampments necessarily create garbage during the course of daily activities, including during food preparation or shelter building. Unwanted materials can pile up quickly when there is no waste system in place to remove garbage from the area. Garbage piles can become combustible fire hazards and can increase the risk of exposure to chemical waste.

Human and animal biological waste also poses a particular danger. Without sanitary facilities, accumulated fecal waste can contaminate the ground and transmit diseases.¹²⁸ The improper disposal of needles can also transmit diseases through puncture wounds or re-use of needles.

¹²⁸ CalRecycle. *Homeless Encampment Reference Guide*. Online at <https://www.calrecycle.ca.gov/illegaldump/homelesscamp#SolidWaste>

It is the responsibility of governments to ensure that homeless encampments have sufficient resources for the establishment of waste management systems, which should include:

- Weekly garbage and recycling (more frequent if needed)
- Regular service for waste water and portable toilets
- Independent waste bins for flammable/hazardous waste (e.g., fuel, motor oil, batteries, light bulbs)
- Large rodent-proof waste bins with tight fitting lids
- Garbage bags, cleaning supplies, hand soap, hand sanitizer
- Waste water holding tanks (if there are no sewers near encampment)

v. **Social Supports and Services**

Residents of homeless encampments should be ensured access to health, mental health, addiction, and broader social services in a manner equitable to other community residents and consistent with human rights. All supports should be culturally appropriate and anti-oppressive. Governments should consult encampment residents on how best to provide access to these services, including through approaches such as outreach and/or on-site service provision. The provision of social services should not be linked to data gathering of any kind.

i. **Guarantee Personal Safety of Residents**

Although research indicates that unsheltered people in Canada are disproportionately targets of violence, rather than perpetrators,¹²⁹ interpersonal violence and exploitation can occur within encampments. Interpersonal violence is often exacerbated when people do not have their basic needs met,¹³⁰ thus the provision of meaningful resources and supports will likely help ameliorate issues of safety.

It is the State's duty to protect the safety of all residents, particularly those who may be particularly vulnerable to abuse, harm, trafficking, or exploitation. Responses to violence must be guided by principles of transformative justice, rather than reproduce punitive outcomes and must be based in community-developed safety protocols. Governments must recognize that engaging police or other state authorities as a response to violence in encampments may put people at increased risk of harm, including due to risks of being criminalized or incarcerated.

¹²⁹ Sylvia, N., Hermer, J., Paradis, E., & Kellen, A. (2009). "More Sinned Against than Sinning? Homeless People as Victims of Crime and Harassment." In: Hulchanski, J. David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (Eds.), *Finding Home: Policy Options for Addressing Homelessness in Canada* (e-book), Chapter 7.2. Toronto: Cities Centre, University of Toronto.

www.homelesshub.ca/FindingHome

¹³⁰ Slabbert, I. (2017). Domestic violence and poverty: Some women's experiences. *Research on social work practice*, 27(2), 223-230.

Any approach to addressing interpersonal safety within encampments must:

- Center on the most vulnerable members of the encampment, namely: BIPOC, women, trans-people and other LGBTQ2S+ persons, persons with disabilities, and other groups who experience discrimination or marginalization.
- Provide resources and supports to allow for Indigenous and other non-colonial approaches to conflict resolution.
- Provide safe, confidential, accessible, and non-coercive mechanisms through which individuals experiencing violence can report these experiences and receive trauma-informed supports and services, ensuring that these individuals are able to access alternative safe housing (as desired).

vi. **Facilities and resources that support food safety**

Consuming contaminated food or water can cause a variety of foodborne illnesses. Encampments are often more susceptible to foodborne illnesses due to a lack of storage, cooling appliances, improperly cooked foods, and limited or no access to clean water. Diseases can spread quickly in an encampment setting.

One of the best ways to prevent the spread of illness is to for governments to provide resources that enable the encampment to implement food safety measurements. This includes:

- Rodent-proof storage containers, with lids that can be sealed
- Shelving units to ensure food is stored off the ground
- Soap and sanitizer to clean food preparation surfaces
- Cooling appliance(s) to prevent spoilage
- Cooking appliance(s) to ensure food is thoroughly cooked

vii. **Resources to support harm reduction**

Governments must provide homeless encampments with the resources to implement effective harm reduction measures within homeless encampments. Appropriate professionals should support residents to establish emergency protocols for responding to overdoses and other health emergencies. Encampment residents should be provided with:

- Overdose prevention training (e.g., CPR training)
- Overdose prevention supplies (e.g., Naloxone)
- Overdose Prevention Sites, where possible
- Puncture-proof containers for needle disposal
- Harm reduction outreach supports
- Regular servicing of puncture-proof containers by a certified waste-management company

- Information about available emergency services in the event of overdoses or other health-related crises

viii. **Rodent and pest prevention**

The presence of rodents and pests can pose a significant threat to the health of residents. Appropriate prevention and treatment options should be available for pest management that are safe for use in human environments (e.g., diatomaceous earth). Encampment residents should be provided with the resources to prevent and address the presence of rodents and pests, including:

- Resources and information on rodent and pest prevention
- A bait-station to detract rodents from sleeping tents, regularly serviced and monitored
- Cleaning materials and gloves to dispose of rodents

In implementing these standards, it must be recognized that residents of encampments are the experts of their living spaces — they often know what resources are needed and how best to mobilize them. As a matter of human rights, encampment residents must be engaged in planning and carrying out any measures developed to improve access to basic services for the encampment. Practices, systems, and agreements residents already have in place should be recognized by government officials and should inform any further improvements.

THIS IS **EXHIBIT “M”** REFERRED TO
IN THE AFFIDAVIT OF MARIE JOSEE HOULE
SWORN REMOTELY AT THE
CITY OF CANTLEY BEFORE ME AT THE REGION OF WATERLOO
DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 15TH DAY OF AUGUST, 2025

A handwritten signature in black ink, appearing to read 'Ashley Schuitema', written in a cursive style.

ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G

HOMELESS ENCAMPMENTS:

Municipal Engagement Guidance

National Working Group on Homeless Encampments

A NOTE TO THE READER

The National Working Group on Homeless Encampments (NWG-HE) – convened by The Shift since January 2023 – presents a Municipal Engagement Guidance. This Guidance is intended to support municipalities in engaging homeless encampments in a constructive and peaceful manner. The Guidance is not a road map to solving homelessness. It is an effort to establish national standards, based in human rights, for municipal government engagement with encampments across the country. It is intended to help ensure the best outcomes for those living in encampments and their communities in the short term, while establishing a foundation for longer-term solutions.

The Municipal Guidance was drafted through discussions and with the input of the NWG-HE whose members include the Chair and Vice-Chair of the Big City Mayors caucus – Mayor Savage (Halifax) and Mayor Clark (Saskatoon), respectively – as well as Indigenous representatives, people with lived expertise, social medicine doctors, front line harm reduction workers, academics, and advocates. Representatives of federal and city governments and human rights institutions also participated as observers. The list of formal participants is at the close of the document. The Municipal Guidance was shared at the Big City Mayors Caucus in May 2023. It was also shared with the Federal Housing Advocate to inform her review of homeless encampments, expected to be concluded in early 2024.

THE SH/FT
#RIGHT2HOUSING



We would like to live in a Canada in which everyone is safely and adequately housed.

Homeless encampments are increasingly appearing in communities across Canada, whereby individuals erect tents or informal structures on public or private lands, including unceded territory, to provide themselves with shelter. Those residing in encampments live in very difficult circumstances and are often there because shelter spaces and appropriate long-term supportive housing options are either unavailable and/or do not provide adequate protections and supports for their specific needs.

This Guidance note is intended as a high-level road map to assist municipal governments in addressing homeless encampments by first advocating for appropriate long term supportive housing and in the absence of that, ensuring encampments support the human rights and dignity of those in them, in a manner that respects human rights and promotes human well-being and safe communities. It acknowledges that responsibility for addressing homelessness rests with the three orders of government which must act collaboratively and with a shared sense of urgency in the interest of those who are unhoused or at risk of becoming unhoused.

BASIC PRINCIPLES

The following basic principles should inform the approach:

- Homeless encampments will rarely satisfy the requirements of the human right to housing, and thus should not be understood as a solution to homelessness and should not be permanent.
- Residents of homeless encampments must be treated in a dignified, empathetic and culturally appropriate manner and are entitled to the necessities of life, including affordable, secure, and dignified housing.
- Municipalities do not always have the jurisdiction, capacity, and resources to ensure unhoused people have affordable, secure, and dignified housing. Significant support and intervention from other orders of government is required.
- Indigenous Peoples are dramatically overrepresented in homeless populations in many cities across the country, including in many encampments. Policies and approaches on encampments must be consistent with Truth and Reconciliation and the National Inquiry on Missing and Murdered Indigenous Women Calls to Action and Justice.
- Many encampment residents have complex mental and/or physical health needs that require an integrated approach with healthcare supports.
- Residents who neighbour encampments have legitimate experiences and concerns that require consideration.

WAYS FOR MUNICIPALITIES TO PREVENT HOMELESSNESS, ADDRESS ENCAMPMENTS AND SUPPORT PEOPLE WHO LIVE IN THEM

1. **Solicit Provincial and Federal Government Support**

Coordinated, long-term financial and policy supports of federal and provincial governments are required for homeless encampments to be resolved. Municipalities should collectively escalate the issue on provincial and national political agendas as an urgent matter of fundamental human rights, for example by calling for an inter-governmental action-table on homelessness that includes Indigenous, civil society and lived-expertise participation. The focus should be twofold: preventing homelessness and addressing homeless encampments.

2. **Meaningfully Engage with those Living in Encampments**

Better, more peaceful outcomes will be achieved if people living in homeless encampments and the individuals and organizations they choose to support them, are meaningfully engaged and have the capacity to shape and co-create solutions with the aim of closing the encampment. Successful meaningful engagement can be a long process often taking months and requires consistency and patience.

Municipal governments, working with Indigenous partners, must consult with Indigenous residents of encampments and their representatives where appropriate, securing their free, prior, and informed consent with respect to any decision or measure that will impact them.

All engagement must be culturally appropriate.

See Appendix for the elements of successful meaningful engagement.

3. **Explore all viable alternatives to encampment eviction or removal**

While homeless encampments should not be permanent, every effort should be taken to avoid forced removal of encampments, recognizing court rulings in British Columbia and Ontario indicating that in some circumstances to do so violates the Charter of Rights and Freedoms.

Meaningful engagement with encampment residents (see below), good faith dialogue, and the offer of reasonable alternative housing options (eg: rent supplements; tiny homes; hotel rooms; modular units) will dramatically reduce the need to remove people involuntarily from encampments.

Issuing trespass notices, enforcing prohibitive bylaws, or otherwise coercing people in encampments into housing should be considered a last resort after all viable alternatives are exhausted.

Where an encampment is erected in a dangerous (eg: construction site) or inappropriate (eg: cemetery, playground, school, daycare) location, the municipality should engage those in the encampment to relocate to a more suitable site, even if it is an alternate tenting site.

4. Essential Services for Encampment Residents

Homeless encampments do not satisfy the requirements of the right to housing. However, where they exist, municipalities, working with their government and community partners, should ensure that to the greatest extent possible encampments meet the basic needs for survival of those living there. This will make encampments safer for those residing therein, as well as for neighbouring homes and businesses.

See Appendix for examples of essential services.

5. Encampments and Safety

People who reside in encampments must always be safe as must those living near encampments. Safety within an encampment is more likely if trusting relationships are built between residents (alongside those they rely upon for support), and municipal officials (including fire departments, emergency responders and police) healthcare providers, outreach workers and others supporting the encampment. Indigenous-led supports are critical to the safety of Indigenous persons living in encampments, and foundational to trust-building.

Municipalities should work with the above and other actors as appropriate to develop an encampment safety protocol, taking into consideration relevant power imbalances. This protocol should outline under what circumstances police and security personnel should be called into the encampment community and by whom. It should also include measures to address sexual assault, physical assault, and exploitation of vulnerable groups, such as women, gender-diverse populations, minors, and racialized populations.

People living in encampments should be provided training in safety procedures including with respect to potentially hazardous equipment and materials.

Personal belongings of encampment residents should always be treated with care, regardless of the security issue at hand, except in the case of an emergency, i.e. fire, extreme weather event.

APPENDIX

MUNICIPAL ENGAGEMENT WITH THOSE LIVING IN ENCAMPMENTS WILL BE MOST SUCCESSFUL IF IT:

I. INCLUDES TRAINING FOR ENCAMPMENT RESIDENTS WITH RESPECT TO THEIR HUMAN RIGHTS, AND SAFETY PROTOCOLS AND REQUIREMENTS;

II. INCLUDES THE INDIVIDUALS AND ORGANIZATIONS ENCAMPMENT RESIDENTS RELY UPON FOR SUPPORT IF SO REQUESTED;

III. IS IMMEDIATE, REGULAR AND ONGOING;

IV. IS PRACTICED IN GOOD FAITH;

V. IS INCLUSIVE, CULTURALLY APPROPRIATE AND NON-DISCRIMINATORY;

VI. OCCURS AT APPROPRIATE AND ACCESSIBLE TIMES AND LOCATIONS;

VII. PROVIDES AN OPPORTUNITY FOR ENCAMPMENT RESIDENTS TO RAISE CONCERNS AND ISSUES AND TO RECEIVE IMMEDIATE FEEDBACK AND/OR A COMMITMENT TO RETURN WITH INFORMATION AT A SPECIFIED TIME; AND

VIII. IS BASED ON THE UNDERSTANDING THAT ENCAMPMENT RESIDENTS ARE NOT HOMOGENOUS AND WILL ACCEPT AND REQUIRE DIFFERENT SOLUTIONS.

ESSENTIAL SERVICES

In consultation with those living in encampments, municipalities, working with other orders of government and community partners, should ensure the following are available on-site or within reasonable proximity to encampments:

- Durable tents or building code compliant structures that are fire retardant + can withstand inclement weather, that provide privacy, cots to sleep on, and bedding
- Access to safe and clean drinking water
- Access to warming/cooling areas
- Access to sufficient and appropriate quality clothing
- Resources and supports to ensure fire safety (eg: training on fire safety for those living on site)
- Assistance for those living in encampments to develop social protocols. For example: zero-violence policy; anti-racism and harassment policy for encampment residents as well as other users and abutters of public spaces where encampments exist.
- Access to hygiene and sanitation facilities
- Waste management systems including for drug-use related waste (needles, pipes).
- Power sources
- Facilities and resources that support access to healthy food supply and its storage
- Garbage facilities
- Proximate safe and secure storage facilities for personal belongings
- Rodent and pest deterrence
- Resources to support harm reduction
- Creation of safe areas where women, LGBTQ2S+ and others at risk of violence and exploitation may reside

NATIONAL WORKING GROUP ON HOMELESS ENCAMPMENT PARTICIPANT LIST

Dr. Alexandra Flynn	Associate Professor, Peter A. Allard School of Law, The University of British Columbia
Dr. Andrew Bond	Medical Director at Inner City Health Associates (ICHA)
Dr. Andrew Boozary	Executive Director, Population Health & Social Medicine at UHN
BC Human Rights Commission Observer	Office of the BC Human Rights Commissioner
Caroline Leblanc	Professor and PhD Candidate, Sherbrooke University
Celeste Hayward	Director, Operations, Aboriginal Housing Management Association (AHMA)
Charlene Lee	Lived Expert, Kitchener
Mayor Charlie Clark	Mayor, Saskatoon
Infrastructure Canada Observer	Infrastructure Canada
Derek Cook	Director, Canadian Poverty Institute
Diana Chan McNally	Community & Crisis Worker, All Saints Toronto Sessional Instructor, George Brown College
Jaimee Gaunce	Director of Policy, Ontario Aboriginal Housing Services (OAHS)
Justin Marchand	Chief Executive Officer, Ontario Aboriginal Housing Services (OAHS)
Dr. Kaitlin Schwan	Executive Director, Women's National Housing & Homelessness Network (WNHHN)
Leilani Farha	Global Director of The Shift
City of Kitchener Observer	City of Kitchener
Mayor Michael Savage	Mayor, Halifax Regional Municipality
Stephanie Lowe	Senior Housing Policy Analyst, Aboriginal Housing Management Association (AHMA)

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF MARIE JOSEE HOULE

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Kitchener, Ontario N2H 2P5

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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

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PERSONS UNKNOWN AND TO BE ASCERTAINED

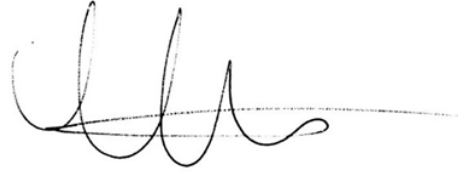
Respondents

ACKNOWLEDGMENT OF EXPERT'S DUTY

1. My name is Marie-Josée Houle. I live at the City of Cantley, in the Province of Quebec.
2. I have been engaged by or on behalf of the Waterloo Region Community Legal Services to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - (a) to provide opinion evidence that is fair, objective and non-partisan;
 - (b) to provide opinion evidence that is related only to matters that are within my area of expertise;
and
 - (c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date August 15, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Signature

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

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PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

2nd AFFIDAVIT OF MEGAN LOPES

I, Megan Lopes, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I have previously affirmed another affidavit in connection with this matter. My affidavit dated June 18, 2025 was included in the Respondents' Responding Record Vol. 1.
3. In and around September 2025 I was offered a motel room at the Super 8 Motel, located at 650 Hespeler Road, Cambridge, ON N1R 6J8, by the Region of Waterloo.

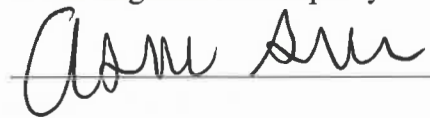
4. I accepted the offer and I was allowed to bring 3 to 4 bags of belongings, a suitcase and my blanket with me. I was provided a cab and I went to the Super 8 Motel by myself from the encampment. I left my tent and mattress at the encampment, as I was not offered storage for these belongings.
5. I stayed at the Super 8 Motel for approximately 3 weeks.
6. I suffer from Mixed Personality Disorder, Attention Deficit Hyperactivity Disorder, Bipolar Disorder, and several other mental health disabilities. Due to my mental health, I struggle with aggression. I also use substances including marijuana and meth.
7. I receive Ontario Works and I have spoken to the housing worker about applying for Ontario Disability Support Program (ODSP) benefits. They were going to help me find a doctor to complete my ODSP application.
8. Earlier this week I had a disagreement with the motel manager and I was kicked out of the Super 8 Motel. The manager called the police and I was arrested. I was released but given a trespass notice and told I could not return to the Super 8 Motel.
9. The first time I had a negative interaction with the manager was because my key card kept deactivating and I kept going to the front desk to have it reactivated. She did not like that this kept happening and she cussed me out.

10. The second time I had an incident with the manager was when she called the police on me. I had just woken up and I was in the lobby in my sports bra. She told me to put on a shirt and I told her I didn't have any clean clothes. Things escalated and we yelled at each other and then she called the police.
11. The manager also alleged that I caused property damage at the motel.
12. In and around Monday, October 6, 2025 I returned to the 100 Victoria St. Encampment as I had nowhere else to go.
13. When I returned to the encampment I discovered that my tent and mattress had been torn and were covered with garbage and rat feces. I was told by the Region's housing worker that my belongings are safe at the Super 8 Motel but I don't know how I will get my belongings back.
14. I feel that my personal circumstances have deteriorated compared to when I left the encampment. Most of my belongings are still at the motel and my belongings at the encampment are damaged. Close friends I relied on for support at the encampment are still at the motel.
15. Region of Waterloo staff have never offered me a permanent housing option. They have only offered me a motel room, they said I could stay there for up to one year.

16. The Region's housing worker is trying to help get me a different motel room. I want to get away from the people at the Super 8 Motel in Cambridge, I don't think it is good for me to be around those people. But I have heard that at the Weber Inn in Kitchener the women that stay there are asked to provide sexual favours to the owner and that is concerning to me.

17. If the Encampment were no longer available, I would have nowhere to go.

AFFIRMED BEFORE ME in the)
 City of Kitchener, this 10th day of)
 October, 2025)
 In the Regional Municipality of Waterloo)




 Megan Lopes

ASHLEY SCHUITEMA,
 a Commissioner, etc.,
 Province of Ontario,
 while a Barrister and Solicitor.
 LSO #68257G

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3453

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

2ND AFFIDAVIT OF MEGAN LOPES

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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

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PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF TERRANCE JOSEPH PATRICK COLE

I, Terrance Joseph Patrick Cole, of the City of Kitchener, in the Province of Ontario, AFFIRM

AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 57 year old male.
3. I had five children, three biological and two step-children. I lost two of my children to mental health struggles and addiction.
4. I am in a relationship with Kari Kuntz.

5. I went to school until grade 12.
6. I worked at Canada Tool Company in Cambridge for 36 years as a maintenance operator, tool & die maker, and millwright.
7. I was abused by close family members and community members as a child. I was sexually abused by a priest as a child in Newfoundland. Because of this I was severely physically and emotionally abused by my father throughout my childhood for being 'queer'. I remember having to eat Christmas dinner in the barn and being whipped with a belt by my father.
8. I suffer from poor mental health and have suicidal ideations. I can become violent and snap because of my mental health conditions.
9. I stopped working about two and a half years ago because of my mental illness, which made it difficult to concentrate and made me clumsy at work.
10. I was receiving Long Term Disability (LTD) benefits but they were recently cut off. I was told I needed to apply for Canada Pension Plan Disability or my LTD benefits would be cut off. I struggled to complete the paper work on time and my LTD benefits have now stopped.
11. I started using cocaine and fentanyl after losing my children. When my step-son died, my wife and I split up.

12. I am trying to get away from drugs and use addiction support programming for counselling and access to suboxone. I use the Rapid Access Addiction Medicine Clinic (RAAM) in Kitchener.
13. I still use fentanyl but in small doses and I'm trying not to. When I use fentanyl I will use with Kari around, she keeps track of when I used and how much so I can stay safe.
14. I have slept in parks and under trees. I have lost all of my belongings while I've been homeless.
15. I have been living at the 100 Victoria Encampment on and off for one and a half years.
16. I stayed at the Bridges shelter in Cambridge about four years ago. I only stayed for a month because I found it too crowded, found it difficult to be around others using drugs, saw too much violence, and had trouble sleeping.
17. I couch surfed at my cousin's apartment for a few months in Cambridge. ^{His father, my cousin,} ~~My uncle~~ lived in the same building and my cousin wanted to move in to ^{his father's} ~~my uncle's~~ unit to take care of ^{him} ~~his father~~. I had to move out then.
18. For approximately 4-5 months I lived in my vehicle. At one point I was pulled over and asleep with the keys in the ignition and I was charged with impaired driving. My vehicle was since stolen and I continue to have a car loan for it that I cannot pay back.

19. For a period of time I lived at Kari's mom's house, but Kari and her mom butt heads and Kari was asked to leave. I left at that time and moved into a tent at the encampment.
20. The encampment at 100 Victoria is located close to services I access for food and treatment. I go across the street for coffee and to the soup kitchen. I also access the hospital, the probation office and the RAAM clinic, which are all nearby.
21. I rely on the donations and harm reduction supplies brought to the 100 Victoria encampment.
22. I do not feel particularly safe at the encampment, even with the security provided, but I have no other options or anywhere else to go. The security would watch you die and not help you. I have been assaulted with bear mace and beaten with a bat and the security has not intervened. My arm is broken in two spots and is not healing properly.
23. My income makes it impossible for me to find affordable housing. You need at least first and last month's rent to get an apartment and I cannot afford it.
24. I have spoken to the Region's unsheltered workers but have been told there is nothing available for me. I believe I am on a waitlist for subsidized housing.
25. I need a shelter option that is available to couples so I can continue to live with Kari.
26. I would stay at a motel if it was offered to me.

27. If 100 Victoria were not available to me I would probably live in a stairwell.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 10th day of)
October, 2025)
In the Regional Municipality of Waterloo)



ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G



Terrance Joseph Patrick Cole

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3459

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF TERRANCE COLE

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Kitchener, Ontario N2H 2P5

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Lawyers for the Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

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PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF JORDAN CAMM

I, Jordan Camm, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 31 year old male.
3. I suffer from Obsessive Compulsive Disorder, Attention Deficit Disorder and Attention Deficit Hyperactivity Disorder.
4. I rely on Ontario Disability Support Program (ODSP) benefits. I receive around \$800.00 per month.

5. I have in the past used crystal meth, fentanyl and crack. I'm still using meth and fentanyl but my use has slowed down.
6. I am single with one child who is now twelve years old. He lives with his mother in Toronto.
7. The last time I worked was when I was in high school. I worked in an auto mechanic's shop through a co-op class. I helped repair cars that were in collisions.
8. I was kicked out of my mother's home in Kitchener when I was sixteen years old. After I was kicked out I started using drugs. For a few years I stayed at oneRoof on and off, but eventually I aged out, I was too old to stay there.
9. For a while I lived with my son's mother in Cambridge when we were together. We broke up six years ago and I moved out. After that I couch surfed with friends, stayed in shelters, stayed at the encampment at 100 Victoria Street ("Encampment"), slept in alleyways and outside churches. I also stayed at the portable at Lot 42 in Kitchener.
10. I've stayed at the Bridges shelter for a few months, but am not allowed to go back there now. I don't know why.

11. I stayed at the SHIP (Edith Mac) shelter off and on, but I was blamed for a toilet breaking when a pipe blew during the winter of 2024. I was kicked out. I've tried going back but every time they say I'm not allowed to be there.
12. I've stayed at House of Friendship before for a few months, many years ago. I'm not banned from being there, but every time I try to go it is always full.
13. I returned to the Encampment two months ago. The last time I stayed here was for roughly two years from 2022-2024. After that I stayed with a friend on their couch, but they were evicted by their landlord and I had to leave. When I left the Encampment in 2024 I gave my tent to friends to use.
14. In the past I've been assaulted and robbed when sleeping on the streets. I have been hit in the head at least six times. I had my wallet stolen with all my identification, my backpack and money.
15. I like staying at the Encampment because I feel safer here. I like that there are volunteers and security around. I like that people bring by food donations and there is a soup kitchen across the street. I also go to Sanguen Health Centre and Ray of Hope. I feel like if you need help here is it close by.
16. I don't like staying in shelters because of how early you have to get up and leave.

17. I have not been offered a shelter spot or motel room by staff from the Region of Waterloo.

I would like a motel room, I think if I were in a motel I could get better, look for a job and housing. Right now I don't even have identification, so it is hard looking for a place to stay.

18. If the Encampment were closed down, it would impact me pretty badly. I'd have to go back to sleeping in alleyways.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 15th day of)
October, 2025 in the)
Regional Municipality of Waterloo)

Ans

ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G

JK
JORDAN CAMM

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3464

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF JORDAN CAMM

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Lawyers for the Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF JEFFREY LIMA COUTO

I, Jeffrey Lima Couto, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 43 year old male.
3. I have three children. Their ages are 17, 14, and 13. They live in Kitchener with their mom, my ex-wife.
4. I went to school until grade 12.

5. I receive Ontario Works of approximately \$700 per month.
6. My father was murdered when I was 20 years old and my brother was 10 years old. I very quickly became a father figure for my younger brother.
7. I was self-employed for 23 years, working in renovations and roofing. I owned a successful small business with ¹⁵ ~~five~~ employees and five trucks.
8. I stopped working in 2021 when I had to shut down my business due to the pandemic and increased mental health challenges. My business was struggling because no one was letting anyone in their house to do renovations or repairs.
9. COVID was really hard on me. I had never used drugs before 2021 and became addicted to cocaine at that time. I got a DUI and could no longer drive my vehicle, which I needed to do for work. I was experiencing a separation from my ex-wife and significant mental illness. My world was falling apart. Before that time I had a career and owned my own home.
10. For a period of time after my separation I was staying at a rooming house, but I couldn't pay my rent there anymore. I first came to the 100 Victoria Street Encampment (the "Encampment") in and around 2021. I also lived here for six months in 2024. After this point I got sober and went to stay with my mom, but have since relapsed. I have been at the Encampment consistently since April 2025.

11. I have been through the detox program at Park Street in Kitchener twice, once in 2024 and once in 2025. Both times I went through the entire rehab program of approximately 18 days.
12. I started using fentanyl this year. I have to use it daily or I will get really sick. I am not on any programs for methadone or dilaudid, but I want to get on those programs so I can stop using fentanyl.
13. At periods of time I will go back to my mom's house. But for three weeks I haven't seen anyone in my family, including my children, because I was beat up recently and my face is destroyed and I don't want them to see me like that. I did see my family on Thanksgiving weekend.
14. The Encampment provides somewhere to go if there are no other options, but I don't want to be here. There are so many rats and it is difficult not to have running water or electricity.
15. I have experienced frost bite in my feet while I've been homeless. I have also had no access to my heart medication in over two years.
16. For periods of time since becoming homeless I have slept on the streets. I have slept at City Hall, Victoria Park, under trees, in bathroom stalls, and at a Tim Hortons before.
17. I have been robbed and assaulted while living on the streets. I was sexually assaulted as a child.
18. I don't have any belongings anymore.

19. The Region's unsheltered workers have never offered me a motel. I would like to be offered permanent housing. I think I am on a waiting list for housing.

20. If the 100 Victoria Encampment were not available to me I would probably be sleeping in a park.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 15 day of)
October, 2025)
In the Regional Municipality of Waterloo)



ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G



Jeffrey Lima Couto

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
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Respondents

3469

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF JEFFREY LIMA COUTO

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF XANDER HARKER

I, Xander Harker, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 27 year old male.
3. I receive ODSP benefits. I do not receive shelter allowance.
4. I suffer from multiple mental health disabilities.
5. I have a long history of substance use disorder. I use many kinds of drugs and alcohol.
6. I have worked in several trades throughout my career. Most notably, I worked at Toyota for three years, and have also worked in retail, shipping and receiving, and loading trucks.
7. I previously lived at the York Apartments in Kitchener, Ontario, but the rent became too expensive for me and my partner. Unfortunately I got into a dispute with my partner and the police became involved. I was arrested and went to jail for several weeks.

8. After being released from jail I was not allowed to return to my home, and began living on the streets.
9. I have been homeless for three years. *this time around. I was also homeless in my teens.*
10. I have stayed in many shelters including Bridges, One Roof, and SHIP, and slept on the streets. *ELM*
11. I found it difficult to remain at these shelters due to some of the rules. I was not allowed to stay at the shelter during the day, and had nowhere else to go. After some time my bed was given away.
12. I stayed at an encampment in Galt (Cambridge, Ontario) with four other people for approximately one year.
13. By-law officers came and evicted us from the site in 2024. They promised to assist us with the move but did not. On the eviction date, they began to throw all of our belongings away.
14. I lost my tools, a valuable jacket, and many of my other belongings.
15. I made a suicide attempt due to the stress I experienced from the eviction.
16. I prefer not to stay in a shelter due to the restrictions and lack of freedom. Some shelter staff have thrown away my belongings in the past, which caused me a lot of stress. *There was also a lot of theft sometimes by the workers too.* *ELM*
17. I feel safer living on the streets.
18. If the 100 Victoria Encampment site was no longer available, it would be mentally distressing and impossible for me to obtain housing in the private rental market, I would not be able to afford rent.
19. The Encampment provides safety and is a place where I can store some of my belongings. Storage is the biggest obstacle when being homeless. I need a place to store my food and essentials.

20. I was unable to store my belongings while I stayed at a shelter. They provided me one bin, which is not enough to store ~~of~~ ^{my} all of belongings. *[Signature]*
21. Some people fill their cars just for a weekend camping trip, yet they do not understand that my bag contains everything that I own, and I have to carry it with me everywhere I go.
22. I have been assaulted while experiencing homelessness. I was assaulted three weeks ago and lost four of my front teeth.
23. I have not stayed in a motel since experiencing homelessness, but I would if it were offered. I do not have any transportation. A motel or any housing option would need to be close to food and other support services so I could access those supports.
24. I was approached twice by Region staff to talk about housing. They did not mention any offers of a motel. I am open to talking to them, but I never heard anything further.
25. I rely on donations and food drop-offs made to the 100 Victoria Street encampment as well as the Community Fridge, St. Johns Kitchen and Ray of Hope. It is very difficult for me to find food and water at nighttime. People from the community come regularly to drop off food and water at the encampment, and this is very helpful.
26. I feel that the presence of security, police and dumpsters is excessive and uncalled for.
I have had a phone but it has been stolen many times.

AFFIRMED BEFORE ME in the) *[Signature]*
 City of Kitchener, this 15th day of)
 October, 2025)
 In the Regional Municipality of Waterloo)

[Signature]

ASHLEY SCHUITEMA,
 a Commissioner, etc.,
 Province of Ontario,
 while a Barrister and Solicitor.
 LSO #68257G

[Signature]

I also rely on the outreach services from CMHA and SOS workers.

[Signature]

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3473

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF XANDER HARKER

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF CHARLES KOCHER

I, Charles Kocher, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 41 year old male.
3. I have two children who were born in 2010 and 2012. My children live with my parents in Huron Park.
4. I am divorced. I am engaged and my partner currently lives in Durham, Ontario because there is no where in Kitchener that we can stay together.
5. My source of income was Ontario Works and I received benefits up until December 2025, but I was hospitalized at the time and my benefits have been put on hold.

6. I am non-status Mi'kmaq. I suffer from physical health conditions, as well as Anxiety, ADHD, Situational Depression and Addiction.
7. I was hospitalized for a number of weeks in December 2025. I had three heart attacks and I had a blood clot that went to my lung. I was also in a coma. I was discharged back into homelessness. I returned to the encampment at 100 Victoria and have been staying there ever since. I have a drainage tube from my gallbladder that I walk around with. I am supposed to return for medical care every couple of days to the ParaMed clinic on Greenbrook Drive to have it flushed and dressings changed, but I have no money to access transportation to return. I hope it does not get infected and plan to attend the medical centre across the street at the Soup Kitchen to have it looked at. They were closed today so I need to go to Ray of Hope.
8. In the past I used meth, weed and occasionally cocaine. For the past three years I have used fentanyl daily. I wasn't using when I was in the hospital, but I was receiving medical grade pain medication and I feel that I left the hospital more addicted then when I went in.
9. In 2023 I successfully used Sublocade injections to treat my addiction. I was sober five months at that time. I was also sober for 10 years after the birth of my son, but I had some issues with my parents and I relapsed.
10. I am one credit shy of my high school diploma. I have worked as a CNC Machinist and in small engine repair. The last time I worked was approximately two years ago.
11. I have been experiencing homelessness for the past 3-4 years. I have lived at the encampment, couch surfed and also been in jail. I was living at the encampment in the spring of 2025. I was

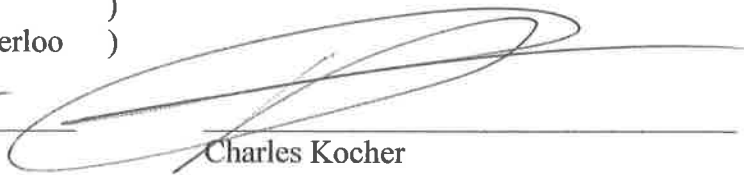
there in March 2025, but I went to jail at some point in April 2025. I do not know if I am considered a resident by the Region or if I was in jail when they did the counting.

12. I have lived at other encampments in the Region. I experienced three encampment evictions in Cambridge between 2023 - 2024. I was evicted from an encampment at 150 Main Street, Cambridge and also from Soper Park, Cambridge. I wasn't there for one of the evictions and all my stuff was thrown out. They treated it as junk and they tossed everything. I had a guitar that was thrown out and other sentimental stuff that can't be replaced. I felt lost when my stuff was thrown out. No one had a clue where we could go to survive.
13. I have also slept outdoors in grassy areas. I have been assaulted and robbed while living unsheltered. People would sneak up on me and steal my stuff. I have been turned away from shelters because they are full.
14. I stayed at the House of Friendship shelter in Waterloo for a few weeks. It was great, you only have two people to a room and if you are trying to stay away from drugs they will pair you with someone that also is not using. I missed check in for approximately 4-5 days because of legal issues and I lost my space. I wanted to get back in, but it is hard to get back in there.
15. I was staying at A Better Tent City as a visitor for a while. I went there when I was released from jail in and around the end of June 2025. A Better Tent City stopped allowing visitors in September / October 2025, and that put a lot of people out. I returned to 100 Vic at that time.
16. I have stayed in Bridges in Cambridge, but there are a lot of triggers there. There is a lot of drug supplies around and I don't like being around it. It is also not very clean.

17. I am open to getting a motel and would like to have one for my medical issues. I haven't been offered one and I am not sure how some people get offered them and others don't. I am not sure how I keep getting overlooked. I have talked to the Region workers, at least one time since returning in December 2025, and a few other conversations in the last year. I have only ever been offered emergency shelter.
18. I rely on food and clothing donations dropped off at the Encampment, and Sanguen health services. I use the Soup Kitchen for food, showers and laundry. I like being able to access the portable washrooms at the encampment.
19. The trouble I have in finding somewhere to live is that I don't have money for a deposit, many landlords look at you when you are homeless and make up their mind about you, my credit sucks and I don't have a co-signer for a lease. I have no access to transportation to view apartments and I haven't had a proper landlord in some time so I have no references. I think I am on the Region's wait list for affordable housing, but I'm not sure.
20. As a result of my medical issues, I am currently in a lot of pain in my abdomen. I would have trouble going to view apartments because of the pain. If I was moved somewhere far from services I would also have trouble accessing those services because of pain.
21. If the encampment was closed I am not sure what I would do. Lots of homeless people would be looking for places to live. I think there are around 30 people still living here. I see a lot of

faces, but I don't know exactly who is staying here. I do not feel that the safety at the encampment has declined. The rats are worse, but I do not feel there are more safety issues or more weapons than there were at other times I have stayed here.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 13th day of)
January, 2026)
In the Regional Municipality of Waterloo)


Charles Kocher

ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3479

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF CHARLES KOCHER

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Lawyers for the Respondents

Court File No. CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

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PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF ALINE JEFFERY

I, Aline Jeffery, of the City of Kitchener, in the Province of Ontario, **AFFIRM AND SAY:**

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 46 year old female.
3. I am Métis.
4. I suffer from Lupus, Fibromyalgia, Post Traumatic Stress Disorder, Borderline Personality Disorder and addictions.

5. I have struggled with addiction all my life on and off because of trauma. Both as a child and throughout my previous marriage I experienced sexual, mental and emotional abuse. In March 2025, I was drugged and sexually assaulted in my home in Sudbury.
6. When I was 21 years old I was prescribed oxycontin and percocets for my Lupus and Fibromyalgia, and I became addicted. I have also struggled with alcoholism and used cocaine. I am not currently using any substances.
7. I rely on Canada Pension Plan Disability benefits for income. I receive around \$1470.00 per month.
8. I worked for thirteen years as a law clerk, and previous to that in a position as a medical assistant. I retired in 2019.
9. I have four children aged 33, 26, 23 and 16. Two live in Renfrew (aged 26 and 16), one lives in Sudbury (aged 23) and the other I don't know where he is (aged 33). I first became pregnant when I was fourteen years old. My children were not in my home when I experienced the sexual assault in Sudbury.
10. I am legally married to Michael Jeffery and we are residing at the encampment at 100 Victoria Street together. For 19 years we rented a home in Sudbury. However, in September of 2025, we decided we needed to leave Sudbury for our safety. We packed up all of our belongings into a U-Haul and lived out of the vehicle.

11. At the end of September 2025, we were stopped by the police because it was alleged that I had broken my contract with U-Haul by not returning the vehicle. The police took the U-Haul from us with some of our belongings.
12. After we lost the U-Haul, we slept in parks until we were asked to move by By-Law officers, we slept in abandoned warehouses, in the bush, and when we can afford it we have stayed in motels. Since coming to Waterloo Region we have had to move around at least ten times. Most of our belongings have been lost in the moves, including a bag which had a lifetime of memories inside it. Our first night in a tent in a park we were robbed.
13. We have stayed at the Weber Inn, Mayflower Motel, Fairway Inn, and Victoria Inn. After an incident at the Victoria Inn where I was being asked to pay on the spot for a room at a higher rate than before we were forced out of the motel by the police. Now we are banned from staying at the Weber Inn, Victoria Inn, and Sherwood Inn. We can only stay at the Fairway Inn.
14. After moving around from motels to parks to abandoned warehouses we came to the encampment at 100 Victoria Street about three weeks ago. Tyler from SOS gave us a tent. I like the community here. We are closer to services, like laundry, showers and food.
15. We started in a two person tent but then someone gave us a ten person tent. People help each other and take care of each other. I help receive the donations and thank people who drop them off. Everyone knows I will be fair in sharing.

16. I receive services from SOS, Sanguen, Ray of Hope and St. John's Kitchen. I used to have to travel to Weber Inn on Thursdays to access Sanguen services, but today the van came to the encampment and I was able to access services there.
17. Because of the food donations at 100 Vic I am eating. Before I came here I lost so much weight.
18. On Saturdays and Sundays when St. John's Kitchen is closed the only place to get warm are the warming centres. But those places are usually at capacity.
19. Shelters for me are out of the question. I won't separate from Mike, my husband. I was sexually assaulted in March of 2025 and now have PTSD. There are no shelters where I can stay with Mike as a couple.
20. On January 13, 2026, Starling referred me to an Unsheltered Support Worker with the Region. But because I don't have a birth certificate we can't get on any housing lists. I heard the lists are anywhere from 2 to 8 years. I also heard the motel program is ending soon.
21. Right now there are about twenty people residing at the encampment but up to fifty people stay and sleep by the fire or by the sandbag hut during the day. Since we arrived three weeks ago five more people have come, including more women.
22. If the encampment closed Mike and I would be back to square one, having to find abandoned places to sleep. After I arrived I heard about the by-law and went with another resident to city hall to speak about closing the encampment. But when I got to city hall I

was told that I had to be on a list to be able to speak. I didn't know I needed to sign up. I didn't know that there had been an information session at the library.

23. We have recently become aware of Regional outreach workers but we haven't connected with them yet. We could not afford a market unit and would need a subsidy. It would be hard for us to come up with first and last month's rent. Because of my trauma I would be very concerned about the location of what's being offered to us.

24. I don't think I would take storage if it was offered to me. I have already lost all my original belongings. I need housing, not storage. If I am made to leave I don't want to store my tent, I need my tent.

25. Forcing residents out of the encampment won't solve the problem. People living there will be forced to find somewhere else to set up tents. People will form a community elsewhere because they feel safer in a group regardless of their differences.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 21st day of)
January 2026 in the)
Regional Municipality of Waterloo)



ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G



**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3485

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF ALINE JEFFERY

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Shannon K. Down (LSO# 43894D)
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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF MICHAEL JEFFERY

I, Michael Jeffery, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 48 year old male.
3. I am certified in welding from Cambrian College. Throughout my career I worked as a jack of all trades, doing welding, maintenance, and supervising, among other roles.

4. In October 2024 I was injured at work. My finger was crushed in the accident. I applied for WSIB and received benefits for 5 weeks and then was on EI sick benefits until April or May of 2025.
5. Since late October, I have been receiving Ontario Works (OW). My OW has changed since I've been homeless and I expect to only receive around \$305 to cover basic needs. I am in the process of applying for the Ontario Disability Support Program (ODSP) for my mental health disability.
6. I have four grown children. Two live in Renfrew, one lives in Sudbury, and I don't know where the other one is.
7. I have Bipolar Disorder and Schizoaffective Disorder. I take monthly injections for Schizoaffective Disorder, called Invega.
8. I am legally married to Aline Angele Marie Jeffery.
9. Aline and I have been homeless since September, when we fled Sudbury for our safety. We rented a home in Sudbury for 19 years. When we left we packed up all our belongings into a U-Haul van and sheltered in that van. At the end of September, police found us at a parking lot in Kitchener and took the van from us. We lost most of our belongings.

10. Since we lost the U-Haul van, Aline and I have been cycling between finding motel rooms when we have some spare cash and finding spots to set up a tent when we don't. We have slept in an abandoned warehouse, in the bush, and in parks.
11. We have had to move at least ten times since the end of September and were robbed of the few belongings we had left one night when we were staying in a park. When we were told to leave a different park we were so depressed.
12. We have stayed at the Weber Inn, Victoria Motel, Fairway Inn, and Mayflower Motel before. One night that we were staying at the Victoria Inn there was an incident where the staff came to our room and tried to increase our nightly rate from \$90 to \$140. We refused to pay a higher rate and the staff had police remove us from the motel. We have been blacklisted from the owners of the Victoria, Sherwood, and Weber Inns because of that incident.
13. We cannot stay in a shelter because we need to stay together and there are no shelter options for couples.
14. We spent our last bit of money at Mayflower Inn and came to the encampment at 100 Victoria Street about three weeks ago because we have nowhere else to go. Tyler from SOS gave us a two person tent that we slept in for six days, then a volunteer gave us a ten person tent. We can leave our tent alone because there is a community here keeping an eye out.

15. We are close to services now, like laundry, showers, and food. People also donate food and supplies.
16. There are people from all walks of life trying to survive here, but people here are taking care of each other and helping each other. It is the difference from being in a casket to managing. People here are smart about what's going on and have given us good advice like telling us to lay down a skid and double up on tents. I try to do my part by maintaining the encampment site. I pick up garbage and organize and sort out the donations, I try to keep the fire going and welcome new people to the site.
17. I was told recently that the by-law was changing and it was posted on the building. I know what they intend to do with the property but don't know what they are going to do to get us out of here. I think it will only be like 24-48 hours notice and then it will be enforced like what happens in Sudbury.
18. The people who stay here are regular people like Aline and I, people who may have made some bad decisions or experienced bad luck. This city is jammed and there are no other parks available. If this place didn't exist there would be over 60 people who were not clothed, sheltered, bathed, or fed, on top of those who are on the street. If this encampment is closed it will cause further crime because people will break into places looking for refuge. Also the volunteers wouldn't know where to find us or where to bring helpful, life saving donations.

19. If we were offered storage I think it could be useful. I could put a bike in storage. But I would take a tent over storage.

20. Now that we found this place, we feel ok and can start looking for other things like jobs and housing. I have accessed services here like SOS, First Connect, and the Working Centre. Staff at the Working Centre are helping us to file paperwork with the Region so we can get on the housing waitlist.

AFFIRMED BEFORE ME in the)

City of Kitchener, this 21 day of)
January, 2026 in the)
Regional Municipality of Waterloo)



ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3491

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF MICHAEL JEFFERY

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF JULIE KALBFLEISCH

I, Julie Kalbfleisch, of the City of Waterloo, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am the Director, Public Engagement of Sanguen Health Centre, a Health Agency in Waterloo Region.
3. Sanguen Health Centre provides harm reduction and outreach services to deliver low-barrier, life-saving support directly to people who use drugs and people experiencing homelessness. Sanguen Health Centre operates mobile outreach and street-based services that provide harm reduction supplies, primary health care, overdose response education, safer use information, and referrals to health and social supports. Our teams work in encampments, shelters, supportive housing, and public spaces, building trust through consistent presence and non-judgmental care. Sanguen reduces risk, responds quickly to emerging needs, and connects individuals to ongoing care when and how they are ready. Our

Community Health Van visits the encampment at 100 Victoria Street, Kitchener weekly to provide these services, among other things.

4. On November 28, 2025, I was informed by a Sanguen employee, Michelle Steingart, that Sanguen received a phone call on the general phone line from someone at Waterloo Region Housing Services to advise that weapons were identified among the community at 100 Vic., but that there were no incidents to report. Following receipt of this phone call, Michelle Steingart sent an email out to all staff at Sanguen.
5. Staff at Sanguen were not able to independently verify these concerns and decided it was best to temporarily pause services at 100 Vic until the Manager of Harm Reduction could assess the level of risk.
6. Following an assessment by the Manager of Harm Reduction and consultation with staff, services were able to be safely resume at the 100 Victoria Encampment the week of January 19, 2026.
7. I make this Affidavit for no improper purpose.

SWORN remotely by Julie Kalbfleisch at)
 the City of Hamilton, in the Province of ON,)
 before me at the City of Kitchener in the)
 Province of Ontario on February 12, 2026)
 in accordance with O. Reg. 431/20.)



ASHLEY SCHUITEMA
 A Commissioner of Oaths
 (LSO#: 68257G)



JULIE KALBFLEISCH

THE REGIONAL MUNICIPALITY OF
WATERLOO
Applicants

and

PERSONS UNKNOWN AND TO BE
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Respondents

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF JULIE KALBFLEISCH

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Shannon K. Down (LSO# 43894D)
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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

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PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

AFFIDAVIT OF CARINE LEE NIND

I, Carine Lee Nind, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a Community Development Consultant with Willowside Housing Co-operative Inc. in Waterloo Region, and an educator with Central Ontario Co-op Housing Federation (COCHF), serving Waterloo Region, Brantford and Guelph.
3. From 2002 to 2023, I was the General Manager of Willowside Housing Co-operative Inc. ("Willowside"). My duties included overseeing the day-to-day operations and ensuring the co-op was in compliance with relevant legislation and policies. I managed vacancies by accessing

and coordinating placements through the centralized housing wait list, as well as supervised staff, handled budgets, and supported the board in strategic decisions.

4. I am the recipient of two Region of Waterloo National Housing Day Awards, including the Lynn Macaulay Award for Outstanding Housing Educator (2022), and the Christine Wilson Award for Outstanding Housing Community Worker (2019).
5. I am extremely familiar with the co-operative housing system in Waterloo Region and the complexities of accessing a co-op unit through the centralized housing wait list facilitated by the Region.
6. There are very few, if any, vacancies in the co-operative housing system in Waterloo Region and it is unlikely that a resident living at the encampment located at 100 Victoria Street in Kitchener (“the encampment”) would be able to access a co-operative housing unit through the centralized housing wait list.
7. Willowside is one of twelve housing co-operative properties in Waterloo Region that has Rent Geared-to-Income (“RGI”) units that people can access through the Region’s centralized wait list. Willowside has 91 units in total in two apartment buildings in Kitchener. Currently about 65 units are RGI, 26 units are at full market value. Only six units are wheelchair accessible. There are only three 1-bedroom units that are accessible.
8. The Region’s policy is that a single person, or a couple, must be housed in a one-bedroom unit, they cannot be housed in a two-bedroom unit or larger. So if any two-bedroom or larger units

were to become available across the co-op housing system, a single person or a couple living at the encampment would not be eligible for these units.

9. For at least the past five years the only time a vacancy has become available at Willowside is when a co-op member dies. On occasion, throughout the past 15 years, someone may move out, but that is extremely rare. Only one 1-bedroom unit became vacant and available in all of 2025. This would be similar across all the co-ops in Waterloo Region.
10. Additionally, when a unit becomes vacant it must be offered to a current co-op member that is over housed. For example, if a mom and her adult child live together in a 2-bedroom unit and the child moves out, the mom is considered over housed and would need to move to a 1-bedroom unit should one become available. Current co-op members that are over housed would have first access to any vacant units that become available.
11. My understanding is that the centralized housing wait list through the Region is 10 years long, although I would suspect it is probably longer than that. The Region has a Special Priority Program ("SPP") offered that will move people quicker along the wait list. The SPP includes victims of domestic violence, human trafficking, or terminal illness.
12. Willowside has its own community rules and policies, like all co-operative housing. When a unit would become available the community rules would be explained to whoever the candidate was on the centralized housing wait list and they would have to agree to abide by the rules and engage with the community.
13. To even be placed on the centralized housing wait list, the candidate would have to have income of some sort, either social assistance or otherwise. They would also need to have a

phone number or email address, or be connected with a worker as a point of contact. They would also need a form of ID and a bank account. Usually a candidate would be given 30-60 days notice that a unit was becoming available. Nothing becomes available immediately.

14. A significant issue I encountered over the years is that the supports in place to get someone housed end as soon as the person is housed. There are no follow up supports provided to make sure the candidate remains successfully housed. Willowside would do whatever it could to accommodate people and try to keep them housed, but people off the SPP would come with trauma and mental health challenges and were given no follow up supports.

15. I make this Affidavit for no improper purpose.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 20th day of)
February, 2026)
In the Regional Municipality of Waterloo)



ASHLEY SCHUITEMA
A commissioner of Oaths
(LSO # 68257G)



CARINE LEE NIND

ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3499

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF CARINE LEE NIND

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

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Lawyers for the Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

3rd AFFIDAVIT OF SARA ESCOBAR

I, Sara Escobar, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I previously affirmed affidavits dated June 23, 2025 and July 7, 2025. I adopt and rely upon those Affidavits and update certain matters below.
3. I am extremely familiar with the issue of homelessness and the shelter system in Waterloo Region and the complexities of serving the street involved population. I am currently employed as a community development worker at a local shelter. I sit as one of ten members of the Plan to End Chronic Homelessness Coordinating Committee that serves as a leadership committee for the Co-Creators.

TRANSITION PROTOCOL

4. I have reviewed By-Law Number 26-001 that amends the Site Specific By-Law, including Schedule “C”, the Transition Protocol. The Transition Protocol indicates the Region will “Offer a Resident Alternative Accommodation” and it goes on to list various forms of Alternative Accommodation. I will comment below about those various forms of Alternative Accommodation and the many barriers I have observed in assisting people who are trying to navigate the housing system in Waterloo Region.
5. In my experience a person may have an Individual Housing Plan developed and still not be able to access the various forms of Alternative Accommodation listed in the Transition Protocol. No matter how hard a support worker may work, there are various factors that tend to impede this process, including personal complexities, the rising cost of market rent, discriminatory beliefs held by landlords, and/or health concerns or complications.
6. Despite my 30 years of experience working within the housing stability system, I still find the system of affordable housing and rental subsidies chaotic and difficult to navigate. There are often many changing programs and shifting eligibility criteria, and it is hard to follow. There are various types of applications and different funding sources, these apply differently to people depending on their age, what they are earning and the length of time they have been experiencing homelessness. We look at how many different potential buckets of funding someone may fall under and apply to as many places as possible to assist someone staying at our shelter. Even with a support worker this process is difficult to navigate and often does not result in any housing option being made available.

EMERGENCY SHELTER

7. The Region has **351** beds in the emergency shelter system, across eight adult shelters. Attached hereto as “**Exhibit A**” is the most recent data that was shared with the PECH Co-Creators on February 17, 2026. This data is collected through Homeless Individuals and Families Information System (“HIFIS”) and analyzed by FirstConnect, Argus Residence, the Region funded community partner that operates a 24/7 support phone line that connects people experiencing homelessness with the emergency shelter system.
8. I have access to HIFIS and believe this data is accurate as presented. According to this data on February 13, 2026 there were **8** spaces available for adult men, **0** spaces available for adult women or gender diverse people, **11** spaces available for youth aged 16-25, and **0** spaces available for adults that are medically complex.
9. FirstConnect has also provided an explanation for how to understand the occupancy rates, which I believe to be an accurate explanation. For example, despite Erbs Road Cabins showing an occupancy rate of 96% the FirstConnect data notes: “Erb’s Road Cabins shelter program operates differently from adult emergency shelters in Waterloo Region. This means that, even if the system is showing a bed available, there is not actually one where someone can be referred to and access right away. The referral process is done differently and in collaboration with regional Unsheltered Outreach Workers and The Working Centre Outreach Workers to determine need and fit.”
10. The majority of the available emergency shelter spaces on February 13, 2026 are in Cambridge at the Cambridge Shelter for men. In my experience, many people experiencing homelessness in Kitchener do not want to leave their support system and go to Cambridge every night in the

hopes of accessing a bed. Also some people have service restrictions from shelters and may not be welcomed there. The Region does not have uniform expectations for emergency shelters and so each agency set their own guidelines for service restrictions. This can add to the confusion and frustration experienced by system users.

TRANSITIONAL HOUSING

11. There are a total of 175 Transitional Housing spaces in the Region¹:

- SHIP University Avenue: 80 spaces (men, women, gender diverse)
- SHIP 84 Frederick Street: 40 spaces (women and gender diverse)
- Safe Haven: 6 spaces (16-18 years old)
- Marillac Place: 21 spaces (pregnant women and women with children under 2 years old)
- Coalition for Muslim Women Dar-al Aman: 28 spaces (racialized women)

12. It is unlikely that there are vacancies in these transitional spaces. There are also some issues with how vacancies are documented. For example, recently there were 15 vacancies showing at SHIP University Avenue, however these were units that were under renovation and were not truly vacant. Additionally, in order to gain access to a transitional housing space, a person would need to be interviewed and approved by the service provider.

¹ <https://www.regionofwaterloo.ca/en/living-here/emergency-shelters-and-transitional-housing.aspx#Service-Housing-In-the-Province-SHIP-University-Avenue>

AFFORDABLE HOUSING / SUPPORTIVE HOUSING

13. The Region runs a Centralized Wait List for Rent Geared-to-Income subsidized rental housing units and co-operatives, through the Community Housing Access Centre (“CHAC”).
14. According to the Region’s website there are 5,600 affordable housing units, however the Region’s website also states: “The number of people in need of subsidized housing exceeds the number of units available, meaning that wait times for an applicant to receive housing are significant.”² It is my understanding that the general wait list is 8-10 years long. Please do not have access to the wait list. In my experience supporting women at the shelter, I am aware that the wait list for older adults is 3-7 years long.
15. There are different Priority Statuses which will move someone up the list, these currently include: Victims of domestic violence, Victims of human trafficking, Terminally ill, Overhoused, Sunnyside, and Local Statuses (Homelessness, Escaping violence, Separated Families). Despite falling into one of the priority status categories, it doesn’t mean someone will get housing right away because of the volume of people with priority status already waiting for housing. For example, for someone that is experiencing an immediate situation of domestic violence, one of the top priority statuses, the wait time for a unit is 13 months.
16. In my experience in the past year at the women’s shelter, we were only able to successful move **one** senior woman into long term care. This was someone presenting with many needs and complexities. That process took over six months of multiple agencies working together to

² <https://www.regionofwaterloo.ca/en/living-here/find-affordable-housing.aspx>

advocate for this woman, who was extremely vulnerable living in an emergency shelter. There is only one affordable building for older adults in the entire Region.

17. Although the Region's Transition Protocol identifies different types of housing under the Affordable Housing category, including non-profit housing, co-op housing, and Waterloo Region Housing, all those types of housing would be accessed through the CHAC or "the list". This means any new additions would be added to the queue, as long as they are eligible to be added to the list.
18. Some common barriers to getting on the list include people with precarious immigration status who are not eligible, people that owe rent arrears or damages to a housing provider and do not have an approved re-payment agreement in place are not eligible, and people that do not keep their application up to date, may have their files cancelled and be removed from the list.³
19. People who experience chronic homelessness are likely to be removed or dropped off the list as it is required to be updated once a year with proof of income or proof of lack of address. This is challenging for people experiencing chronic homelessness, especially when they face encampment displacements or evictions from other interim housing to can contribute to loss of ID or other paperwork they may need.

RENTAL SUPPLEMENT PROGRAM

20. Starling Housing Services, a partner agency of the Region, runs a rental supplement program in the Region. They run a PATHS2HOME program and a rapid housing program that partners

³ <https://www.regionofwaterloo.ca/en/living-here/find-affordable-housing.aspx#2-How-do-I-keep-my-application-active>

chronically homeless individuals with private landlords, and people are prioritized according to the results of their needs assessment. This program is outside of the CHAC process and Starling, a community organization, has complete discretion over who can access their rental supplements and how the list is managed.

21. A person receiving Ontario Works (“OW”) or Ontario Disability Support Program (“ODSP”) still may not be able to afford a market rental unit, even with a rental supplement. For example, we have access to a rental supplement for women staying at our shelter for up to \$850 per month. With a shelter allowance through OW, this would give someone approximately \$1,300 to pay rent monthly, which is far below average market rents. There have been no suitable or appropriate units found within the price range that she can afford, and then there would be the additional hurdle of potential discriminatory attitudes from Landlords that we have encountered in the past.
22. I have experienced a situation where I was supporting someone with a rent subsidy to view an apartment and the landlord said “I did not know that is who you were bringing to view the apartment, I am not renting to *her*.” Another person, whom we have supported in the last year, has been to 27 different housing viewings and has been unsuccessful in securing a lease. This can be morally debilitating and traumatizing.

SUPPORTIVE HOUSING

23. My understanding is that there is a very long wait for supportive housing units. There are limited units and people have to interview for them and will be placed at the agency’s discretion. There are only a few situations when a unit becomes available, someone may become service restricted, they may die or they may transition to a seniors home or market

unit. In my last nearly one year of working at a women's shelter, one of the things that have become clear is that trying to support people into long term housing is difficult. We have successfully moved one person into supportive housing. This was someone with very high needs that was being supported through the Developmental Services of Ontario and it took approximately six months before we were able to support this person into housing.

SUPPORTS FOR NON-RESIDENTS

24. I understand that for non "Residents" living at 100 Victoria, as defined by the By-law, the Region will offer to bring that person "into the Region's housing stability system and endeavour to provide the person with appropriate housing options, subject to resources being available". This is a very meaningless offer because it is likely that many of the non-Residents living at the Encampment are already in the housing stability system.
25. I have access to the Homeless Individuals and Families Information System ("HIFIS"), which is the case-management and data collection system for homelessness services. In the Region, this system is used by emergency shelters, transitional housing programs, outreach teams and other housing sector service providers. I would guess that being brought into the "housing stability system" would likely include being added to HIFIS. This likely means connecting people with agencies and support workers that they are likely already connected to.
26. The process engaged by the Region to clear the Encampment is deeply frustrating because any equity designed around the waiting lists completely disappears. At the women's shelter where I work, 40-60% of the women staying at the shelter are over the age of 55, they are waiting for a space and will be bumped down the list while people at the Encampment are prioritized.

Although the women we support are indoors, they are still staying in a communal emergency shelter and are all waiting for a space of their own.

27. The Transition Protocol states that they will offer social service supports, in the same nature as provided at the Encampment, to a Resident once moved to Alternative Accommodation. My understanding of the role of the unsheltered workers is that they support people that are unsheltered, and once someone comes indoors the supports stop.
28. The offer of storage for up to six months' of any additional personal belongings that cannot be taken to the Alternative Accommodation is difficult because people may be at their temporary accommodation for longer than six months. 208 days is the average length of stay in the Region's emergency shelter system, according to the Region's data. Attached hereto as **"Exhibit B"** is the slide deck that was shared with the PECH Co-Creators on November 25, 2025.

CONCERNS AT ENCAMPMENT

29. Not to diminish the violence that may be occurring, but violence, harassment and threats of violence are not unique to the Encampment. In my experience people living in survival mode in a congregate space (whether it be in a shelter or an encampment) will experience interpersonal conflicts that can lead to verbal and physical altercations. People with mental health conditions, staying in close contact with each other are bound to engage in escalated behaviours. At the shelter where I work violent or hostile incidents can lead to service restrictions as a last resort, this would be similar for other service providers in the Region. This is due to the inadequacy of placements for people due to limited spaces and resources available.

30. Neither the Plan to End Chronic Homelessness Co-Creators group, nor the Coordinating Committee that leads the Co-Creators group, were notified about any escalating or increasing violence at the Encampment, or about services being reduced or withdrawn.

SPECIAL COUNCIL MEETING

31. I listened and followed the special council meeting on Friday, January 9, 2026 where the motion was passed by council to approve the Bylaw amendments. Additionally, I listened to the debate that same day on the additional motion brought by Councillor Pam Wolf, directing staff to investigate a safe tenting protocol that ended in a tied vote, and was ultimately defeated. I was disappointed that council was not willing to direct staff to consider and report back on a safe tenting protocol for the Region.

32. I make this Affidavit in support of the Persons Unknown Application, and for no improper purpose.

SWORN remotely by Sara Escobar at)
 the City of Kitchener, in the Province of ON,))
 before me at the City of Kitchener in the)
 Province of Ontario on February 20, 2026)
 in accordance with O. Reg. 431/20.)



ASHLEY SCHUITEMA
 A Commissioner of Oaths
 (LSO#: 68257G)

Sara M Escobar

SARA ESCOBAR

THIS IS **EXHIBIT "A"** REFERRED TO
IN THE 3rd AFFIDAVIT OF SARA ESCOBAR
SWORN REMOTELY AT THE
CITY OF KITCHENER BEFORE ME AT THE REGION OF WATERLOO
DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 20TH DAY OF FEBRUARY, 2026



ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G

Homelessness Chronicity in Emergency Shelters

A look at our emergency shelter system over the past five months.

This data is collected from HIFIS and analyzed by FirstConnect, Argus Residence.

Demographics in Adult Shelters

How many beds are available in our shelter system?

There are currently 351 beds in our emergency shelter system, across eight adult shelters. Here's a breakdown:

Cambridge Shelter has 80 beds.

SHIP 84 Frederick St has 22 beds.

SHIP Edith Mac has 37 beds.

YW Cambridge has 20 beds.

HoF ShelterCare has 98 beds.

OneROOF has 24 beds.

BridgeCare has 20 beds.

Erb's Road Cabins has 50 units.

Breakdown of bed availability by shelter

	Total occupied beds/ total beds available; Oct. 14	Total occupied beds/ total beds available; Nov. 18	Total occupied beds/ total beds available; Dec 18	Total occupied beds/ total beds available; Jan. 14 2026	Total occupied beds/ total beds available; Feb 13
Cambridge Shelter	95%	100%	68%	95%	90%
HoF ShelterCare	101%	102%	93%	100%	100%
SHIP- Edith M.	95%	100%	100%	100%	100%
SHIP- 84 Frederick St	85%	91%	77%	109%*	123%*
YW Cambridge	95%	95%	115%	125%*	125%*
OneROOF	88%	75%	75%	96%	54%
BridgeCare	86%	71%	100%	40%	45%**
Erb's Road	98%	98%	96%	90%	96%***
Total % of occupied beds in ES system	95%	95%	92%	96%	94%

*SHIP 84 Frederick Street and YW Cambridge have increased their bed availability to accommodate more women and gender diverse individuals in the Winter months.

**BridgeCare is not currently accepting new intakes, therefore, it appears that there are beds available, when there aren't.

***Erb's Road Cabins shelter program operates differently from adult emergency shelters in Waterloo Region. This means that, even if the system is showing a bed available, there is not actually one where someone can be referred to and access right away. The referral process is done differently and in collaboration with regional Unsheltered Outreach Workers and The Working Centre Outreach Workers to determine need and fit.

A closer look, based on demographic: February 13

Cismen, transmen, 25/26+: **8 beds available**
 Ciswomen, transwomen, and gender diverse
 individuals, 25/26+: **0 beds available**

All genders, 16-25: **11 beds available**
 All genders, 18+, medically complex: **0 beds available** (no intakes at this time)

Chronic Homelessness in Emergency Shelters

The chart below compares the total chronic homeless population in each shelter to their bed occupancy.

	July 22	Aug. 20	Sept. 17	Oct. 14	Nov. 18	Dec. 18	Jan. 14, 2026	Feb. 13
Cambridge Shelter	60%	50%	59%	46%	59%	68%	67%	81%
ShelterCare	88%	89%	85%	80%	88%	93%	93%	95%
SHIP- Edith Mac	58%	76%	68%	60%	57%	57%	76%	81%
SHIP- 84 Frederick	68%	74%	73%	63%	74%	78%	88%	74%
YW Cambridge	63%	80%	85%	63%	79%	65%	60%	72%
OneROOF	50%	29%	38%	38%	44%	57%	39%	55%
BridgeCare	86%	79%	77%	75%	70%	71%	88%	89%
Erb's Road	96%	96%	96%	96%	96%	96%	98%	96%
Total % of Chronicity in ES syst.	74%	67%	74%	67%	74%	77%	79%	85%

Age Breakdown

	18-24	25-29	30-39	40-49	50-59	60-64	65+
Total	11	20	80	88	69	37	22
% of ES sys.	3%	6%	24%	27%	21%	11%	7%

Gender Breakdown

	Men	Women	Transgender or identity not spec.
Total	246	76	5
% of ES sys.	75%	23%	1%

Citizenship Breakdown

	Citizen	Permanent Resident	Established Immigrant	Recent Refugee	Refugee Claimant	Work/Student Visa
Total	305	5	9	4	4	3
% of ES sys.	93%	1%	3%	1%	1%	1%

THIS IS **EXHIBIT "B"** REFERRED TO
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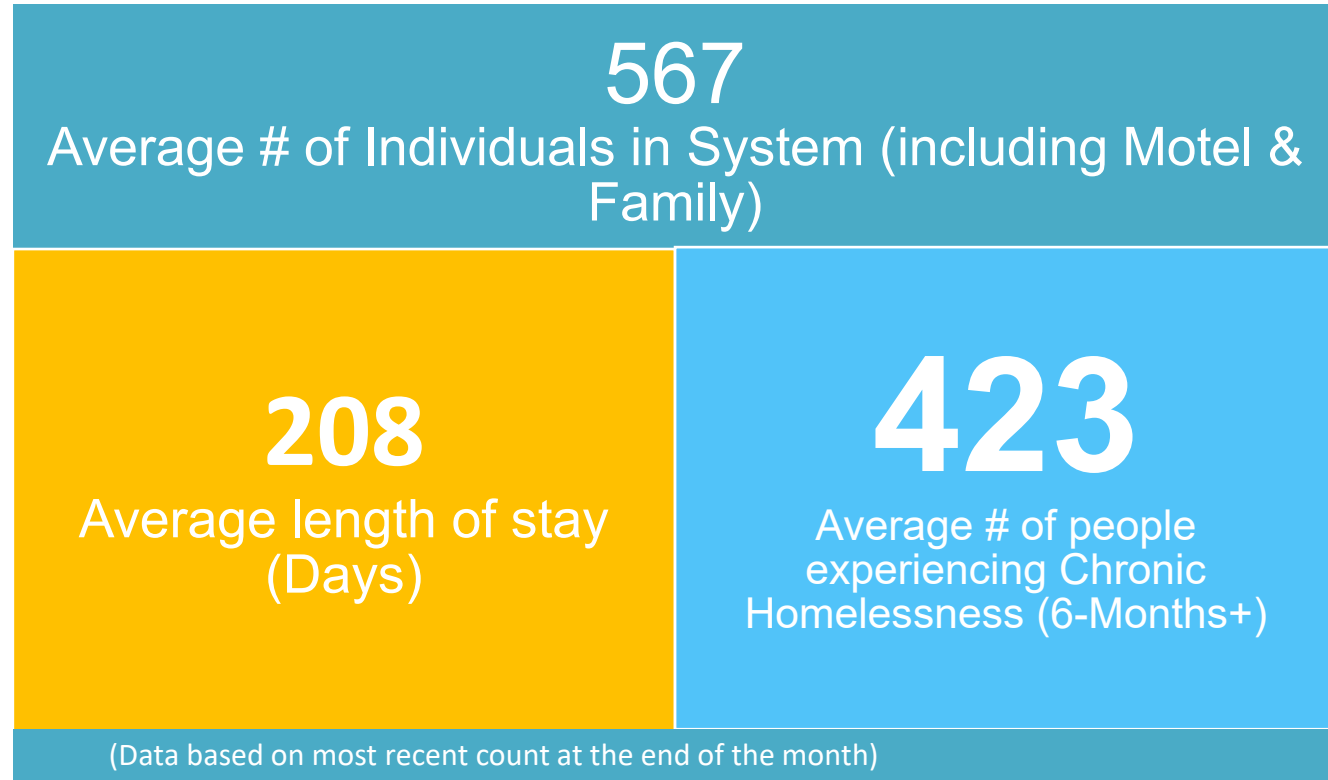
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While a Barrister and Solicitor.
LSO # 68257G



Region of Waterloo

November 2025 HSS Data Update

Waterloo Region System Data – October 2025



94% Average
Occupancy

34 Average Daily
Beds
Available

** Please note that **the Average Occupancy %** and **the Average Daily # Beds Available** are calculated based on the system's average occupancy, **excluding Motel and Family programs**, as these do not have clearly defined capacity limits.*

Beds Availability - By Provider

3516

Provider	Average Daily # Beds Available	Average Occupancy %
CSC	5	93.35%
Erb's Rd	1	98.65%
Kinsmen	5	66.53%
oneRoof	4	83.60%
SafeHaven 2.0	5	50.00%
ShelterCare	2	98.39%
SHIP 84 Frederick	6	87.44%
SHIP Edith MacIntosh	-7	124.09%
YWCA Cambridge	0	99.03%
Life Launch	2	66.67%
Marillac Place	2	82.00%
UA	9	89.27%

System Details - By Program Type³⁵¹⁷

	Average # of Individuals	Average Daily # Beds Available	Average Occupancy %
Emergency Shelter	356	21	94.5%
Transitional Housing	83	13	87%
Motel	81	/	/
Family	59	/	/

** Please note that the Motel and Family programs do not report an average daily number of beds available or occupancy rate, since these programs do not operate with fixed capacity limits.*

System Details – By Location

	Cambridge	Kitchener					Waterloo		
	Total / ES	Total	ES	Motel	Family	TH	Total	ES	TH
Average # of Individuals in System (Occupancy)	105	255	103	81	59	12	219	148	71
Average Daily # Beds Available	11	12	8	\	\	4	11	2	9
Average Occupancy %	91%	91%	93%	\	\	73%	95%	99%	89%

**Program types are shown by location, and only those available at each location are displayed.*

**Motel and Family programs don't have fixed capacity limits, so only their average occupancy is included for fair comparison.*

Summary of Top 5 Book out reasons (212)

- Chose to stay somewhere else (63)
- Missed Nights (36)
- Whereabouts unknown (26)
- Service Restriction (18)
- Housed (16)

Emergency Shelter Service Restrictions

- 45 issued in the month of October across 8 shelters
- Median length of restriction: 4 days
- Top 3 reasons
 - Violence
 - Harassment, bullying, threats
 - Non-compliance with rules/regulations

Reasons for 26 Unique Turnaways (plus 10 anonymous callers) October 2025

Reason

No men's beds at time of call (18) No women's beds at time of call (1)

Restricted from 1 Emergency Shelter (23)

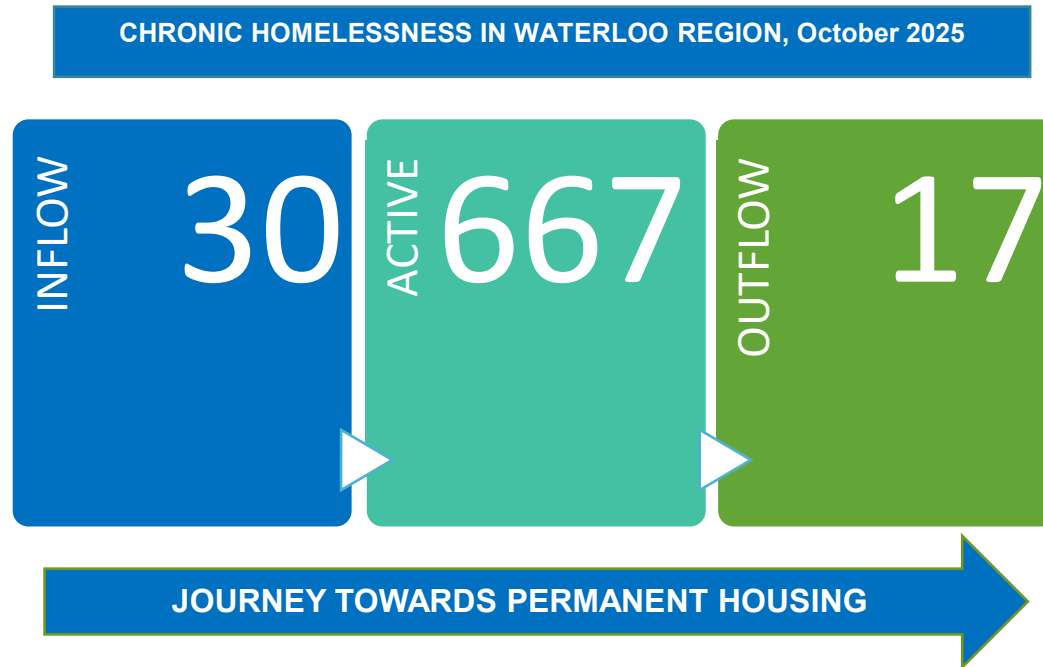
Restricted from 2 Emergency Shelters (15)

No pet friendly shelter (2)

Total = 59 turnaways



Chronic Homelessness



Inflow

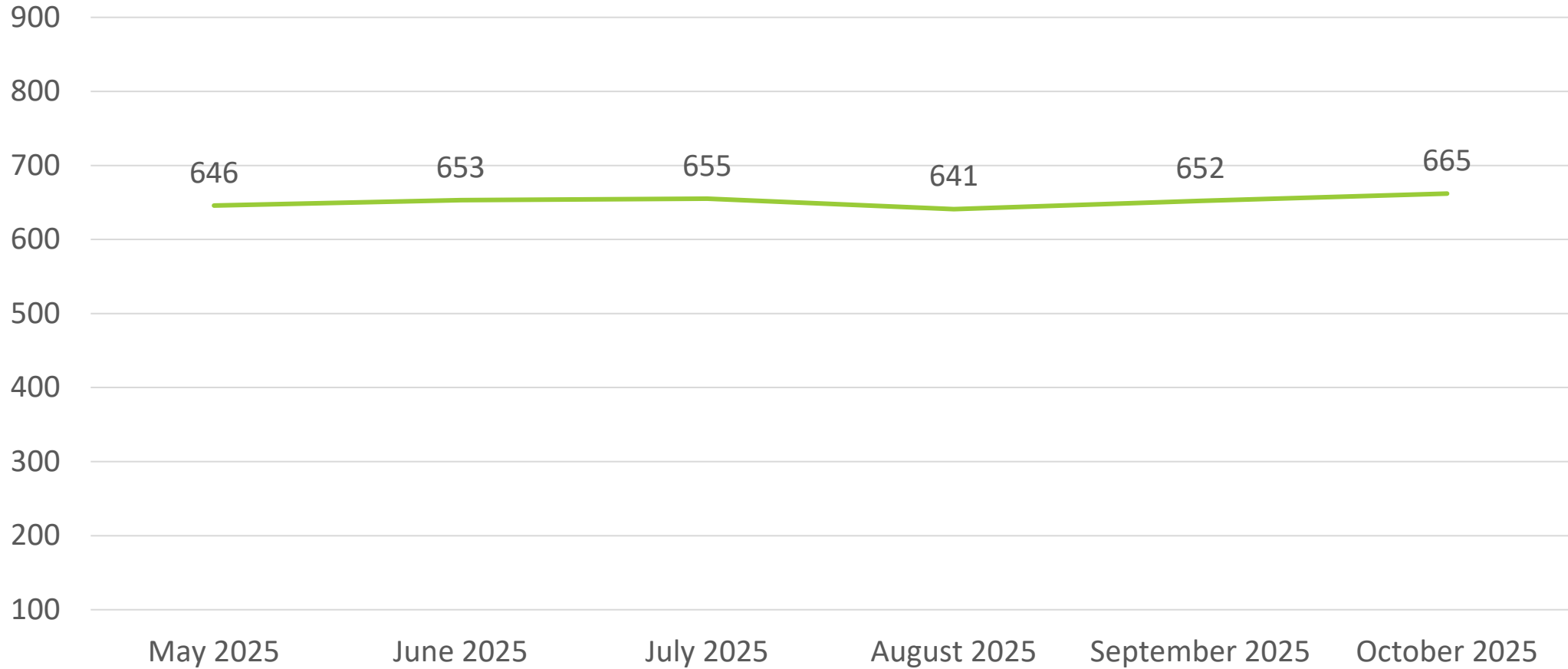
- Aged-in: **30**
- Returned from Inactive: 0
- Returned from Housing: 0

Outflow

- Housing: 15
- Inactive (No Contact/Moved): 1
- Inactive (Deceased): 1

6 Month Trends

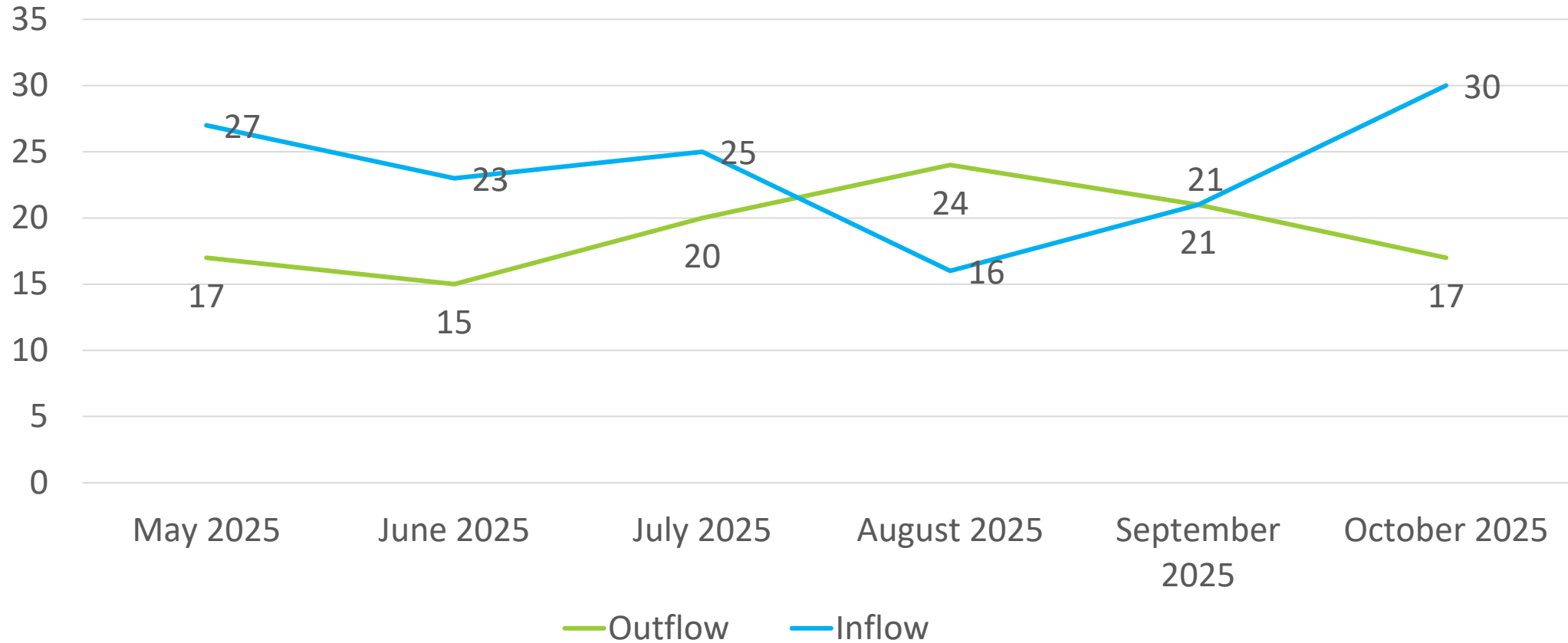
Active on PATHS



6 Month Trends

3524

Inflow & Outflow



Current Active on PATHS: 665

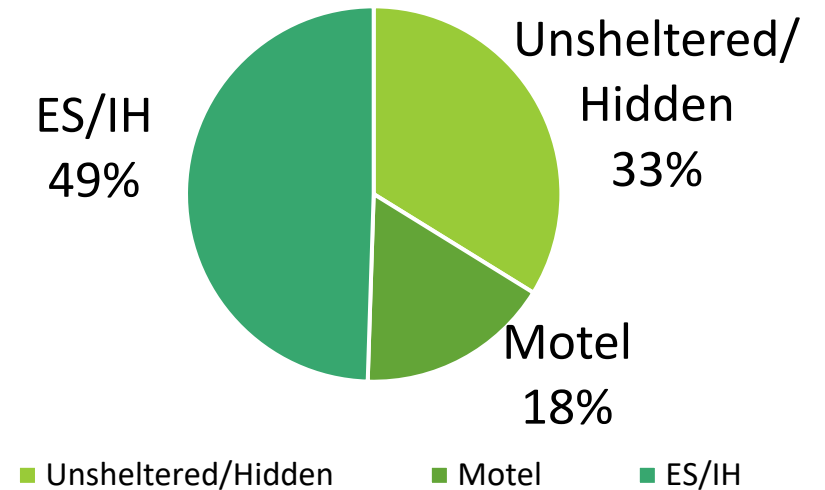
Demographics

- Age:
 - Youth: 17
 - 26-40: 291
 - 41-50: 196
 - 51-65: 150
 - 65+: 13
- Gender-id.:
 - Men: 66% (440)
 - Women: 33% (220)
 - Gender Diverse: 1% (4)
- Year that people were added to PATHS
 - 2025: 208
 - 2024: 188
 - 2023: 94
 - 2022: 65
 - 2021: 40
 - 2020: 35
 - Pre-2020: 37

Most recent stay

- Emergency shelter / Interim housing: 251
- Motel: 82
- Unsheltered / hidden: 166

Most Recent Stay





3526

Family Shelter Data October 2025

71

People accessed the Family Shelter in
October 2025

29 adults (26+)
15 youth (16-25)
27 children (0-15)

3

Families housed
from
homelessness in
October

67

Average days in
Emergency
Shelter (Q2)

**Note: The above data was calculated by family unit.

Demographics in Adult Shelter, Bed Availability

	Total occupied beds/ total beds available; Oct. 14	Total occupied beds/ total beds available; Nov. 18
Cambridge Shelter	95%	100%
HoF Shelter Care	101%	102%
SHIP- Edith Mac	95%	100%
SHIP- 84 Frederick St	85%	91%
YW Cambridge	95%	95%
OneROOF	88%	75%
BridgeCare	86%	71%
Erb's Road	98%	98%
Total % of Chronicity in ES system	95%	95%

Cismen, transmen, 25/26+:
0 beds available

Ciswomen, transwomen, and gender
diverse individuals, 25/26+:
5 beds available

All genders, 18-25:
6 beds available

All genders, 26+, medically complex:
4 beds available* no intakes

All genders, 25+, outdoor shelter:
1 bed available

Chronic Homelessness in Adult Shelters

	Total Chronic Homeless Pop. / bed occupancy; July 22	Total Chronic Homeless Pop. / bed occupancy; Aug.20	Total Chronic Homeless Pop. / bed occupancy; Sept. 17	Total Chronic Homeless Pop. / bed occupancy; Oct. 14	Total Chronic Homeless Pop. / bed occupancy; Nov. 18
Cambridge Shelter	60%	50%	59%	46%	59%
HoF Shelter Care	88%	89%	85%	80%	88%
SHIP- Edith Mac	58%	76%	68%	60%	57%
SHIP- 84 Frederick St	68%	74%	73%	63%	74%
YW Cambridge	63%	80%	85%	63%	79%
OneROOF	50%	29%	38%	38%	44%
BridgeCare	86%	79%	77%	75%	70%
Erb's Road	96%	96%	96%	96%	96%
Total % of Chronicity in ES system	74%	67%	74%	67%	74%

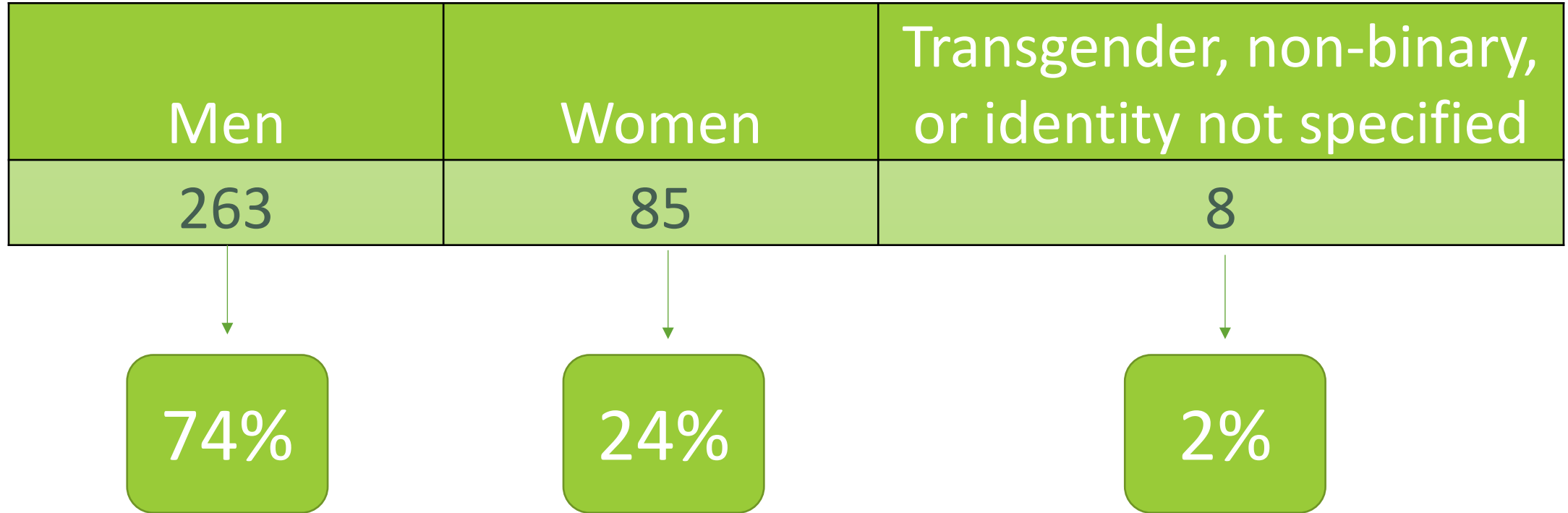
Age Demographics in Adult Emergency Shelters

3529

18-24	25-29	30-39	40-49	50-59	60-64	65+
14	22	94	77	81	42	23

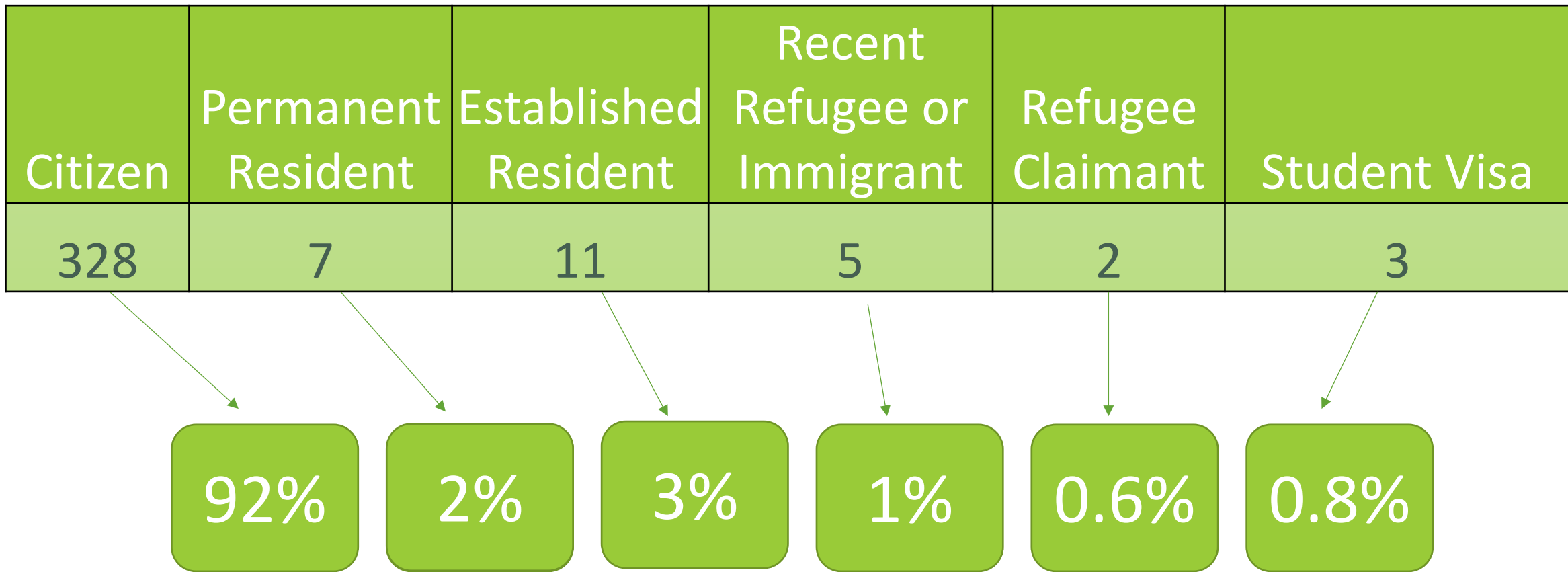


Gender in Adult Emergency Shelters³⁵³⁰



Of the individuals who identified as transgender, non-binary or their identity was not specified, 50% were experiencing chronic homelessness.

Citizenship and Immigration Status in Adult Emergency Shelters



THE REGIONAL MUNICIPALITY OF
WATERLOO
Applicants

and

PERSONS UNKNOWN AND TO BE
ASCERTAINED
Respondents

3532

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

3rd AFFIDAVIT OF SARA ESCOBAR

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

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Lawyers for the Respondents

Court File No. CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

2nd AFFIDAVIT OF LAURA PIN

I, Laura Pin, of the City of Hamilton, in the Province of Ontario, AFFIRM AND SAY:

1. The facts and opinions contained in this affidavit are based on my own research and experiences as well as information not based on my personal knowledge, which I believe to be credible and true.
2. I am an Associate Professor and researcher at Wilfrid Laurier University. I currently lead a multi-year federally funded research project reviewing municipal policy responses to encampments through a human rights lens.

Mandate

3. I previously affirmed an affidavit on July 9, 2025 in this matter, which is included in the Respondent's Supplemental Responding Application Record, Volume 1. I adopt and rely upon that Affidavit and Exhibits, particularly Exhibit "A" which is my current curriculum vitae.
4. Waterloo Region Community Legal Services has commissioned me to prepare an expert report in the litigation of *The Regional Municipality of Waterloo and Persons Unknown and to be Ascertained*.
5. I have been mandated to provide my opinion on the following topics:
 - a. The consultation process performed by the Region of Waterloo (the "Region") before passing By-law Number 26-001 ("Amended By-law") which amended By-law Number 25-021 of the Region, *A By-law Respecting the Use of 100 Victoria Street North, Kitchener (as Owned by The Regional Municipality of Waterloo) to facilitate the Kitchener Central Transit Hub and other Transit Development*;
 - b. Whether the Amended By-law's definition of "Resident" as amended at subsection 1(7) is compliant with the Region's Plan to End Chronic Homelessness ("PECH"); and
 - c. Whether the Transition Protocol as set out in Schedule "C" of the Amended By-Law complies with the Region's Plan to End Chronic Homelessness.

Background and nature of work

6. I have been a faculty member at Wilfrid Laurier since 2021 in the Department of Political Science and North American Studies. I received my doctoral degree from York University in 2019 and completed post-doctoral training in the Department of Political Science and Community Engaged Scholarship Institute at the University of Guelph from 2019 to 2021.

7. My expertise is on housing and homelessness policy in Canada. I have extensive experience working with people experiencing homelessness, that is, individuals without permanent, adequate housing, who may occupy emergency shelters, transitional housing, or places not intended for human habitation, such as parks, abandoned buildings, or vehicles. I also have research expertise in participatory democracy and municipal politics. I have conducted research on housing, homelessness, and inclusive policymaking with municipal governments, as well as national bodies like the National Housing Council. I currently lead a multi-year federally funded research project reviewing municipal policy responses to encampments through a human rights lens. In addition, I have been part of the Plan to End Chronic Homelessness (PECH) Co-Creators table since it was first established.

Consultation Process

8. The Region's *Guidelines for Public Engagement* ("Guidelines") provide the standard against which I assess the consultation process undertaken prior to the passage of the Amended By-law concerning 100 Victoria Street North (the "Encampment"). The Guidelines state that the Region is committed to "transparent, responsive and inclusive processes" and emphasize that public engagement should involve those most impacted by a decision and identify, prevent,

and remove barriers to participation for groups with unique needs and challenges (2016, p. 1). Please find attached hereto as **Exhibit “A”** the Guidelines. My assessment is also informed by my expert knowledge of best practices for inclusive and meaningful consultation with marginalized populations.

January 7th, 2026, Public Meeting

9. On December 18, 2025, the Region posted a public notice of a special public meeting to receive input on proposed amendments to the 100 Victoria Street North Site-Specific By-law. The public notice was posted on the Region’s website. The meeting was scheduled for January 7, 2026, at 6:00 p.m. at 150 Frederick Street, Kitchener, with electronic participation available. Participation required advance registration through an online delegation form or by telephone. Written submissions could be provided by email. Information about participation was published on the Region’s website.

10. The consultation process, made participation highly impractical for individuals with lived experience staying at the Encampment, the population most directly affected by the bylaw amendment. Participation required access to the internet, email, or a telephone and the ability to complete advance registration. These requirements presume a level of digital access and administrative capacity that many individuals experiencing homelessness typically do not have. Individuals staying at or accessing services at the Encampment have limited and

inconsistent access to digital devices, charging facilities, and private spaces in which to complete these tasks.¹

11. Public notice was issued on December 18, 2025, immediately prior to the Christmas holiday period, with the meeting scheduled for the first full week following the holiday break. Many community organizations and service providers that support individuals experiencing homelessness operate with reduced hours or closures during this period. As service providers often function as key intermediaries for sharing information about engagement opportunities, this timing significantly reduced the likelihood that notice of the meeting would reach those most affected.
12. The meeting location at 150 Frederick Street is 1.5 km from the Encampment. Attending the meeting required individuals to pay for transportation or undertake a 22-minute walk. Individuals residing in encampments are often reluctant to leave their belongings unattended due to the risk of theft or removal.² In addition, the meeting was scheduled for 6:00 p.m. on a weekday evening, a time that often conflicts with meal services, shelter intake, and safety considerations. Best practices in inclusive consultation emphasize adapting format and location to the lived realities of affected populations, including holding consultations on-site.³

¹ Huhtasalo, J., Vähätalo, M., Niemi, V., Hietala, S., & Rasinkangas, J. (2025). [Understanding the intertwined dynamics between digitalization, homelessness and social marginalization—An integrative literature review](#). *Finnish Journal of eHealth and eWelfare*, 17(4), pp. 472-486.

² Olson, N., & Pauly, B. (2023). [‘Forced to become a community’: Encampment residents’ perspectives on systemic failures, precarity, and constrained choice](#). *International Journal on Homelessness*, 3(2), pp. 124-138.

³ Siddiqui, F. R. (2014). [Annotated bibliography on participatory consultations to help aid the inclusion of marginalized perspectives in setting policy agendas](#). *International journal for equity in health*, 13(1), p. 124.

13. The meeting was held in a Regional administrative building and followed a formal council-delegation structure. Such environments can be intimidating and unwelcoming for individuals who have experienced marginalization or negative interactions with authorities. Rigid procedural requirements discourage participation by individuals without experience navigating governmental processes.⁴ Inclusive engagement with people with lived experience typically involves meeting people in familiar and trusted spaces.⁵
14. Taken together, the procedural requirements, timing, location, and format of the January 7, 2026 consultation created substantive barriers to participation that are inconsistent with the Region's stated commitment to inclusivity.

January 5, 2026 Drop-In Consultation

15. The Region also held a drop-in consultation for residents of the Encampment on January 5, 2026, from 6:00 p.m. to 7:00 p.m. at the Kitchener Public Library. According to the Region's consultation summary which was attached to the January 9, 2026 Report to Council as Appendix "C", the event was advertised through signage at the site posted on December 22, 2025.
16. On January 5, 2026, a volunteer at the Encampment, Jacara Droog, observed a single poster advertising the consultation attached to a security portable at the encampment. The poster was

⁴ Einstein, Katherine Levine, Maxwell Palmer, and David M. Glick. (2019). ["Who participates in local government? Evidence from meeting minutes."](#) *Perspectives on politics* 17.1: pp. 28-46.

⁵ Tamarack Institute. (2019). Engaging People with Lived/Living Expertise <https://www.tamarackcommunity.ca/hubfs/Resources/Publications/10-Engaging%20People%20With%20LivedLiving%20Experience%20of%20Poverty.pdf>

difficult to see and visibly weather-damaged, please find attached hereto as **Exhibit “B”** a picture of this poster taken at the Encampment by Mx. Droog. A search of the site did not reveal additional posters. Mx. Droog spoke with approximately ten individuals at the site, only one of whom was aware of the consultation taking place that evening. According to the Region’s consultation summary, three individuals with experience staying at the Encampment attended the drop-in session, though the extent of their participation is unclear.

17. This session also had significant limitations. The drop-in session was not included in the December 18th public notice and was not distributed through the Co-Creators email listserv. I am not aware of any service providers regularly working with residents of the Encampment receiving notice of the session. The only communication method identified by the Region in their summary of consultation was signage posted at the site. Written notice alone is insufficient for effective engagement with people experiencing homelessness, many of whom face literacy barriers, cognitive disabilities, or mental health challenges.⁶ Written notice also lacks the relational context necessary to explain the purpose of the consultation, address concerns, and support participation.⁷ Verbal communication allows for explanation, clarification, and reassurance, especially in situations that involve dealing with unfamiliar bureaucratic processes, like consultation. Moreover, individuals may need help understanding how to participate, whether transportation or virtual access is required, how to speak at the meeting, and reminders.⁸

⁶ Olson, N., & Pauly, B. (2023). ‘Forced to become a community’, *supra*, pp. 124-138.

⁷ Tamarak Institute. (2019). Engaging People with Lived/Living Expertise., *supra*.

⁸ Feige, S., & Choubak, M. (2019). Best practices for engaging people with lived experience. *Community Engaged Scholarship Institute*. <https://atrium.lib.uoguelph.ca/server/api/core/bitstreams/0b9b1e82-c0f4-4729-ac35-b07356d98922/content>

18. The Kitchener Public Library is approximately 1.4 km from the encampment, creating the same transportation and safety barriers described above. The session was again scheduled for 6:00 p.m. on a weekday evening, a time that commonly conflicts with survival-related activities.⁹ The session occurred on the first day of the first full week following the holiday period, further limiting opportunities for community organizations to assist with outreach.
19. In my opinion, the consultation process related to the Amended By-law was inconsistent with the Region's *Guidelines for Public Engagement*, specifically the stated commitment to inclusivity and to identifying, preventing, and removing obstacles to participation for groups with unique needs and challenges. In my opinion, the consultation process related to the Amended By-law is also not consistent with established best practices for inclusive and meaningful consultation with marginalized and structurally excluded populations.

Definition of Resident

20. The Amended By-law defines a "Resident" of the Encampment as "anyone residing at the encampment as of April 16, 2025" (Appendix A to the January 9, 2026 Staff Report, item 4). I have been asked to provide my opinion as to whether this definition is consistent with the Region's *Plan to End Chronic Homelessness* ("PECH").
21. In my opinion, the definition of "Resident" adopted in the Amended By-law is not consistent with the PECH. The definition attempts to fix residency as a static status that can be definitively

⁹ Office of the Federal Housing Advocate & Canadian Human Rights Commission. (2025). Actions to facilitate participation in decision-making (Factsheet 6/8) in Guide to meaningful engagement and integrating a human rights-based approach into encampment responses. Homeless Hub. https://homelesshub.ca/wp-content/uploads/2025/05/Actions-to-Facilitate-Participation-in-Decision-Making_factsheet-6.pdf

determined at a single point in time, based on presence on one specific date and at the moment of enumeration. This approach does not align with how chronic homelessness is understood or addressed within the PECH.

22. The PECH identifies four core interventions, including: (2) Community-Driven System Leadership; (3) Centring Lived Expertise and Equity-Owed Groups; and (4) Defining and Combining Housing First and Human Rights Approaches. The definition of “Resident” is inconsistent with each of these interventions.
23. Interventions 2 and 3 emphasize the importance of community-driven leadership, centring lived expertise, and shifting the homelessness response system to be accountable to the needs of people experiencing homelessness, see PECH at p. 36. The definition of “Resident” was developed and applied by the Region without input from individuals staying at the Encampment or from service providers with ongoing, direct relationships with people using the site. In my opinion, this absence of community and lived-experience input undermines the accuracy and legitimacy of the definition.
24. As a result of this approach, the definition is likely to exclude individuals who regularly rely on the Encampment but were not present or visible at the time of enumeration. Individuals experiencing homelessness may actively avoid being counted or observed by government staff or their proxies, including bylaw enforcement or security personnel, due to fear of enforcement, displacement, or negative prior experiences. Enumeration processes that do not

integrate trusted community partners or lived expertise are widely understood to undercount individuals experiencing homelessness.¹⁰

25. Further, chronic homelessness is characterized by instability and mobility. Individuals experiencing homelessness frequently move between locations in response to access to food, shelter, safety, social networks, and enforcement pressures.¹¹ Presence or absence at a single location on a single date is not a reliable indicator of whether a person regularly uses that space to rest, shelter, or meet basic needs. Some individuals may rely on the Encampment primarily at night, others intermittently, and others seasonally or in response to changing circumstances. A definition of “Resident” grounded in lived expertise would recognize these patterns of use and attachment to place.

26. Intervention 4 of the PECH emphasizes a human rights approach. The PECH defines a human rights approach as one in which people experiencing homelessness are treated as rights holders, their agency is respected, and the Region recognizes a duty of care with respect to their housing needs. In my opinion, the definition of “Resident” in the Amended By-law is inconsistent with this approach. By limiting recognition of residency to individuals present at a single moment in time, the definition denies agency to individuals to identify themselves as residents of the Encampment or as having a legitimate stake in the space, even where the site is essential to their day-to-day survival.

¹⁰ Pin, L., & Haley, T. L. (2022). [On the edge of the bubble: Homelessness and near homelessness on the rural-urban fringe in Canada](#). *Journal of Rural and Community Development/Revue du développement rural et communautaire*, 17(4).

¹¹ Olson, N., & Pauly, B. (2023). ‘Forced to become a community’, *supra*.

Transition Protocol

27. The Transition Protocol as set out in Schedule “C” of the Amended By-Law describes how the Region will transition individuals from the Encampment to other locations. There are four key components to the transition protocol. First, the protocol states “Make best efforts to offer development of an Individual Housing Plan (“IHP”) to Residents who accept such offer. Second, “Offer a Resident Alternative Accommodation as set out in their IHP”. Third “Offer social service supports, in the same nature as provided at the encampment, to a Resident once moved to Alternative Accommodation”. Fourth “Offer a Resident transportation, including personal belongings, to Alternative Accommodation and coverage for up to 6 months”.
28. In my opinion, there are some positive elements to the Transition Protocol, including a stated commitment to alternative accommodations, as well as commitments to service provisioning and transportation. However, it must be emphasized again that these services outlined in the Transition Protocol are only for those deemed Residents by the Region, meaning anyone else currently living at the Encampment but not counted as residing there on April 16, 2025 are excluded from these services.
29. Several elements of the Protocol are inconsistent with the PECH. As mentioned previously, throughout the PECH both housing first and human rights are defined and integrated throughout the PECH, notably in Intervention 4, but also in other places in the document. A consistency in both housing first and human rights is an understanding that addressing chronic homelessness requires housing.

30. The PECH references national and international human rights law, with respect to the right to housing (pages 17 and 42). Key human rights documents at the national and international level note that individuals in encampments should not be displaced from encampments to other forms of homelessness.^{12,13} Similarly, a housing first approach requires setting up individuals experiencing homelessness with housing and living supports.¹⁴ Yet three of the four types of “alternative accommodations” referenced in the Transition Protocol (emergency shelter, transitional shelter, motels/hotels) involve a perpetuation of homelessness, and not the provision of housing. By moving individuals from one temporary and precarious setting to another, without securing permanent housing and supports, these measures cycle people through crisis responses rather than resolving their homelessness. Given the Point-in-Time Count numbers in the Region, this is not due to a failure of service providers or staff as individuals, but a structural shortage of affordable and/or supportive housing in the Region.

31. This reality is reflected in the January 13, 2026 report from the Association of Municipalities of Ontario, “Municipalities Under Pressure One Year Later: An Update on the Human and Financial Cost of Ontario’s Homelessness Crisis”, which is attached hereto as **Exhibit “C”**. The report states that in 2025, an estimated 84,973 Ontarians experienced known homelessness which was a 7.8% increase from 2024.¹⁵ It also reports that growth in chronic homelessness is due to the limited availability of appropriate and affordable housing, with many people cycling

¹² Flynn, A., Hermer, J., Leblanc, C., MacDonald, S-A., Schwan, K., & Van Wagner, E. (2022). *Overview of encampments across Canada: A right to housing approach* (Report). Office of the Federal Housing Advocate & Canadian Human Rights Commission. https://homelesshub.ca/wp-content/uploads/2024/04/Overview-of-Encampments-Across-Canada_EN_1.pdf

¹³ OHCHR. (2007). Right to Adequate Housing.

https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf

¹⁴ Evans, J., Collins, D., & Anderson, J. (2016). [Homelessness, bedspace and the case for Housing First in Canada](#). *Social Science & Medicine*, 168, pp. 249-256.

¹⁵ Exhibit “C”, Association of Municipalities of Ontario, “Municipalities Under Pressure One Year Later: An Update on the Human and Financial Cost of Ontario’s Homelessness Crisis”, p. 8.

through shelters, temporary accommodations, and other emergency responses because of the few options to exit into stable housing.¹⁶

32. Without a real exit for residents of the Encampment into stable housing it is my opinion that there will continue to be those who will need a safe place to tent in the Region. The Transition Protocol does not take into account this need if the Encampment at the encampment is no longer available. There are no alternate tenting sites offered in the Transition Protocol.
33. As such, due to the exclusion of many residents at the Encampment from the Protocol and the reliance on types of accommodation options that perpetuate the cycle of homelessness, I find the Transition Protocol inconsistent with both a human rights and housing first approach as outlined in PECH.
34. I make this Affidavit in support of the Respondent's Application and for no improper purpose.

SWORN remotely by Laura Pin at the City of
Hamilton, in the Province of Ontario, before
me at the County of Wellington in the
Province of Ontario on February 20, 2026 in
accordance with O. Reg. 431/20.



**Joanna Mullen, A Commissioner
of Oaths (LSO#: 64535V)**



Laura Pin

¹⁶ *Ibid*, p 10.

THIS IS **EXHIBIT "A"** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
SWORN REMOTELY AT THE CITY
OF HAMILTON BEFORE ME AT THE
COUNTY OF WELLINGTON DURING
A VIDEOCONFERENCE IN
ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR
DECLARATION REMOTELY THIS 20th
DAY OF FEBRUARY, 2026

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a horizontal line extending to the right.

Joanna Mullen, A Commissinoer of Oaths
(LSO#: 64535V)



Guidelines for Public Engagement at the Region of Waterloo

Commitment to Public Engagement

The Regional Municipality of Waterloo is committed to transparent, responsive and inclusive processes to ensure the public is engaged in Regional business. This includes promotion of public engagement and creating an environment that fosters public engagement.

Definitions

- 1) Public: Any citizen, group, community, business, non-profit, and other stakeholder who may be impacted by or interested in Region of Waterloo issues and decisions
- 2) Public engagement: Providing opportunities for the public to have an informed say on the issues and decisions that affect their lives through a dialogue of mutual respect between government and the public
- 3) Inform: To provide the public with balanced and objective information to assist them in understanding issues, decision-making, alternatives, opportunities and solutions
- 4) Consult: To obtain public input for consideration in issues, analysis, alternatives and decisions
- 5) Involve: To work directly with the public throughout the process to generate ideas and ensure that public concerns and aspirations are consistently understood and considered.
- 6) Collaborate: To work with the public in the decision-making process including the development of alternatives and the identification of preferred solutions and to ensure that public concerns are consistently understood and considered

Guiding Principles

Regional employees are responsible for engaging the public on issues or decisions that may impact them and to keep them informed of Regional issues.

Regional employees and contracted consultants are responsible for ensuring public engagement is conducted in accordance with the Regional values of service, integrity, respect, innovation and collaboration.

Accountability:

- The Region of Waterloo is responsible for its actions, decisions and policies and may be required to explain them and be answerable for resulting consequences

- Public engagement processes will demonstrate a commitment to being time-sensitive, cost-effective and demonstrate that results and outcomes are consistent with expectations
- Where applicable, the Region of Waterloo will follow decision-making protocols and jurisdictions at the municipal, regional, provincial and federal level

Transparency:

- The Region of Waterloo is open, clear and visible to the citizens it serves when conducting business in order to build trust and confidence in government
- Public engagement processes will demonstrate openness, honesty and clarity of purpose when engaging the public and ensure the same applies when communicating results

Respect:

- Public engagement processes will value and respect citizens.

Inclusivity:

- Public engagement processes will include ways to involve members of the community who are most impacted by a particular issue or decision
- Public engagement processes will identify, prevent and remove barriers to participation, recognizing that certain groups have unique needs and challenges that impact their ability to fully participate in decision-making processes

Responsiveness:

- Public engagement processes will be proactive in addressing public concerns, being flexible in responding to changing needs and conditions

Regional employees acknowledge that public engagement processes built on the principles of accountability, transparency, respect, inclusivity and responsiveness can:

- Include early identification of public issues and concerns
- Increase the involvement of the public in decision-making processes
- Increase civic pride
- Decrease barriers to participation
- Increase understanding about how Regional government works
- Ensure neighbourhood level influence reflects region-wide benefits/interests
- Create better, more informed decisions

Public Engagement Process Steps

The Region of Waterloo follows consistent principles to ensure that public engagement is incorporated into Regional business to maximize customer expectations with policy decisions. The process of public engagement may not always be linear and can be broken into six steps: Assess, Select, Plan, Implement, Report and Evaluate. These steps are defined below.

Step 1 – Assess:

Assess why public engagement should be sought:

- a) Identify the purpose or goals and intended outcome of the public engagement process; determine why you are engaging the public
- b) Identify the benefits and risks of engaging the public in this process
- c) Identify what is needed from the public for this process
- d) Outline the timelines for the public engagement process
- e) Identify additional resources that may be needed

Step 2 – Select Project Scope:

The Region values contributions from the public to support Regional decision-making processes.

- a) Determine the level of public engagement using the assessment information from Step 1:
 - The Region of Waterloo defines the types of public engagement as inform, consult, involve, and collaborate.
 - A given public engagement project may have different types of engagement, but it is reasonable for there to be a primary type that defines the scope of the project. Examples of engagement techniques include fact sheets, open houses, focus groups, surveys, public meetings, citizen advisory committees, consensus-building, and workshops.
 - No two public engagement processes will be the same and the decision regarding the level of engagement, methods and the steps to follow will rest with staff to balance the need for engagement, capacity and legislated requirements, and available budget.

Step 3 – Plan the Public Engagement Process:

Develop a plan to engage the public including the following steps:

- a) Identify who from the public should be engaged in the process; determine what citizen, group, community, business, non-profit or other stakeholder may have interest or may be impacted
- b) Identify information to be shared with or sought from the public

- c) Determine the appropriate tools and techniques to be used to foster public engagement (methods of promotion, outreach and communication), including consideration of methods to engage those impacted by the issue or decision
- d) Identify potential barriers for members of the public to engage and determine tools to address those barriers
- e) Determine how success of the public engagement process will be measured for the purposes of evaluation; develop an evaluation plan, determine what evaluation questions are associated with the goals of the public engagement process and what indicators, metrics or benchmarks will be used to answer them

Step 4 – Implement the Initiative:

- a) Implement the public engagement initiative at the level identified in Step 2 and using the appropriate tools and techniques identified in Step 3
- b) Ensure the purpose and goals of the initiative identified in Step 1 are connected to the public engagement process so that the intended outcomes can be achieved
- c) When communicating with the public, use clear and plain language to help ensure that the information is understood by a broad audience
- d) When conducting public engagement ensure the Guidelines for Public Engagement at the Region of Waterloo document is readily available to the participants so they will clearly understand the principles behind public engagement at the Region of Waterloo

Step 5 – Report Back to Stakeholders:

When engaging the public at the consult, involve or collaborator levels it is part of the public engagement process to report back; depending on the level of engagement this can be done using various methods and at more than one time point.

- a) Report back to public stakeholders using appropriate methods on:
 - content of public engagement discussions
 - identified solutions
 - areas of agreement and disagreement
 - actions taken as a result of consultation process
 - the extent of the consultation; how many events or discussions were held and with whom
 - any other information specifically relevant to an engagement process
- b) Confirm with public stakeholders that the information collected is accurate and understood

Step 6 – Evaluate Public Engagement:

Measure the effectiveness of the public engagement:

- a) Address each of the evaluation questions identified in Step 3
- b) Measure the success of the public engagement process using the indicators, metrics or benchmarks identified in Step 3
- c) Use evaluation information for next steps in the project, feedback for future activities, and reporting on effectiveness of the process

Note * Evaluation is tied to the process and scope of the public engagement and therefore begins at Step 1 and Step 2 and should continue through the entire public engagement process

Monitoring and Support

Citizen Service shall be responsible for providing support to the guidelines and receiving related concerns or complaints.

Relevant Policies and Legislation:

[Notice Policy \(CL 7-07\)](#)

[Accountability and Transparency Policy \(CL 7-05\)](#)

[Standards for Accessibility Policy \(A 10-03\)](#)

[Municipal Act, 2001 S.O. 2001, c. 25](#)

[Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c.M.56](#)

[Personal Health Information Protection Act, 2004 S.O. 2004 c.3 Sch. A](#)

[Planning Act, R.S.O. 1990, c.P.13](#)

[Expropriations Act, R.S.O. 1990 c.E.26](#)

[Development Charges Act, 1997 Ont. Reg. 82/98](#)

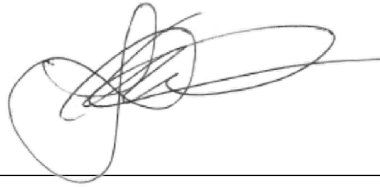
[Environmental Assessment Act, S.C. 1992, c.37](#)

[Accessibility for Ontarians with Disabilities Act, 2005 S.O. 2005 c.11](#)

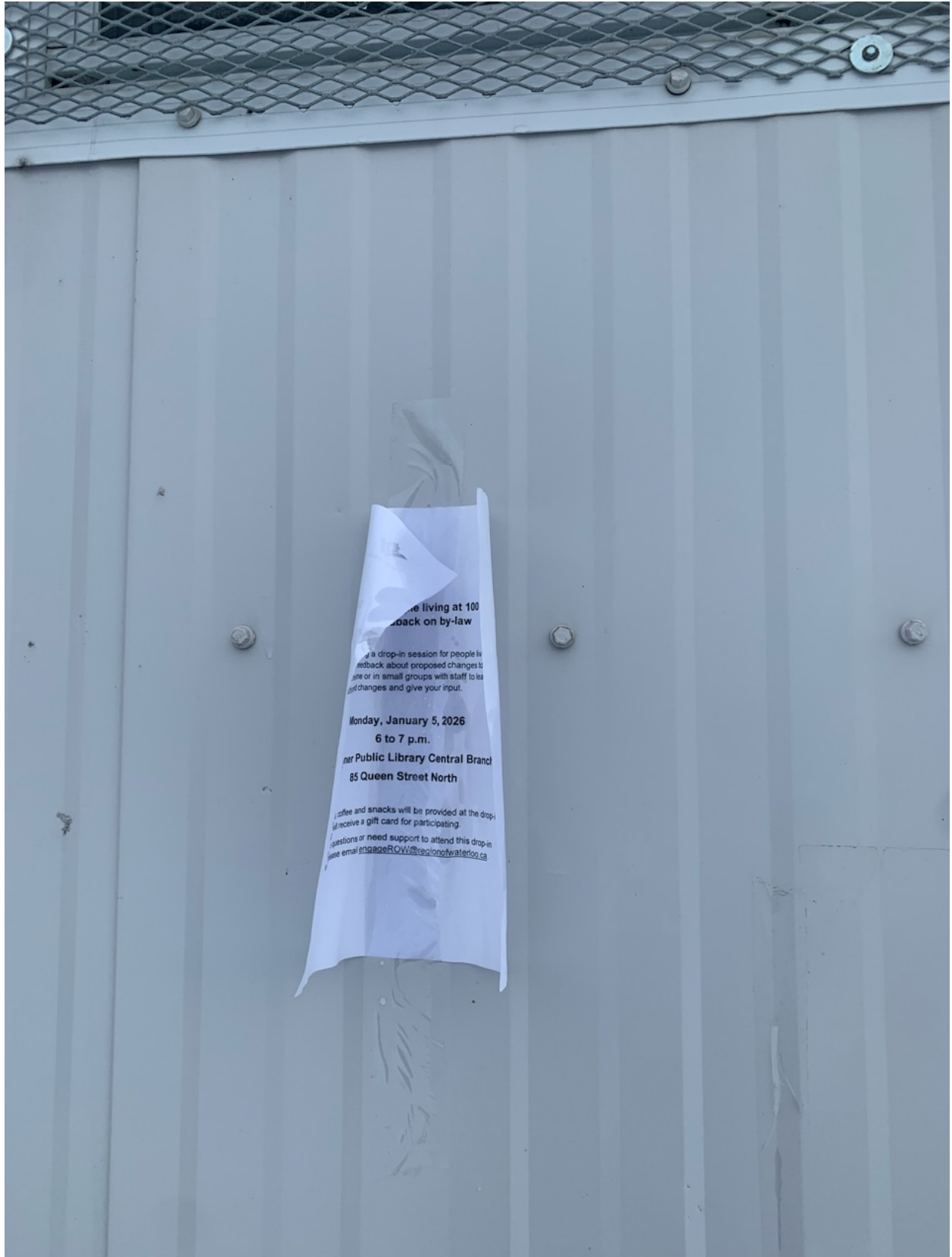
[Accessibility Standards for Customer Service Regulation Ont. Reg 429/07](#)

[Integrated Accessibility Standards Regulation Ont. Reg 191/11](#)

THIS IS **EXHIBIT "B"** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
SWORN REMOTELY AT THE CITY
OF HAMILTON BEFORE ME AT THE
COUNTY OF WELLINGTON DURING
A VIDEOCONFERENCE IN
ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR
DECLARATION REMOTELY THIS 20th
DAY OF FEBRUARY, 2026

A handwritten signature in black ink, appearing to be 'Joanna Mullen', written over a horizontal line.

Joanna Mullen, A Commissinoer of Oaths
(LSO#: 64535V)



THIS IS **EXHIBIT "C"** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
SWORN REMOTELY AT THE CITY
OF HAMILTON BEFORE ME AT THE
COUNTY OF WELLINGTON DURING
A VIDEOCONFERENCE IN
ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR
DECLARATION REMOTELY THIS 20th
DAY OF FEBRUARY, 2026

A handwritten signature in black ink, appearing to be 'Joanna Mullen', written over a horizontal line.

Joanna Mullen, A Commissinoer of Oaths
(LSO#: 64535V)

January 2026

Municipalities Under Pressure One Year Later:

An Update on the Human and Financial
Cost of Ontario's Homelessness Crisis



About this report

This report updates *Municipalities Under Pressure: The Human and Financial Cost of Ontario's Homelessness Crisis* (Donaldson, Wang, Escamilla, & Turner, 2025), published in January 2025, and developed under the leadership of the Association of Municipalities of Ontario (AMO), the Ontario Municipal Social Services Association (OMSSA), and the Northern Ontario Service Deliverers Association (NOSDA).

The previous report established a province-wide baseline of known homelessness from 2016 onward and examined regional patterns, impacts on key populations, housing and homelessness investments across governments, and projected homelessness under different socioeconomic conditions.

This update applies the same approach using complete 2024 data and year-to-date 2025 information. It provides updated estimates of homelessness and chronic homelessness, community housing waitlists, housing and homelessness funding and expenditures, and encampments. The methods, assumptions, and limitations from the original report remain in effect unless otherwise noted.

Further detail on data sources, assumptions, and analytical methods is provided in the Technical Appendix.

About HelpSeeker

HelpSeeker Technologies is a Canadian social innovation company dedicated to helping communities, nonprofits, and government agencies solve complex social challenges through data, technology, systems insight, and modelling.

We design and implement data-driven tools, including scenario modelling grounded in structured logic models that connect investments and program changes to real-world outcomes over time. This enables organizations and policymakers to test strategies before committing resources, strengthen long-term planning, and make more informed, cost-effective decisions.

Donaldson, J., Kandyba, L., Wang, D. (2026). Municipalities Under Pressure One Year Later: An Update on the Human and Financial Cost of Ontario's Homelessness Crisis. HelpSeeker.

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Contributions

The data in this report is generated through people seeking housing and homelessness support across Ontario. Individuals share information as part of accessing services, often in the hope of improving their housing outcomes. This report is only useful insofar as it supports those efforts by improving understanding of system conditions and informing more effective responses.

This work also reflects the contributions of community agencies, frontline staff, and Ontario's 47 municipal Service Managers who support individuals, families, and communities experiencing homelessness and housing instability, and who are responsible for collecting, maintaining, organizing, and interpreting homelessness and housing data in their communities. Their ongoing participation and reporting make a province-wide analysis of homelessness possible.

This report builds on the original Municipalities Under Pressure analysis and was developed in collaboration with the Association of Municipalities of Ontario (AMO), the Ontario Municipal Social Services Association (OMSSA), and the Northern Ontario Service Deliverers Association (NOSDA). Key contributions to this work were provided by Michael Jacek and Alicia Neufeld (AMO), Fern Dominelli (NOSDA), and Aaron Stauch and Tod Duncan (OMSSA), who supported interpretation, contextualization, and review throughout the project.

Design, copyediting, and technical work were supported by Camilo Escamilla, Kim Harper, Hedgehog Writing & Editing, and others on the HelpSeeker team.

Executive summary

MUNICIPALITIES UNDER PRESSURE WAS PUBLISHED IN JANUARY 2025 TO ESTABLISH A PROVINCE-WIDE BASELINE OF HOMELESSNESS IN ONTARIO USING DATA FROM 2016 TO 2024.

The report showed that homelessness was rising faster than housing and homelessness-serving systems could respond, even as municipalities increased funding and expanded services, and identified the need for sustained investment in housing supply, prevention, supportive housing, and exit capacity, a need that remains today.

Since the release of that report, the socioeconomic environment and policy priorities at both the provincial and federal levels have changed, while housing affordability pressures, economic risks, and fiscal constraints remain elevated and continue to pose significant challenges, despite some easing from recent peak conditions (OECD, 2025; Bank of Canada, 2025).



More people are experiencing prolonged periods without housing, affecting community health, safety, and stability, while municipalities face growing operational, financial, and service-delivery pressures.

THESE PRESSURES REFLECT NOT ONLY RISING DEMAND, BUT PERSISTENT LIMITS IN HOUSING AVAILABILITY AND EXIT CAPACITY ACROSS THE SYSTEM.



With the addition of 2025 data, this update builds on the 2024 findings and provides an opportunity to step back from a period of rapid change following the pandemic and consider what options exist to reverse homelessness when housing and support capacity remains constrained and fiscal conditions are tightening.

This report provides updated estimates of homelessness in Ontario, examines chronic homelessness, community housing waitlists, and housing and homelessness funding and expenditures, and presents projections of homelessness to 2035.

01

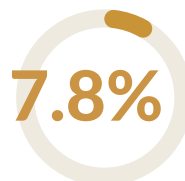
Homelessness increased in 2025.

In 2025, an estimated 84,973 people experienced known homelessness in Ontario, a 7.8% increase (6,171 people) from 2024, an increase that followed several consecutive years of growth.¹

While the rate of growth has moderated compared to the peak between 2021 and 2023, this past year's increase confirms that homelessness has not yet stabilized or decreased.

84,973

ONTARIANS EXPERIENCED
KNOWN HOMELESSNESS



INCREASE
FROM 2024

02

Homelessness growth accelerated sharply after 2021 and has not been reversed.

Between 2016 and 2020, known homelessness in Ontario increased gradually, by approximately 6.3% over four years. From 2021 to 2025, known homelessness increased by approximately 49.1%.

This acceleration coincides with the COVID-19 pandemic period. Homelessness has not returned to pre-2020 levels, even as housing and homelessness funding increased and services expanded. This indicates that the availability of housing and supports has not kept pace with the scale or persistence of homelessness following the pandemic.

2016 - 2020



VS

2021 - 2025



03

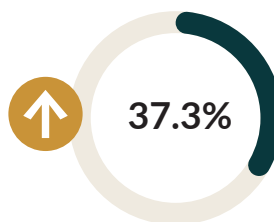
Homelessness is growing fastest in northern communities.

Homelessness is increasing more rapidly in Northern Ontario than elsewhere in the province. From 2024 to 2025, known homelessness in Northern Ontario increased by 37.3%. Since 2021, homelessness in the north has increased by approximately 117.5%, compared to 49.1% provincially over the same period. Northern communities, which account for approximately 5% of Ontario's total population, now account for nearly 10% of all known homelessness.



2024 - 2025

KNOWN HOMELESSNESS IN
NORTHERN ONTARIO



1. The 2024 figure in Municipalities Under Pressure (January 2025) was estimated using partial-year data. Updated data submitted by Service Managers have since been incorporated, resulting in a revised observed estimate for 2024.

04

Homelessness is also increasing rapidly in mostly rural communities.

Homelessness growth is also significantly higher in mostly rural Service Manager areas than the provincial average. In 2025, known homelessness in mostly rural communities increased by approximately 31.0% from 2024, compared to 7.8% provincially. Communities with a mix of rural and urban characteristics experienced growth of approximately 15.1% over the same period.

2024 - 2025 Rural Communities



VS

2024 - 2025 Provincially



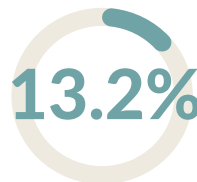
05

Indigenous people are significantly overrepresented among people experiencing homelessness.

Indigenous people in Ontario remain significantly overrepresented among those experiencing homelessness. Representing approximately 2.9% of the population (Statistics Canada, 2022), they account for an estimated 13.2% of people experiencing homelessness province-wide and 40.7% in northern communities.

The number of Indigenous people experiencing homelessness reported by Service Managers increased from approximately 6,100 in 2021 to over 11,000 in 2025. As homelessness grows, structural inequities, including racism and discrimination that drive the overrepresentation of Indigenous people are reproduced at a larger scale (Thistle, 2017).

2.9% OF THE
POPULATION



OF PEOPLE EXPERIENCING
HOMELESSNESS PROVINCE-WIDE

06

Encampments exist in most areas of Ontario in 2025.

Forty-two of 47 Service Managers reported at least one encampment, with nearly 2,000 site-based encampments estimated across the province. Most encampments are small, typically involving fewer than 10 people per site.

Service Manager reporting indicates that enforcement and site-management activities tend to change where encampments are located and how visible they are, often resulting in movement into vehicles, more hidden locations, or smaller, short-lived sites, rather than reducing the number of people experiencing homelessness.

42/47 SERVICE MANAGERS REPORTED
AT LEAST ONE ENCAMPMENT

2,000 SITE-BASED
ENCAMPMENTS

07

Lack of housing is increasing the duration and chronicity of homelessness.

In 2025, an estimated 45,111 people were experiencing chronic homelessness, representing 53% of all known homelessness in Ontario. Growth in chronic homelessness in-part reflects the limited availability of appropriate and affordable housing, with many people cycling through shelters, temporary accommodations, and other emergency responses because there are few options to exit into stable housing.

Homelessness in Ontario is increasingly characterized by conditions consistent with high inflow into homelessness and limited exit capacity, particularly limited access to affordable housing options that support timely exits.

In 2025, the community housing (RGI) waitlist reached an estimated 301,340 households, with an average wait time of 65 months and some households waiting more than 16 years. While RGI serves a broader population beyond people experiencing homelessness, these wait times point to limited system capacity to support exits from homelessness. As a result, more people remain homeless for longer periods.

In 2025, an estimated 45,111 people were experiencing chronic homelessness, representing 53% of all known homelessness in Ontario. Growth in chronic homelessness is consistent with an imbalance between the number of people entering homelessness and the availability of affordable housing options to support exits, with many people cycling through shelters, temporary accommodations, and other emergency responses because there are few options to exit into stable housing.

45,111

ONTARIANS EXPERIENCED
CHRONIC HOMELESSNESS



OF ALL KNOWN
HOMELESSNESS

08

Housing and homelessness funding has increased, but homelessness grows faster.

Public funding for housing and homelessness in Ontario has increased substantially while homelessness continues to rise. In 2025, combined housing and homelessness funding is estimated at just over \$4.0 billion, more than double the level reported in 2018. However, while the number of people experiencing homelessness increased by 49.1% between 2021 and 2025, total funding increased by 32.1% over the same period, with municipal funding increasing by 48.2%.

Over the same period, program expenditures increased by 75.4% overall—rising by 88.0% for homelessness programs and 66.1% for housing programs—indicating that municipalities are increasingly absorbing the cost of managing higher and more persistent levels of homelessness through local service delivery.

Emergency shelters have remained the largest area of homelessness-related expenditure, increasing by 51.6% since 2021. Community housing has remained the largest area of housing program expenditure, but spending declined by 0.6% over the same period, highlighting limited growth in deeply affordable housing despite rising need.

09

Homelessness is projected to more than double by 2035.

Factoring in updated assumptions about economic conditions, housing affordability, population change, and related drivers, homelessness in Ontario is projected to continue increasing through 2035.

Under steady conditions, known homelessness is projected to reach approximately 177,000 people province-wide by 2035. Under an economic downturn scenario, projected homelessness exceeds 297,000 people.

In Northern Ontario, homelessness is projected to increase from current levels to approximately 16,900 people under steady conditions and to more than 27,500 people under a downturn scenario by 2035. This reflects an amplified version of the broader provincial trend, with homelessness in the north growing much faster than funding and system capacity because of a lack of housing and limited service infrastructure.

UNDER STEADY CONDITIONS

177,000

VS

UNDER AN ECONOMIC DOWNTURN

297,000

10

Post-pandemic homelessness appears increasingly difficult to reverse.

The projections in this report show homelessness continuing to increase through 2035 under all modelled conditions. Observed trends since 2021 indicate that after homelessness rose above pre-pandemic levels, it did not return to those earlier levels, even after emergency responses expanded and short-term crisis conditions eased. Under current conditions, the system has not demonstrated the ability to reduce overall homelessness after increases occur.

With access to permanent housing constrained, more people remain unhoused for longer periods and spend extended time within homelessness-serving systems. This sustains pressure on services and increases costs over time.

Taken together, these trends indicate that homelessness in Ontario is not a temporary crisis. Instead, growth is being sustained by ongoing system conditions that affect how many people enter homelessness, how long they remain unhoused, and whether sufficient housing capacity exists to support exits at scale.

Key implications and direction.

PUBLIC SPENDING HAS GROWN, YET HOMELESSNESS CONTINUES TO RISE, INDICATING THAT EXISTING APPROACHES ARE NOT CONSISTENTLY TRANSLATING INTO IMPROVED OUTCOMES AT THE SCALE REQUIRED.

Much of the effort has focused on managing crises. This is necessary to address immediate harm, but it does not prevent or support timely access to affordable and appropriate housing. As a result, spending is often directed toward stabilizing conditions as needs arise, requiring increasing investment.

Homelessness does not occur within a single program, ministry, or level of government. It is shaped by how housing, healthcare, income supports, justice, child welfare, education, and other systems operate and interact over time. Outcomes depend on how these systems are designed, coordinated, sequenced, and governed across ministries and levels of government. Treating homelessness as an outcome produced across systems, rather than as a challenge to be managed within a single policy or program, is essential to reducing homelessness and limiting costs.

Because pressures move between systems, progress depends on a whole-of-government approach, rather than isolated action. Decisions made in one system can either increase or reduce homelessness pressures elsewhere. A coordinated, whole-of-government approach—operating horizontally across provincial services and mandates delivered through Service Managers, and vertically through federal, provincial, and municipal systems—helps ensure that effort in one area supports outcomes in another. This requires reconsidering how social spending is planned, targeted, and evaluated, based on outcomes across systems.

Yet, housing availability remains a central constraint. Increasing the supply of housing, particularly deeply affordable housing, is essential to reducing homelessness and requires an expanded federal role, alongside provincial and municipal action.

The previous *Municipalities Under Pressure* report modelled two investment approaches:

a longer-term investment of approximately \$11 billion

over 10 years to achieve functional zero chronic homelessness, including capital investment to substantially expand deeply affordable and supportive housing, alongside ongoing operating funding for prevention, housing stability, and supports; or

a targeted near-term investment of approximately \$2 billion

to reduce acute pressures such as encampments and stabilize conditions while longer-term housing supply is developed.²

THESE SOCIAL INFRASTRUCTURE INVESTMENTS REMAIN NEEDED TO IMPROVE STABILITY FOR INDIVIDUALS, FAMILIES, AND COMMUNITIES AND REDUCE HOMELESSNESS OVER THE MEDIUM AND LONG TERM.

At the same time, given the projected growth in homelessness and the persistence of underlying drivers, housing investment alone will not be sufficient. To be effective, investments must be paired with better integration of policy, data, activities, outcomes, accountability, and decision-making across ministries, mandates, and levels of government.

2. Detailed estimates of the housing and support capacity required under the longer-term investment approach—including approximately 40,000 affordable housing units and 32,000 rent subsidies—are set out on page 100 of *Municipalities Under Pressure* (2025). Details of the targeted near-term investment to address acute pressures are set out on page 108

The integration [of housing, health, income, and social service systems across levels of government] is necessary to **ensure that housing investments translate into sustained reductions in homelessness**, do not shift pressures between systems, and support a response that remains sustainable over time.

Municipalities Under Pressure One Year Later:

An Update on the Human and Financial Cost of Ontario's Homelessness Crisis



This report is a joint project of the Association of Municipalities of Ontario, the Ontario Municipal Social Services Association, and the Northern Ontario Service Deliverers Association. It updates *Municipalities Under Pressure: The Human and Financial Cost of Ontario's Homelessness Crisis* (January 2025) using complete 2024 data and year-to-date 2025 information.

The original report documented a sharp rise in homelessness during and immediately following the pandemic, alongside rapid system expansion and increased public spending to manage rising need. This update uses more recent and complete data to assess how homelessness has continued to change since that period, and how homelessness-serving systems are functioning under current conditions.

Since the original report was released, housing affordability pressures have intensified, economic risks have increased, and fiscal constraints have become more pronounced across all levels of government.

At the same time, more people are remaining unhoused for longer periods, increasing pressure across housing, health, and social service systems and raising the human and financial costs associated with prolonged homelessness.

This report uses updated 2024–2025 data to examine current trends in homelessness, including changes in inflow, duration, spending, and capacity, as well as revised homelessness projections through 2035. Taken together, the findings indicate that higher levels of homelessness are continuing, despite increased spending within the system to address homelessness and, under current conditions, the homelessness trajectory is increasingly difficult to reverse.

1

People experiencing homelessness

This section presents updated estimates of people experiencing known homelessness in Ontario, using complete 2024 data and 2025 estimates based on annualized year-to-date information establishing the current scale and recent direction of change.

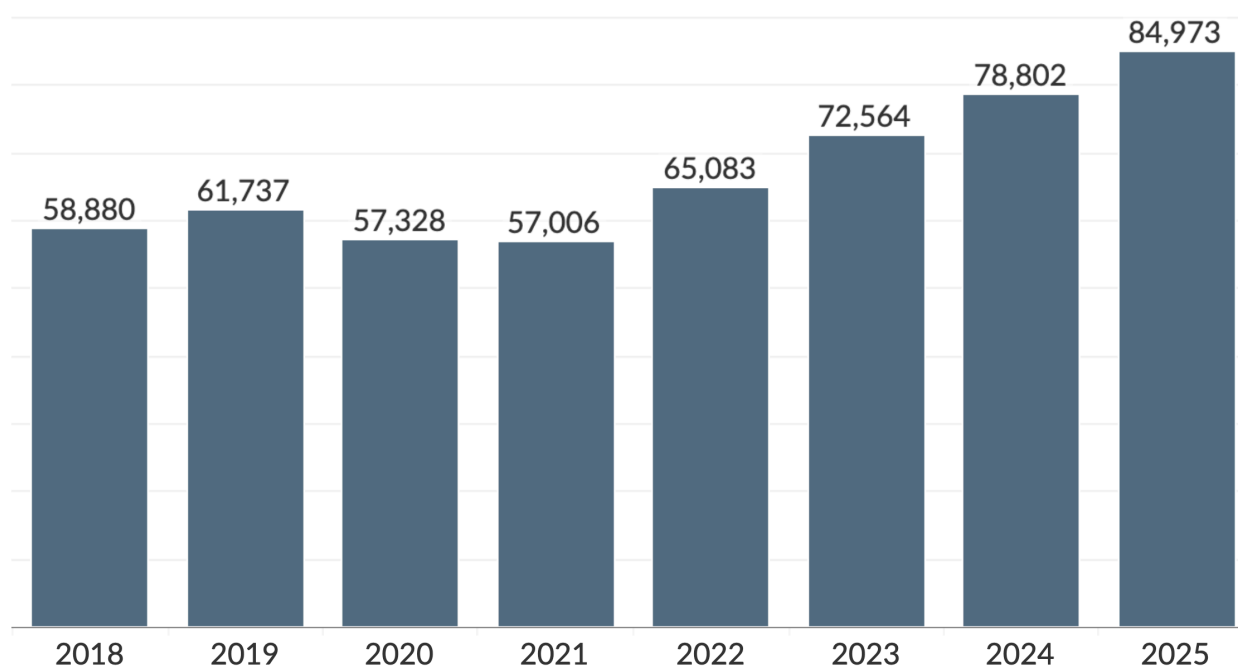
1.1 Known homelessness increased by 7.8% in Ontario in 2025.

In 2025, an estimated 84,973 people experienced known homelessness across Ontario. This represents an increase of 6,171 people from 2024, or 7.8%.

The 2025 *Municipalities Under Pressure* report estimated that 81,515 people would experience known homelessness by the end of 2024. With full-year 2024 data now available, the observed total was 78,802, a variance of 3.3% from the original estimate.

Taken together, the 2024 actuals and 2025 estimates show that the previous report's projection of an increase has occurred. Homelessness has risen year-over-year, across communities, and over multiple years, indicating a pattern that is persistent and growing.

Figure 1: Estimated number of people experiencing homelessness in Ontario, 2018–2025



Adjusted

Missing values have been filled using additional research or statistical methods.

Table 1: Service Manager (SM) submission rates Ontario, 2018-2024

	2018	2019	2020	2021	2022	2023	2024	2025
SM count	24	20	24	37	46	47	47	46
Population %	54%	63%	73%	85%	96%	100%	100%	99%

From 2016 to 2020, known homelessness increased gradually, rising from 53,930 to 57,328, an increase of approximately 6.3% over four years. Since 2021, the pattern has shifted. Over the same span of time, known homelessness has increased from 57,006 to 84,973, an increase of approximately 49.1%. While the year-over-year growth rate has declined since 2021, the total number of people experiencing homelessness has continued to rise each year.

Table 2: Year-over-year growth in known homelessness, Ontario, 2021–2025

Year	People experiencing known homelessness	Change from previous year	Percent change
2021	57,006	—	—
2022	65,083	+8,077	+14.2%
2023	72,564	+7,481	+11.5%
2024	78,802	+6,238	+8.6%
2025	84,973	+6,171	+7.8%

Although homelessness in Ontario is often described as a crisis—and undeniably is for individuals, families, and communities—the data in this section shows that it does not behave like a short-term shock. Growth has continued year after year, including under post-pandemic conditions, with crisis-response capacity expanding to keep pace with rising demand.

In practice, homelessness is not a temporary crisis. It has grown over time and is now a predictable, ongoing feature of the system. As a result, homelessness continues to be addressed through crisis responses (Gaetz & DeJ, 2017), because those are the tools most readily available to manage sustained demand.

1.2 Northern Ontario accounts for nearly 10% of homelessness in Ontario despite representing only 5% of the population.

In 2025, an estimated 8,142 people experienced homelessness in Northern Ontario, up from 5,930 in 2024, an increase of 37.3%.³

This increase represents a substantially higher rate of growth than in other parts of the province. Since 2021, homelessness in Northern Ontario has more than doubled, increasing by 117.5%, compared to 49.1% provincially over the same period. Northern Ontario now accounts for nearly 10% of all known homelessness in Ontario.

Figure 2: Estimated number of people experiencing homelessness in northern communities, Ontario, 2018–2025

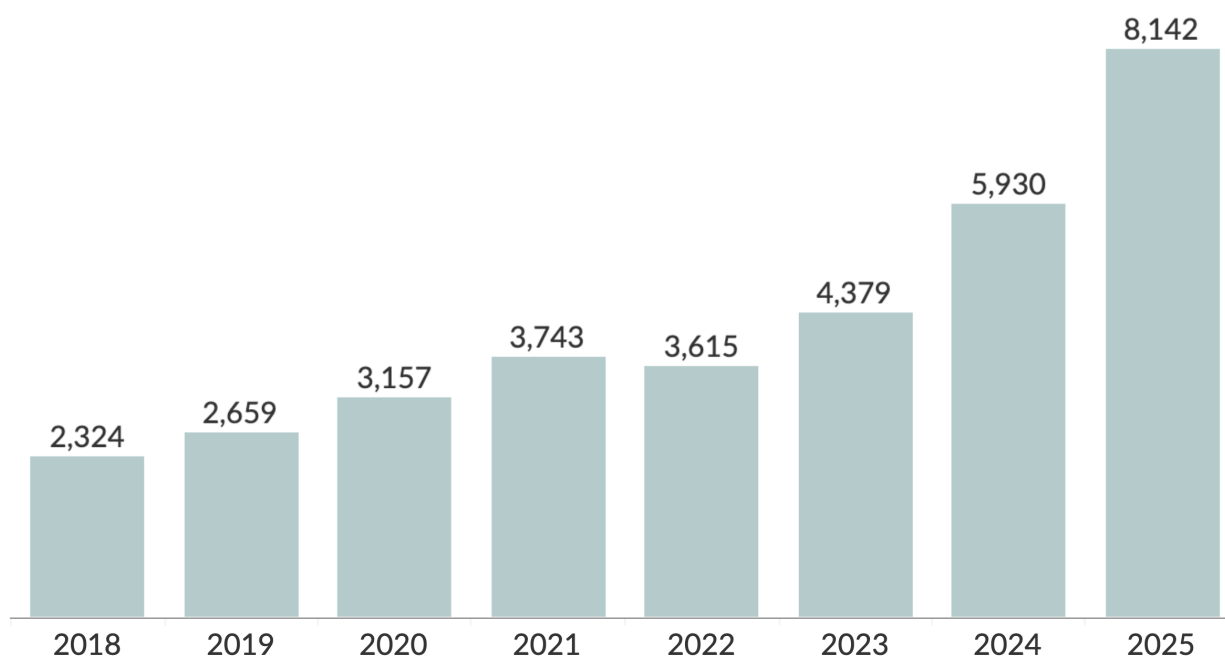


Table 3: Service Manager (SM) submission rates Ontario, 2018–2024

	2018	2019	2020	2021	2022	2023	2024	2025
SM count	6	3	5	8	11	11	11	11
Population %	37%	12%	37%	53%	100%	100%	100%	100%

3. Part of the year-over-year increase between 2024 and 2025 reflects improved data collection by one Northern Service Manager. However, even accounting for data improvements, homelessness in Northern Ontario has increased substantially over multiple years, indicating sustained growth rather than a one-time reporting effect.

In southern communities, existing housing and service infrastructure has absorbed rising demand to date, though it has been an increasing strain to do so. In Northern Ontario, where housing markets are tighter and service delivery is shaped by large geographic distance, smaller systems, and more limited infrastructure, including less access to provincially delivered services such as mental health and addictions supports, it has been impossible to absorb the increasing demand.

As factors driving homelessness persist, the Northern Ontario context illustrates how growing pressures on individuals, families, and communities may see the same situation occurring more widely across the province, something already apparent in rural areas.

1.3 Homelessness in communities that are mostly rural grew by 31.0% in 2025.

Homelessness in rural Ontario has grown more rapidly than in any other community type in the province. In 2025, an estimated 4,609 people experienced known homelessness in mostly rural Service Manager areas. Homelessness in the province increased by 7.8% overall from the previous year, while the increase was 31.0% in mostly rural communities and 15.1% in mixed rural-urban communities over the same period.

Figure 3: Estimated number of people experiencing homelessness in mostly rural communities, Ontario, 2018–2025

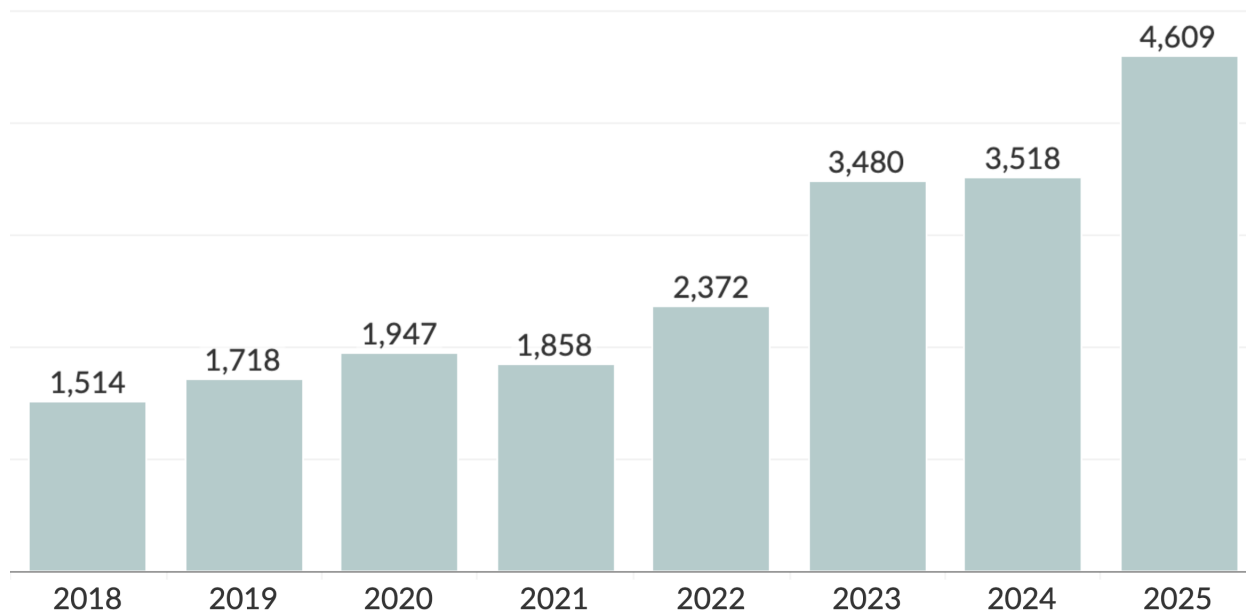
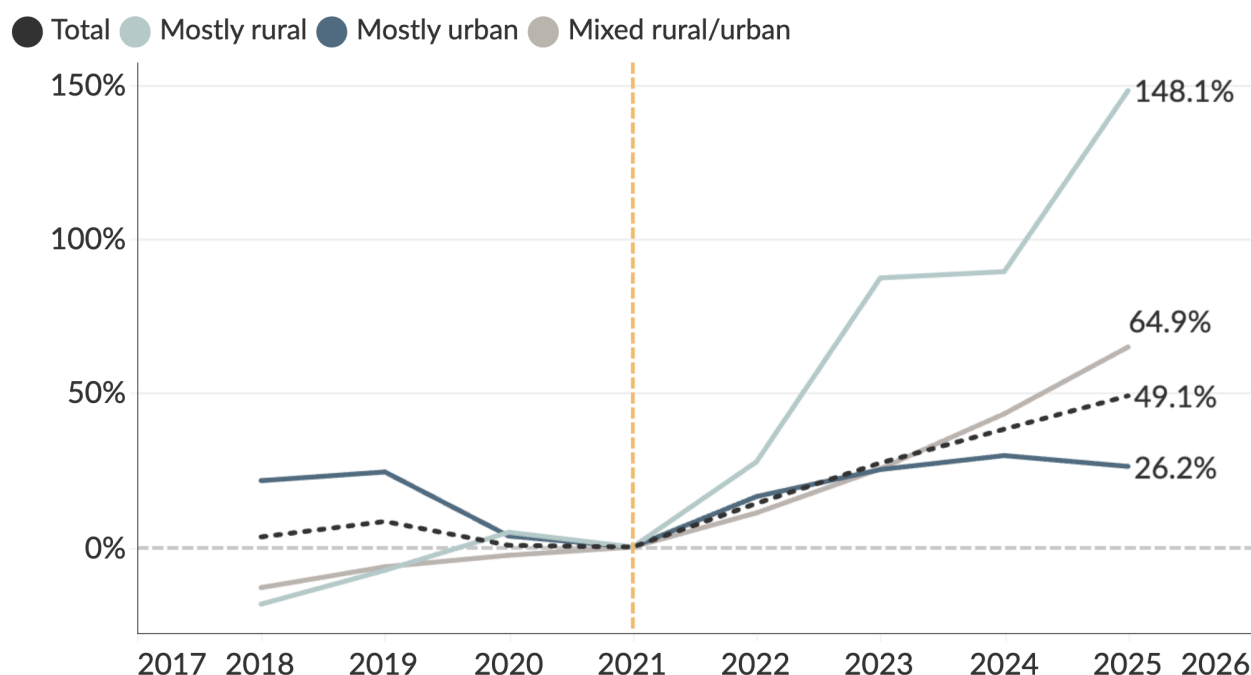


Table 4: Service Manager (SM) submission rates Ontario, 2018-2024

	2018	2019	2020	2021	2022	2023	2024	2025
SM count	11	8	8	12	15	15	15	15
Population %	76%	55%	58%	81%	100%	100%	100%	100%

Figure 4: Percent change in number of people experiencing homelessness from 2021, mostly rural, mixed rural-urban, and mostly urban communities, Ontario, 2018-2025



As noted in *Municipalities Under Pressure* (January 2025) and discussed further in section four of this report, municipalities across Ontario have increased their financial support for housing and homelessness programming in response to the rising need.

In mostly rural communities, lower population density and smaller tax bases limit the extent to which such support can be addressed through the property-tax levy alone. The financial pressures arise primarily as a result of the downloading of major assets and responsibilities to municipalities in the 1990s, a municipal challenge further exacerbated by severe funding constraints in rural areas.

Even though the province has increased support for rural municipalities through targeted infrastructure, operating, and development programs, rural municipalities remain more dependent on property tax revenue, which accounts for approximately 62% of total rural municipal revenues, compared to 54% in urban municipalities (ROMA, 2024).⁴

These figures reinforce the reality that the investment required to respond to sustained homelessness growth exceeds what municipal revenues can provide within the current system design. Even when provincially supported housing and homelessness funding streams are factored in, the system cannot keep up with demand.

4. Rural Ontario Municipal Association, based on analysis of 2023 Financial Information Returns, Government of Ontario.

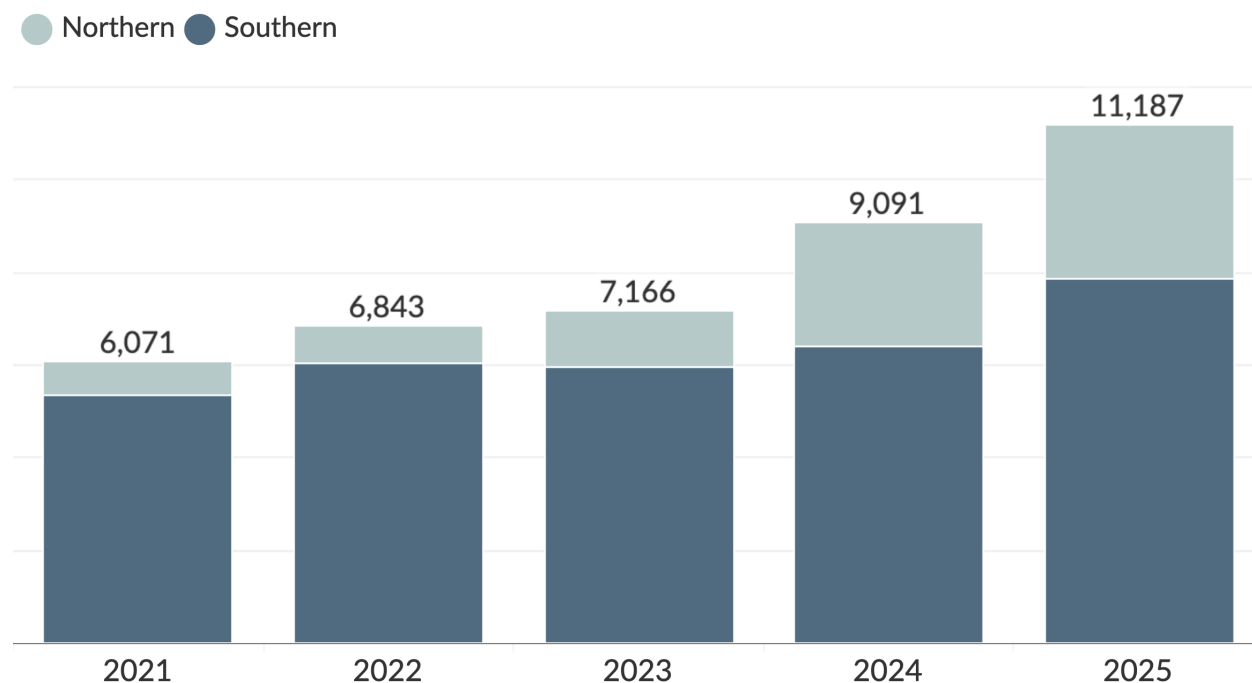
1.4 Service Manager–reported Indigenous homelessness increased by 23.0%.

Indigenous people are significantly overrepresented among those experiencing homelessness in Ontario. While Indigenous people represent approximately 2.9% of the provincial population, they account for an estimated 13.2% of people experiencing homelessness. In absolute terms, the number of Indigenous people experiencing homelessness has increased from approximately 6,100 in 2021 to over 11,000 in 2025, with the largest year-over-year increases occurring in 2024 (an increase of 26.8%) and 2025 (an increase of 23.0%). Part of this increase may reflect improved data collection across Service Managers.

In the north, Indigenous homelessness increased by 22.7% from 2024 to 2025. However, as documented in the 2025 report, Indigenous homelessness remains undercounted due to persistent structural barriers, including limited use of mainstream services, lack of culturally safe spaces, less likelihood of voluntary self-identification, and the exclusion of on-reserve homelessness from Service Manager reporting.

Over the same period, Indigenous representation as a proportion of total homelessness has remained relatively stable, fluctuating between roughly 11% and 13%. These trends indicate that, even if the percentage of Indigenous homelessness does not increase, as the number of people experiencing homelessness grows overall, Indigenous homelessness grows with it.

Figure 5: Estimated number of Indigenous people experiencing known homelessness, as reported by Service Managers, Ontario, 2021–2025



Adjusted

Missing values have been filled using additional research or statistical methods.

Table 5: Service Manager (SM) submission rates Ontario, 2021-2024

	2021	2022	2023	2024	2025
SM count	26	31	34	46	46
Population %	81%	87%	89%	100%	99%

Definitions of homelessness, funding arrangements, and service responsibilities across federal, provincial, and Indigenous governments have remained largely unchanged, even as demand has increased. As a result, responsibility for housing and support is often fragmented across systems, with no single pathway that consistently supports people to move out of homelessness.

For Indigenous people—particularly those moving between on-reserve and off-reserve systems—this fragmentation can interrupt access to housing, income supports, and services, contributing to longer periods of homelessness and higher rates of chronic homelessness (Infrastructure Canada, 2025).

2

Encampments and unsheltered homelessness

Encampments and unsheltered homelessness continue to be reported across most service areas in Ontario.

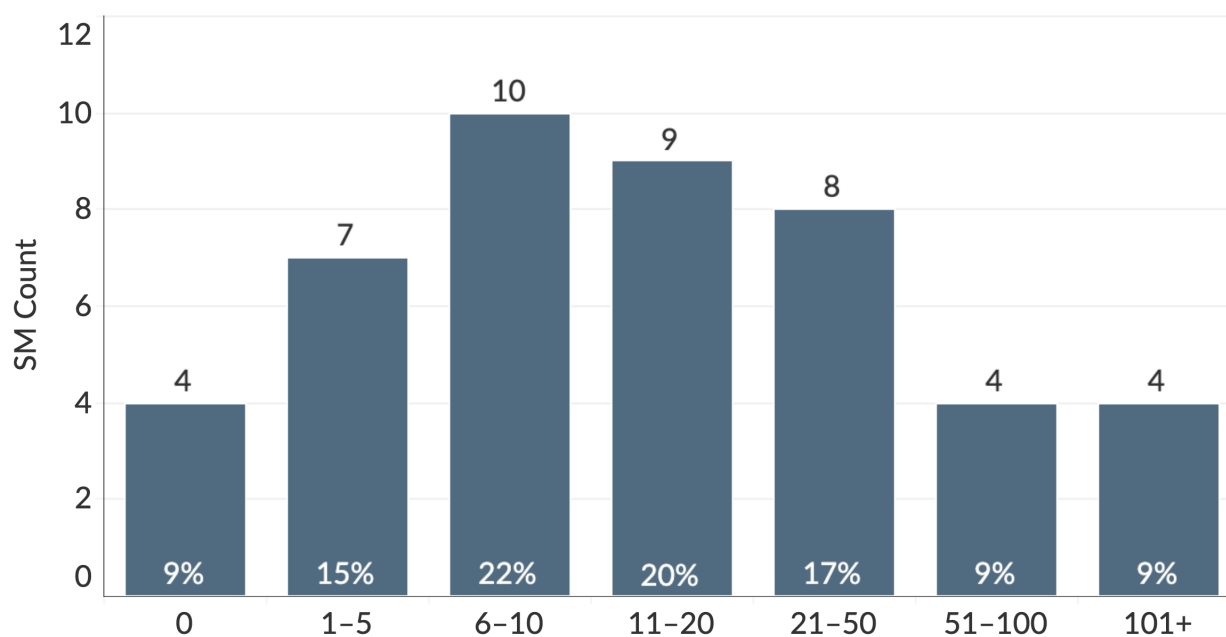
2.1 Service Managers report approximately 2,000 encampment sites across Ontario.

In 2025, Service Managers across Ontario reported an estimated 2,130 encampments, which were standardized to 1,944 site-based encampments after adjusting for differences in how encampments are defined and counted. Of 47 Service Managers, 42 reported at least one encampment. Reported counts range widely, from zero to more than 500 sites in individual jurisdictions; 74% of Service Managers reported fewer than 50 encampments in their area.

Encampments are predominantly small and dispersed, with 93% of Service Managers who reported at least one encampment saying the typical site involves between two and ten people. Large, centralized encampments are much less common. Several Service Managers reported increases in encampments in 2025, particularly for small, short-lived sites, rather than stable clusters.

Alongside encampments, Service Managers reported approximately 8,100 people experiencing unsheltered homelessness at a point in time.⁵ This includes people living in tents, vehicles, abandoned buildings, or other places not intended for habitation. As with encampments, unsheltered homelessness was reported across most service areas, with considerable geographic variation.

Figure 6: Number of encampments reported by Service Managers, Ontario, 2025



Recent provincial policy has addressed the visibility of encampments. The Safer Municipalities Act, 2025 (Bill 6) expands enforcement tools related to public drug use and public trespassing and defines tents on public land as public places, enabling police and municipal authorities to disperse encampments under specified conditions (Government of Ontario, 2025a). These measures respond to growing public concern about safety and disorder in shared spaces.

5. These figures differ from those gathered through coordinated Point-in-Time counts, which are conducted on a single reference night. Unsheltered homelessness counts reported here are drawn from a range of reporting periods and sources across Service Managers, and therefore do not represent single-night enumeration.

Several communities reported that encampments are smaller, which may be attributable to investments and policy decisions made by federal and provincial governments. At the same time, reporting by Service Managers indicates that enforcement activities primarily affect the location and visibility of encampments rather than resolving the issue. When encampments are dismantled, people often relocate to vehicles, more hidden locations, abandoned buildings, or smaller dispersed sites that are less visible and harder to track.

Taken together, the data indicates that enforcement is used increasingly to try to manage pressures that originate across multiple systems. When housing, shelter, and support capacities are limited, additional regulation of public spaces becomes part of addressing excess demand.

While this approach may make homelessness less visible, it does not resolve the needs of people who are living unsheltered: **encampments are not a reaction to a temporary crisis but an ongoing response to the growth in homelessness that chronically exceeds the system's capacity to respond.**



3

Inflow and outflow

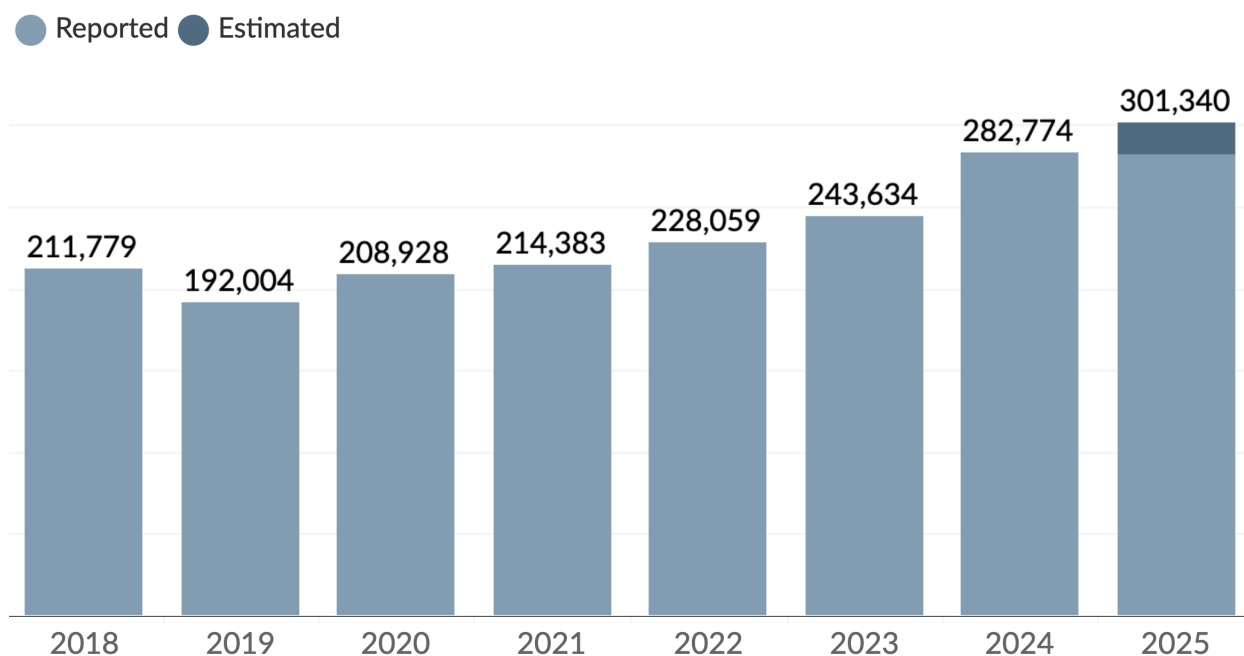
Homelessness increases when more people enter the system than can be supported to exit it, making it essential to examine the community housing waitlist, and the growing number of people remaining unhoused for longer periods.

3.1 The community housing waitlist now exceeds 300,000 households across Ontario.

In 2025, the rent-geared-to-income (RGI) waitlist in Ontario reached 301,340 households, an increase of 6.6% from 2024. The average wait time is now 65 months, or more than 5 years, with some households having waited 16 years.

The number of households on a waitlist is now 69% higher than the total supply of rent-geared-to-income units reported in 2024, which means the waitlist is growing faster than housing can be allocated (Donaldson, Wang, Escamilla, & Turner, 2025).

Figure 7: Households on waitlist for RGI, Ontario, 2018–2025



Adjusted

Missing values have been filled using additional research or statistical methods.

Table 6: Service Manager (SM) submission rates Ontario, 2018–2024

	2018	2019	2020	2021	2022	2023	2024	2025
SM count	39	40	41	41	41	43	47	46
Population %	90%	91%	95%	95%	95%	97%	100%	100%

The waitlist also indicates inflow pressure, since it shows households already experiencing homelessness as well as those at heightened risk of entering it. As the list grows, it shows that housing precarity is increasing at the same time that exit capacity remains limited.

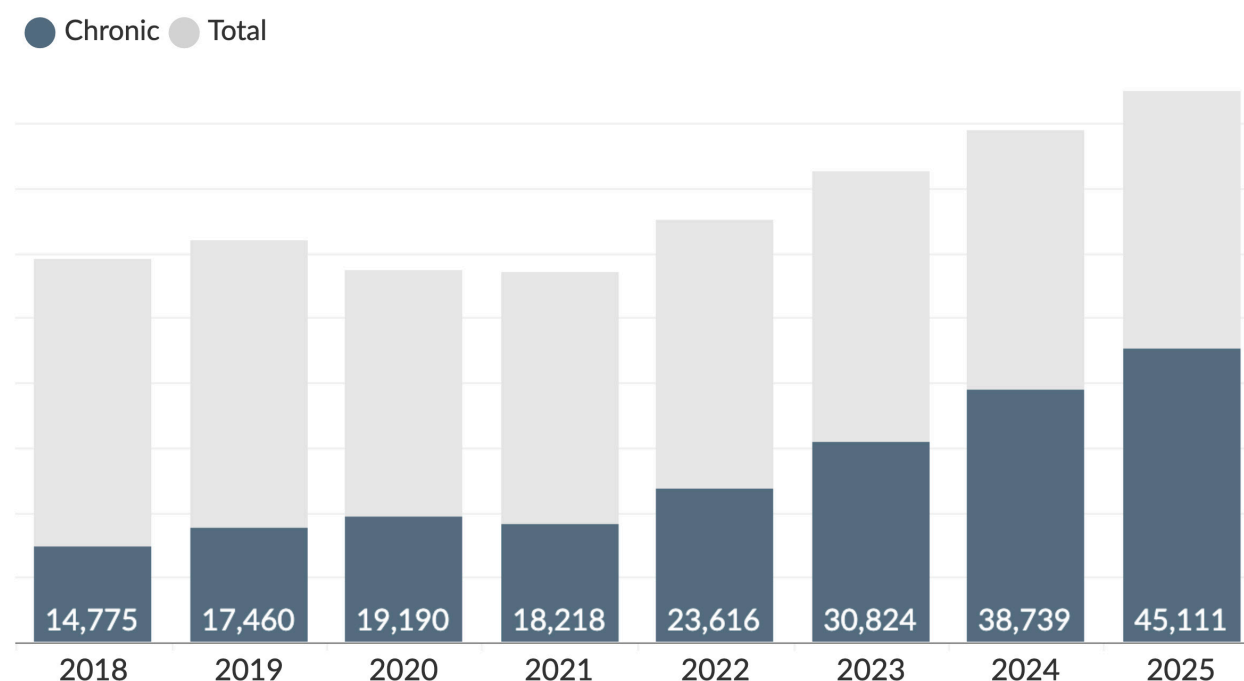
Socioeconomic conditions reinforce this imbalance. Income supports have not kept pace with housing costs, leaving many households unable to secure or maintain market housing without access to community housing (OECD, 2025). Rising food insecurity is another factor, with over one million Ontarians relying on food banks in 2024–25 and first-time food bank use increasing (Feed Ontario, 2025). Historically, homelessness rates grow within 12–18 months of increased food bank usage, suggesting that the recent increases in food bank usage means a likely continuation or even increase in people entering the homelessness system (Jadidzadeh & Kneebone, 2025)).

Taken together, the scale, growth, and duration of the community housing waitlist means the system is limited on both ends, creating conditions for persistent homelessness that will be increasingly difficult to reverse over time.

3.2 More than half of people experiencing homelessness remain unhoused long term.

In 2025, an estimated 45,111 people in Ontario were experiencing chronic homelessness, accounting for approximately 53% of all known homelessness. Chronic homelessness involves prolonged housing instability and extended interaction with homelessness-serving systems.

Figure 8: Estimated number of people experiencing chronic homelessness compared to total population experiencing homelessness, Ontario, 2018–2025 ⁶



Adjusted

Missing values have been filled using additional research or statistical methods.

6. The 2025 report estimated chronic homelessness in 2024 at 41,512; with updated full-year totals now available, the 2024 estimated count is 38,739.

Table 7: Service Manager (SM) submission rates Ontario, 2018-2024

	2018	2019	2020	2021	2022	2023	2024	2025
SM count	21	15	21	36	45	46	47	46
Population %	43%	51%	61%	81%	91%	95%	100%	99%

Rates of chronic homelessness are an indicator of how effectively the broader social safety net is supporting exits from homelessness under current conditions. Between 2021 and 2025, the number of people experiencing chronic homelessness more than doubled, rising from 18,218 to 45,111, while chronic homelessness as a proportion of all known homelessness increased from 32% to 53%.

A rising rate of chronic homelessness indicates that emergency responses are increasingly being used to manage ongoing demand for housing, with more people remaining unhoused for longer periods and cycling through shelters, encampments, and emergency or institutional settings.

When this pattern persists, costs and pressures are shifted to other public systems, including health care, justice, and emergency services, **extending the impact beyond the homelessness sector** (Mental Health Commission of Canada, 2014; Richard et al., 2024; Kouyoumdjian et al., 2019).

4

Spending

This section provides an updated overview of housing and homelessness funding using 2025 data. It reviews changes in overall investment since 2018 and examines how spending is allocated across program areas, offering context for how funding is being used to respond to the sustained pressures of homelessness.

4.1 Municipal contributions to housing and homelessness continue to increase.

Municipalities account for the largest and fastest-growing share of housing and homelessness funding in Ontario. Combined funding for housing and homelessness response is estimated to have reached over \$4.0 billion in 2025, more than double the \$2.1 billion reported in 2018. This represents an increase of 103.0% over the period, and 32.1% since 2021.

All levels of government increased their contributions. Federal funding rose from \$384 million in 2018 to \$950 million in 2025 (+147%). Provincial funding nearly doubled, from \$535 million to just over \$1.0 billion. Municipal funding increased from approximately \$1.1 billion to \$2.0 billion (+90%) and accounts for roughly half of all combined housing and homelessness funding.⁷

Figure 9: Funding trends for homelessness and housing programs by source, Ontario, 2018–2025

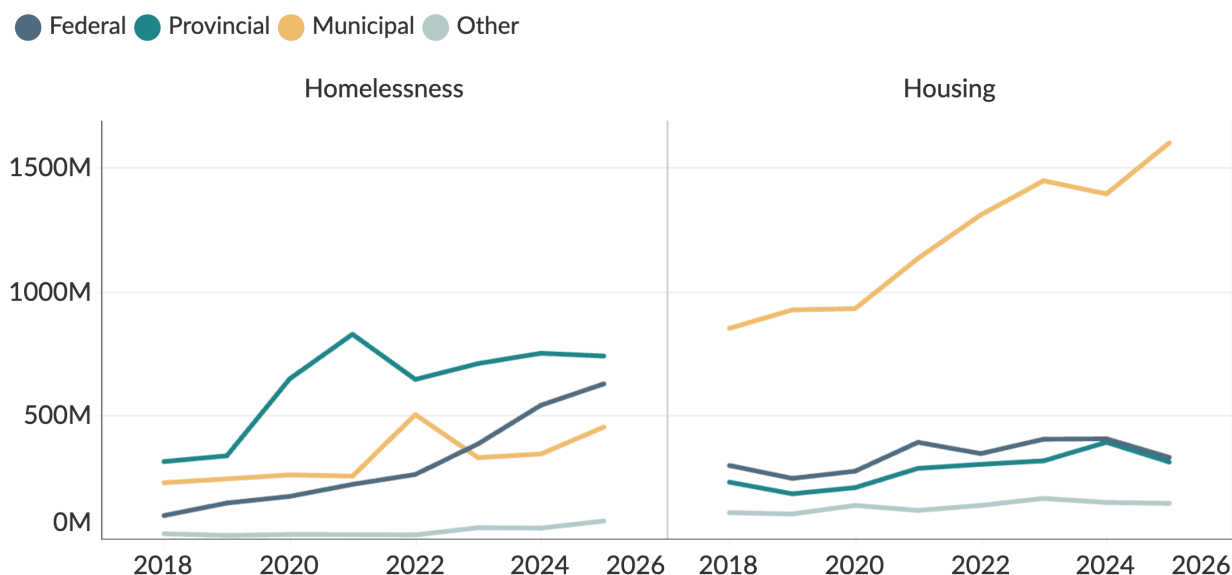


Table 8: Service Manager (SM) submission rates Ontario, 2018–2024

		2018	2019	2020	2021	2022	2023	2024	2025
Homelessness	SM count	38	39	42	44	44	47	47	47
	Population %	78%	79%	85%	88%	88%	100%	100%	100%
Housing	SM count	46	46	46	47	47	47	47	47
	Population %	80%	80%	80%	100%	100%	100%	100%	100%

7. Funding figures for 2024 in *Municipalities Under Pressure: The Human and Financial Cost of Ontario's Homelessness Crisis (2025)* reflected budgeted or estimated amounts, as the data collection period concluded in September prior to the end of the 2024 reporting year. Funding figures for 2024 in this update reflect reported full-year funding submitted by Service Managers. Differences between the two reports are attributable to the use of reported full-year data in this update.

Municipal governments are the primary funder of housing programs in Ontario, contributing approximately 67.4% of housing funding in 2025, while also providing nearly one-quarter of homelessness funding. In absolute terms, municipalities added approximately \$667 million in housing and homelessness funding between 2021 and 2025.

These figures reflect housing and homelessness funding reported through municipal Service Managers. However, they do not capture all homelessness-related costs incurred by municipalities. While Service Managers administer provincially funded housing and homelessness programs, all 444 municipalities incur additional expenses related to homelessness, including the provision of basic necessities, public safety and security, encampment management and clean-up, bylaw enforcement, and locally funded affordable-housing initiatives. As a result, total municipal exposure to homelessness-related costs is higher than what is reflected in Service Manager reporting alone.

Additionally, some provincial spending related to homelessness—such as Violence Against Women shelters and other provincially funded responses delivered outside the Service Manager system—is not captured in these figures.

Over the same period, homelessness continued to grow. Between 2021 and 2025, total funding increased by 32.1%, while the number of people experiencing homelessness increased by 49.1%. This indicates that financial investment and rising demand have expanded in parallel.

Homelessness growth is occurring alongside sustained and historically high levels of investment. While the data cannot indicate what homelessness levels would have been without this additional funding—particularly given rising inflow pressures, economic volatility, and constraints on housing availability—they do show that increased investment alone has not reversed the overall trajectory.

One such explanation may be the increase in chronic homelessness. As more people remain unhoused for longer periods, the cost of supporting each person increases. Longer shelter stays, repeated use of emergency and institutional services, and higher support needs raise per-person costs over time. As a result, increased funding can be absorbed by supporting fewer people for longer, rather than reducing homelessness overall.

4.2 Homelessness spending grew by 11% from 2024 to 2025, with emergency shelters and supportive housing accounting for most of that increase.

Spending on homelessness programs in Ontario increased from \$2.04 billion in 2024 to \$2.3 billion in 2025, an increase of \$229.9 million (11.3%).

The largest spending increases from 2024 to 2025 were for emergency shelters and supportive housing. Emergency-shelter spending increased from \$1.0 billion to \$1.1 billion, an increase of \$107.5 million (10.4%). This remained the single-largest area of homelessness spending.

Spending for supportive housing increased from \$540.8 million in 2024 to \$578.7 million in 2025, an increase of \$37.9 million (7.0%). While that year-over-year growth rate slowed compared to earlier years, supportive housing continued to represent a substantial and growing proportion of total homelessness spending, accounting for 25.5% in 2025.

Other program areas also had continued growth between 2024 and 2025. Spending on transitional housing increased from \$143.2 million to \$180.6 million, an increase of \$37.4 million (26.1%), while community outreach spending rose from \$87.1 million to \$134.6 million, an increase of \$47.5 million (54.5%). By contrast, spending on prevention and diversion declined from \$98.5 million to \$88.3 million, a decrease of \$10.2 million (10.4%).

Table 9: Homelessness program spending by program type, Ontario, 2021–2025

		2021	2022	2023	2024	2025
Emergency shelters	Expenditures	750.8M	820.1M	966.5M	1,030.4M	1,137.9M
	% of total	62.2%	64.2%	66.7%	50.5%	50.1%
	SM average	\$18,771K	\$19,073K	\$21,478K	\$21,923K	\$24,211K
	SM count	40	43	45	47	47
	Population %	86%	87%	95%	100%	100%
Transitional housing	Expenditures	64.6M	80.9M	90.0M	143.2M	180.6M
	% of total	5.4%	6.3%	6.2%	7.0%	8.0%
	SM average	\$2,810K	\$3,677K	\$3,599K	\$3,047K	\$3,843K
	SM count	23	22	25	47	47
	Population %	66%	52%	70%	100%	100%
Supportive housing	Expenditures	147.4M	163.5M	144.4M	540.8M	578.7M
	% of total	12.2%	12.8%	10.0%	26.5%	25.5%
	SM average	\$4,912K	\$4,673K	\$3,904K	\$11,507K	\$12,312K
	SM count	30	35	37	47	47
	Population %	61%	65%	73%	100%	100%
Caseload support services	Expenditures	26.4M	19.8M	22.8M	39.1M	45.7M
	% of total	2.2%	1.6%	1.6%	1.9%	2.0%
	SM average	\$1,054K	\$861K	\$948K	\$832K	\$973K
	SM count	25	23	24	47	47
	Population %	61%	57%	64%	100%	100%
Prevention and diversion	Expenditures	68.3M	83.7M	81.0M	98.5M	88.3M
	% of total	5.7%	6.6%	5.6%	4.8%	3.9%
	SM average	\$1,665K	\$2,092K	\$1,928K	\$2,097K	\$1,879K
	SM count	41	40	42	47	47
	Population %	67%	63%	71%	100%	100%

Community outreach	Expenditures	23.4M	35.7M	60.5M	87.1M	134.6M
	% of total	1.9%	2.8%	4.2%	4.3%	5.9%
	SM average	\$938K	\$1,021K	\$1,552K	\$1,853K	\$2,864K
	SM count	25	35	39	47	47
	Population %	59%	82%	91%	100%	100%
Other services and supports	Expenditures	126.5M	72.9M	83.3M	100.8M	104.1M
	% of total	10.5%	5.7%	5.8%	4.9%	4.6%
	SM average	\$3,163K	\$1,823K	\$2,083K	\$2,145K	\$2,214K
	SM count	40	40	40	47	47
	Population %	86%	85%	92%	100%	100%
Total	Expenditures	1,207.4M	1,276.7M	1,448.5M	2,040.0M	2,269.9M
	% of total	100.0%	100.0%	100.0%	100.0%	100.0%
	SM average	\$5,390K	\$5,364K	\$5,748K	\$6,200K	\$6,899K
	SM count	43	44	46	47	47
	Population %	87%	88%	96%	100%	100%

Housing program spending also increased in 2025. Total housing spending rose from \$2.31 billion in 2024 to \$2.7 billion in 2025, an increase of \$422.4million (18.3%). Growth was concentrated in rent supplements and housing allowances (+\$102.3 million), market rent housing (+\$61.3 million), and other housing programs (+\$162.8 million).

In a longer-term context, homelessness spending increased from \$1.21 billion in 2021 to \$2.27 billion in 2025, an increase of \$1.06 billion (88.0%). Over this period, supportive housing accounted for the largest absolute increase for any homelessness program area, rising by \$431.3 million, while emergency shelter spending increased by \$387.1 million. Together, these two areas accounted for most of the growth in homelessness spending.

Increased investment in supportive housing is necessary. Growth in spending for this program area recognizes its importance within the homelessness response and the growing number of people experiencing homelessness who have complex needs around mental health, substance use, and physical health. Many of these needs emerge or intensify over time, shaped by prolonged experiences of homelessness and limited access to timely housing, healthcare, and treatment earlier in people's pathways into homelessness (Gaetz & Dej, 2017).

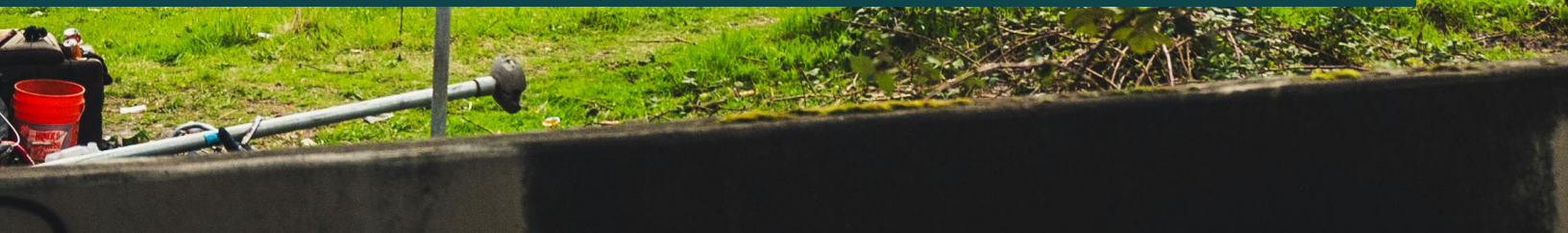
Recent provincial investments, including the establishment of Homelessness and Addiction Recovery Treatment (HART) hubs, reflect growing recognition of the close connection between homelessness, mental health, and substance use.

At the same time, the continued year-over-year growth in spending on emergency shelter and supportive housing shows that demands on the system are driven by increasingly complex needs. This pattern demonstrates that pressure is building at the intensive end of the system, driving more investment in responses to crisis and long-term high support, rather than reducing the flow of people before they reach that level of need.

5

Future homelessness

This section presents updated projections of future homelessness in Ontario, using the most recent data available and projections that illustrate how homelessness is expected to change under different economic and policy conditions.



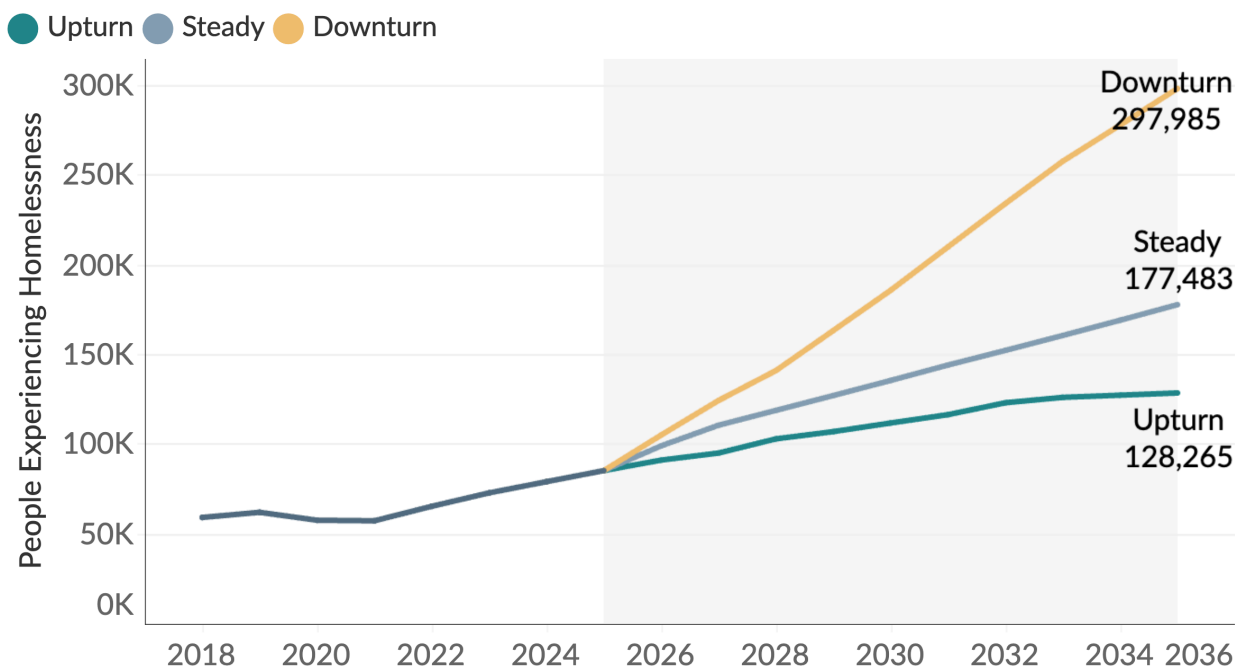
5.1 Over 170,000 people may be experiencing homelessness by 2035.

Homelessness in Ontario is projected to increase substantially through 2035, under all modelled conditions. The projections in this update are generated using the same model structure and core drivers applied in the January 2025 *Municipalities Under Pressure* report, including labour-market conditions, income, housing affordability, population change, and core housing need. What differs in this update are the assumptions applied to those drivers, reflecting the current economic and policy environments, which have changed. Additional detail on model structure and assumptions is provided in the technical appendix.

Under an economic upturn, homelessness is projected to reach approximately 128,265 people by 2035. Under steady conditions, the projection rises to 177,483, while under an economic downturn, the number reaches approximately 297,985.

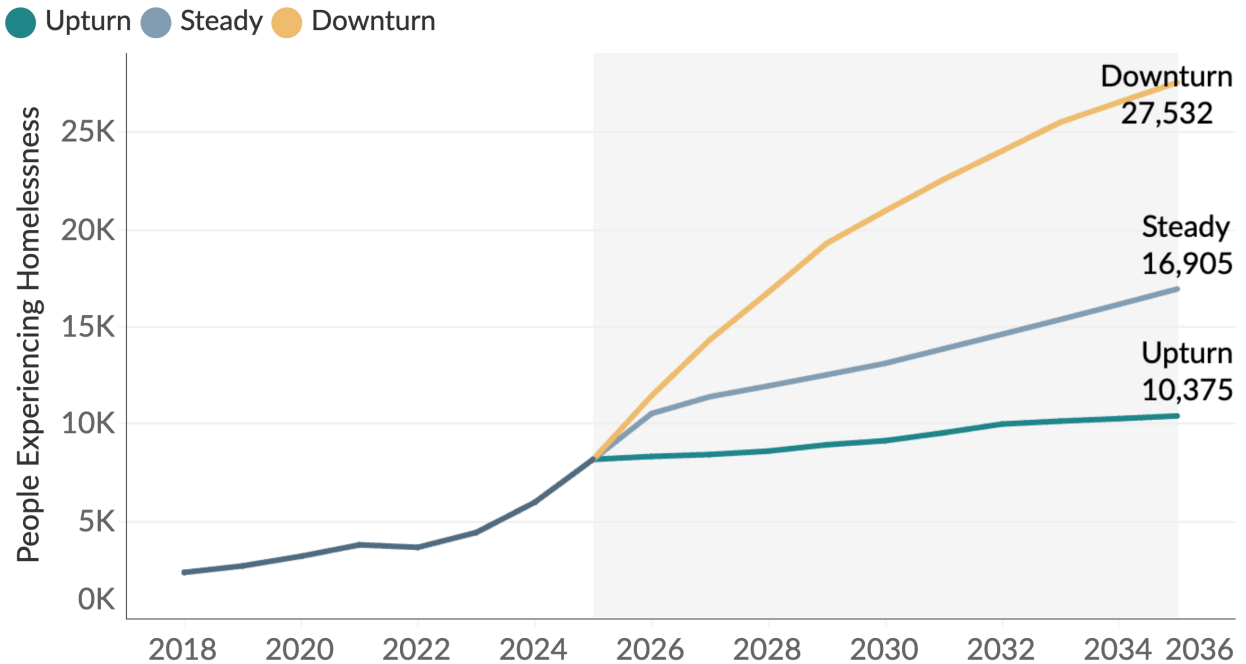
In each scenario, homelessness continues to increase rather than stabilizing or declining, even under improved economic conditions. Homelessness by 2035 is projected to more than double under the steady scenario and more than triple under the downturn scenario.

Figure 10: Projected homelessness under three socioeconomic scenarios, Ontario, 2025–2035



In Northern Ontario, homelessness is projected to rise by 2035 to approximately 10,375 under an upturn, 16,905 under steady conditions, and 27,532 under a downturn. In Southern Ontario, increases in projected homelessness account for the majority of provincial growth in absolute numbers across all scenarios, reflecting larger populations and ongoing affordability pressures.

Figure 11: Projected homelessness under three socio-economic scenarios, Northern Ontario, 2025–2035



The updated assumptions reflect more severe and prolonged economic shock than was projected in earlier downturn scenarios. Emerging risks—including United States trade tariffs, weakening global demand, and new domestic policy restrictions affecting immigration—are assumed to place deeper and longer-lasting strain on Ontario's economy. Under these conditions, unemployment rises faster and remains elevated for longer, immigration declines more sharply, and core housing need accelerates as incomes stagnate and the cost of living continues to rise.

Recent economic indicators suggest this added pressure is already starting to occur. Ontario's real GDP contracted 0.6% in the second quarter of 2025, marking the first quarterly decline other than during the pandemic in nine years, driven in part by the effects of the United States tariffs on manufacturing and exports (Government of Ontario, 2025).

The Financial Accountability Office projects 68,100 fewer jobs in 2025 and 119,200 fewer jobs in 2026 under current trade conditions (Financial Accountability Office of Ontario, 2025). Labour-market disruption is closely linked to homelessness through income instability. Job loss and insufficient income are leading factors in housing loss, with 37% of respondents citing insufficient income as the primary reason for their most recent episode—up from 28% in 2020–2022 (Housing, Infrastructure and Communities Canada, 2025).

5.2 Homelessness in Ontario is not a temporary crisis.

The projections in Section 5.1 show homelessness continuing to increase through 2035 under all modelled conditions, including scenarios that assume economic improvement. This premise builds on a longstanding and substantial level of homelessness that existed before the pandemic. That was followed by a sharp increase beginning around 2021, with no subsequent return to earlier levels. While the increase in homelessness has moderated since 2021, there continues to be an upward trajectory.

It is clear that this pattern of increasing homelessness is not a temporary crisis. Though we are at risk of the situation becoming intractable, there are things we can do to change the current trajectory. In considering rates of homelessness over the past nine years, we can see that, prior to 2021, homelessness levels were relatively stable, though still high, reflecting persistent underlying pressures. That these pressures have not been resolved is evident from continued increases: despite larger investments, the homelessness system has not been able to reduce homelessness overall.

Recent trends support this conclusion. Between 2024 and 2025, both homelessness and homelessness-related spending continued to increase: as people remain unhoused for longer periods and access to permanent housing remains limited, more people stay within the system for longer. This increases pressure on services and increases costs over time.

As a result, investment and system response are increasingly directed toward managing higher levels of demand, rather than reducing homelessness back to earlier levels. Emergency shelters, supportive housing, and other high-intensity responses have expanded to meet growing need, meaning spending is reacting to demand rather than reducing it.

In these circumstances, it is not feasible for any single level of government or homelessness-related program, under the current system design, to produce sustained reductions in homelessness.

It is important to note that the economic-scenario projections assume that current funding levels will be maintained in an increasingly constrained fiscal environment, but should existing federal housing investments, including the National Housing Strategy, be reduced or suspended, projected homelessness may increase substantially.

6

Moving forward

The findings in this report indicate that reversing the growth of homelessness will require both substantial housing investment and changes in how systems operate together.

The previous *Municipalities Under Pressure* report modelled the scale of investment required to change the trajectory of homelessness, assuming improved coordination and performance across the broader social safety net. That modelling identified two investment approaches:

- a longer-term investment of approximately \$11 billion over 10 years to substantially expand deeply affordable and supportive housing, alongside ongoing operating funding for prevention, housing stability, and supports; or
- a targeted near-term investment of approximately \$2 billion to address acute pressures such as encampments and visible unsheltered homelessness, intended to reduce immediate harm and slow further system strain while longer-term housing supply is developed.

These investment estimates have not been re-modelled in this update, as they continue to reflect the scale of housing and social infrastructure required to improve outcomes under current conditions.

At the same time, this report shows that homelessness has continued to increase despite growing investment and expanded system activity. This pattern suggests that decisions made within the homelessness-serving system alone, while necessary and reflective of sustained effort, have not been sufficient to reverse overall homelessness. The findings point to the importance of examining how conditions across the broader social safety net interact over time, particularly under sustained pressure.

Historically, responses to homelessness have focused primarily on managing immediate need rather than preventing housing instability earlier. What is required is a more coordinated approach that addresses the conditions associated with homelessness, with clearer alignment of policy, funding, service delivery, and accountability across housing availability, income supports, healthcare, mental-health and substance-use services, the justice system, and other related systems.

This section describes what is required to support that shift in approach.

6.1 Slowing the rate of homelessness requires each government, across departments, and all levels of government, to work together in a coordinated approach.

Improving outcomes across Ontario's social safety net requires actively integrating how social policy, funding, and service delivery operate across housing, healthcare, income supports, justice, child welfare, education, and related systems. These systems serve the same people over time and need to work together to effectively serve the population's needs.

When systems plan and deliver programs in isolation, there are gaps, duplications, and inefficiencies, even when individual programs are performing as intended. Over time, this leads to income insecurity, higher use of emergency healthcare, involvement with the justice system, and homelessness.

But homelessness rarely comes first. Integrating the social safety net to improve outcomes earlier and more broadly, rather than addressing any single issue in isolation, will help support a greater focus on homelessness prevention.

A whole-of-government approach means strategically aligning systems to work together, so that public policy and service delivery support stability earlier, reduce the cycle of repeated system use, and improve outcomes across people's lifetime. Expected benefits will go beyond reducing homelessness, to include improved health outcomes, more stable income-support transitions, reduced reliance on emergency services, and improved overall use of public resources.

This approach requires governments working together. Housing supply and immigration policy are shaped in part by federal decisions. Healthcare, income supports, and system design are administered provincially. Housing and homelessness services are delivered municipally through Service Managers. Better outcomes depend on how these various government programs interact.

In practical terms, this integration requires alignment in:

- Data, so people can be followed across systems over time.
- Activities, so services connect at key transition points.
- Funding, so public resources reinforce shared outcomes rather than shifting costs to one another.
- Outcomes and accountability, so responsibility for system performance is visible across each government's departments and all levels of government.

The province is uniquely positioned to lead integration across the social safety net, given its role in setting social policy, administering major service systems, and managing the largest share of social spending.

6.2 A shared data infrastructure is required to understand people, outcomes, and costs.

A whole-of-government approach depends on seeing how people access various systems over time. The province holds extensive administrative data across the social safety net, while Service Managers hold detailed information on housing, homelessness, income supports, and related community services. In most cases, these datasets remain separate.

Linking data across systems makes it possible to identify where instability begins, how long it lasts, and how people move between programs. Such linkages also allow governments to see patterns of repeated system use, prolonged and recurrent homelessness, and delayed exits.

This approach makes the most of funding limited by fiscal constraints, allowing governments to see whether public spending is improving outcomes.

6.3 Identifying persistent, cross-system needs will improve outcomes and manage cost.

When data is connected across systems, it becomes possible to identify people whose needs are being addressed repeatedly rather than being resolved. This is important, because such situations account for a disproportionate amount of public spending. Cross-system connections can help ensure that responses to those needs are timely and in the right sequence.

6.4 Activities across systems must be aligned at key transition points.

Adverse outcomes, including homelessness, frequently occur at predictable transition points, such as hospital discharge, justice involvement, loss of income, housing instability, or ageing out of care. These situations are shaped by eligibility rules, funding arrangements, and operational practice across multiple systems.

Aligning programs and early coordination at these points prevents people from falling into gaps between systems and improves outcomes over time.

6.5 Public spending should be traceable across systems and outcomes.

Public spending on essential services—including housing, healthcare, income supports, justice, and emergency services—is largely planned within individual programs under the direction of individual ministries. But, over time, the programs are serving the same people.

The response to homelessness illustrates this. People experiencing homelessness often interact with multiple systems, either all at once or sequentially. Each system may be acting as effectively as possible within its mandate, yet the total spending may still fail to help people achieve and sustain permanent housing. Overall costs may often be higher in a fragmented system while outcomes may be poorer.

Housing supply is a critical constraint on these outcomes. Federal investment is required to finance the construction of deeply affordable and social housing at the levels required. Recent initiatives, including Build Canada Homes, represent an important step in this direction (Government of Canada, 2024). However, without sustained capital investment at sufficient scale—aligned with provincial system design and municipal funding and delivery—new supply will continue to be absorbed into an already strained system without producing durable housing exits or changing overall outcomes.

Making public spending traceable across systems allows governments to understand how housing investment interacts with spending in other areas, identify inefficiencies, and assess whether resources are reducing homelessness through improved exit outcomes or unintentionally sustaining it by trying to manage chronic homelessness through crisis services. This visibility is essential for aligning housing investment with changes elsewhere in the social safety net, so that public spending produces lasting housing stability rather than managing persistent instability.

6.6 Accountability for outcomes should extend across ministries and governments.

Reducing homelessness depends on whether public spending across systems results in people securing and keeping stable, long-term housing. Stabilizing costs over time requires better outcomes, including shorter periods of homelessness, fewer returns into homelessness, and greater housing stability.

People's needs are shaped over time by multiple systems, including housing, income support, healthcare, and justice. But since accountability remains largely organized within individual programs and ministries, it becomes difficult to see whether people are achieving stable outcomes or whether costs and pressures are simply being moved from one system to another.

With fiscal constraints, cross-system accountability becomes even more important, allowing governments to distinguish between cost containment resulting from improved performance and cost reductions based on delays in serving needs or shifting the pressure to other programs and systems.

Accountability should be tied to shared, system-level targets, rather than program-specific measures. These targets should focus on outcomes that matter across systems, including reducing avoidable use of emergency services, shortening the time people remain homeless, improving housing stability, and reducing reliance on high-cost crisis responses.

6.7 Acting earlier is essential to managing cost and improving outcomes.

Improving how systems work together does not reduce the need for housing investment. It determines whether that investment leads to greater stability or is quickly overwhelmed by continued homelessness. Delays in addressing housing availability and related system pressures increase costs across housing, healthcare, income supports, and emergency services.

If current trends continue, pressures across housing, healthcare, income supports, and emergency services will intensify and become increasingly difficult to manage. Homelessness is projected to continue increasing through to 2035, and many communities are already experiencing these effects.

Acting earlier creates an opportunity to change course. This includes not only investing in housing sooner, but also addressing how other systems contribute to housing instability and homelessness. Earlier action can reduce the number of people entering homelessness, shorten the time people remain unhoused, and limit the accumulation of costs across multiple systems.

In a fiscally constrained environment with sustained growth in need, the central challenge is to act early enough, and in a coordinated way, so that public spending supports individual, family, and community wellbeing rather than managing ongoing instability. This requires combining necessary housing investment with changes in how policy, funding, service delivery, and accountability operate across the broader social safety net.

Conclusion

Ontario's current discussions around policy emphasize protecting the province from external economic threats, including trade disruption, tariffs, and global instability. The findings of this report demonstrate that Ontario is also dealing with growing internal pressure that warrants the same sort of forward-looking approach. Homelessness is now a predictable, modelled outcome under current conditions. Its persistence is shaped by an increase in chronic homelessness, limited options to exit homelessness, and increasing interactions with health, justice, and emergency systems.

In *Municipalities Under Pressure* (2025), the investment required to change this trajectory was estimated at approximately \$2 billion to address acute pressures, such as encampments, in the near term, and up to \$11 billion over 10 years to achieve functional zero chronic homelessness through expanded housing and supports (Donaldson, Wang, Escamilla, & Turner, 2025). We stand behind that assessment in this updated report.

These investments are required to expand deeply affordable and supportive housing, transitional housing, emergency infrastructure where it does not exist, and effective mental-health and substance-use treatment. Additional investment in broader affordable-housing construction is also necessary to reduce first-time homelessness and to support economic activity during a period of trade disruption. Preserving existing federal housing investments, including the continuation of the National Housing Strategy, remains critical.

Recent federal initiatives, including Build Canada Homes, represent a meaningful step toward an improved deeply affordable housing supply. To improve homelessness outcomes, these capital investments must be sustained and aligned with provincial-system design and municipal delivery.

Even with these investments and initiatives underway, over the last four years, combined housing and homelessness funding has increased by approximately 32.1%, while the number of people experiencing homelessness has increased by approximately 49%. This pattern highlights the difficulty of translating increased investment into sustained reductions in homelessness across a multi-level system.

Increased funding alone cannot change outcomes in a system facing continued inflow into homelessness, long durations without housing, and responses spread across multiple sectors. While new social infrastructure is being developed, outcomes will *also* depend on how effectively policy, funding, and delivery are aligned across provincial systems and Service Manager operations. As fiscal pressures grow, labour-market conditions change, and external risks intensify, reliance on continued spending increases alone is not sustainable.

Protecting Ontario means ensuring that housing, homelessness, healthcare, justice, child welfare, social assistance, and employment systems have the capacity to respond effectively under sustained pressure.

Homelessness is one visible expression of broader strain across the social safety net. The broader question is whether current systems can produce stability over the life course—across housing, health, income security, disability support, ageing, and family wellbeing—rather than responding after instability has already taken hold.

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Technical appendix

This appendix summarizes methodological changes and updates from the previous report published in January 2025. This report focuses on differences in data collection, coverage, and estimation approaches.

For full methodology details, refer to the Technical Notes in the previous report: <https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Reports/2025/2025-01-08-EndingChronicHomelessnessinOntario.pdf>

1. Data collection and coverage

Data collection

Compared to the previous collection cycle, data was collected from Service Managers for 2024 and 2025 only, whereas the previous report collected data from 2016 to 2024. The 2024 data collected in the current cycle replaces the 2024 data from the previous cycle.

This year's collection included approximately 10% of the data points from last year, focusing on:

- People experiencing homelessness
- Community housing (RGI) waitlist
- Program funding
- Program expenditures

Service Manager participation

All 47 Service Managers provided data for 2024 and 2025, with only a few missing data points. Some reported figures may not include data from all Service Managers due to the exclusion of outliers and/or timing of submissions.

Estimation approach

For Service Managers that provided year-to-date figures for 2025 (January through October or November), totals were projected to year end using the same methodology applied in the previous cycle. Data reported for 2024 in the current cycle replaced the year-to-date 2024 data from the previous cycle. The normalization process for annualizing point-in-time and monthly counts was refined to improve accuracy.

2. New metrics

Encampments

Encampment data was collected systematically for the first time in this cycle. While encampment questions were included in last year's collection, data quality was insufficient for reporting. In the current cycle, 46 of 47 Service Managers provided a point-in-time count of encampments.

Unsheltered homelessness

Point-in-time unsheltered homelessness counts were collected for the first time in this cycle. Of 47 Service Managers 43 provided a count, with figures representing people living outside or in places not intended for habitation.

3. Community housing waitlist

Data coverage

For 2024, all 47 Service Managers reported waitlist data. For 2025, 46 Service Managers reported. The missing value for 2025 was estimated using the aggregate year-over-year change (6.7%) observed among Service Managers that reported for both years.

Wait times

Wait-time data was reported by 45 Service Managers for 2024 and by 43 for 2025. Two Service Managers were excluded from averages due to extreme outlier values.

4. Funding and expenditures

Historical data (2018–2023)

Funding and expenditure data for 2018–2023 from the previous reporting cycle was carried forward unchanged. In that dataset, approximately 6% of funding data was estimated to fill gaps where some Service Managers had missing years.

Current data (2024–2025)

No missing values were filled or estimated for 2024 and 2025. Most Service Managers reported 2024 figures based on actuals (calendar year or fiscal year results), while 2025 values were drawn from approved budgets or year-to-date actuals prorated to represent the full year.

5. Comparability with other sources

The funding and expenditure data collected may not align with other reports or publicly available data for several reasons:

- Amounts reflect what was received rather than what was announced or committed over multi-year periods.
- Housing and homelessness program categorization differs from standard reporting structures.
- Service Managers often do not receive detailed statements specifying federal or provincial contributions in cost-shared programs.
- Some funding streams or program allocations outside the scope of this analysis may be included in other datasets.

6. Projection methodology

Model structure

The underlying projection model is unchanged from the previous report. It uses multiple linear regression with ridge regression, backward elimination, principal component analysis, and k-fold cross-validation.

Base Data

The model uses people experiencing homelessness (PEH) data from 2016 to 2025. For 2016 to 2023, standardized values produced during the previous reporting cycle were carried forward. For 2024 and 2025, data collected from Service Managers in the current cycle was used, with the same standardization process applied.

Scenario assumptions

The three scenarios (steady, upturn, downturn) use the same framework as the previous report, but assumptions have been updated to reflect significant shifts in the policy and economic landscape, including changes to trade policy, immigration targets, and housing market conditions. Updated assumptions also address persistent housing supply shortfalls, inadequate income supports, mental health treatment gaps, and emerging climate displacement risks.

Table 10: Changes to scenario assumptions from the previous report

Variable	Change	Rationale
Unemployment rate	Increased	Trade shocks and persistent structural barriers limit labour market matching, keeping unemployment elevated despite labour shortages.
Median household income	Decreased	Prolonged real income stagnation and constrained productivity keep income growth well below historical levels.
Core housing need	Increased	Ongoing housing supply shortfalls, inadequate income supports, and structural barriers to housing stability drive sustained growth.
Households with limitations	Unchanged	No new evidence indicating a material change from prior assumptions.
Maximum affordable shelter cost	Decreased (relative to market rents)	Income growth fails to keep pace with rent increases, widening the affordability gap for low-income households.
Median value of dwellings	Increased	Persistent housing supply constraints continue to place upward pressure on housing prices.

Comparability with the previous report

Projection results are not directly comparable to the previous report due to both updated base data and revised scenario assumptions. The higher projections in the current report reflect the incorporation of significant policy and economic shifts that were not present or anticipated in the previous report's assumptions. Under the steady scenario, homelessness is projected to reach 177,483 by 2035, compared to 156,241 in the previous report

This difference reflects new information about the economic and policy environment being incorporated into the model, not a change in the underlying methodology or model structure.

THE REGIONAL MUNICIPALITY OF
WATERLOO
Applicants

and

3607
PERSONS UNKNOWN AND TO BE
ASCERTAINED
Respondents

Court File No.: CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at KITCHENER

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SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

2nd AFFIDAVIT OF AARON EL SABROUT

I, Aaron El Sabrout, of the City of Kitchener, in the Region of Waterloo, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I previously affirmed an affidavit dated July 7, 2025. I adopt and rely upon that affidavit and update certain matters below.
3. I attend the Encampment as an independent community volunteer to provide peer support to the residents and to provide mutual aid resources.

4. As an update to my July 7, 2025 affidavit, in and around December 2025, I went from attending 3-4 times per week, to attending 2-3 times per week.

5. In the two weeks leading up to affirming this affidavit, I attended the Encampment on the following dates:

- Tuesday, March 24, 2026
- Wednesday, March 25, 2026
- Thursday, March 26, 2026
- Friday, March 27, 2026
- Tuesday, March 31, 2026
- Thursday, April 2, 2026
- Saturday, April 4, 2026
- Tuesday, April 7, 2026

6. On Tuesdays I would arrive around 12:00 pm, and on Thursdays I would arrive around 10:00 am, and on the other dates my timing would vary. I would attend for a few hours on each visit.

7. On each occasion I observed approximately 15-20 people who appeared to have slept at the Encampment overnight. I arrived at this number through a combination of methods – on the mornings, it was early enough that many people were still sleeping/inside their residences, I walked around and knocked to offer people smokes/food and counted the folks that were visible to me if someone opened the door (this would be an undercount for the larger structures). I also spoke to people and asked, "are you staying here right now" after seeing them on site. I also kept track, even if someone didn't greet me in the morning when I knocked, of folks who clearly were sleeping and getting up for the first time that day when they emerged to go across the street to St. Johns to wash up (typical first thing in the morning behavior).

8. I have also spoken to another volunteer, Sky Dasey, who was attending the Encampment on alternating days to me over the past two weeks. Sky has advised and I believe it to be true, that it is also her estimate that approximately 15-20 people are staying overnight.

9. In the past week, I observed 4 new tents being set up at the Encampment. In my estimate there are about 12 structures currently being used on site.

10. During the daytime in addition to the 15-20 people noted above, I also regularly observed about 10-15 more people each day visit the Encampment. I would observe people going to visit residents, pick up donations, or hang out in the space. I understand that some of these people rely on the Encampment as a place to shelter during the day as they sleep at the winter warming centre across the street at night.

11. I understand from reading posters in downtown Kitchener that the overnight warming centre across the street at St. John's will close on April 12, 2026. In my experience the numbers at the encampment will grow once winter warming spaces close.

AFFIRMED remotely by Aaron El Sabrout)
 at the City of Kitchener, in the Province)
 of Ontario, before me at the City of Kitchener)
 in the Province of Ontario on April 8, 2026 in)
 accordance with O. Reg. 431/20.)



Ashley Schuitema, A Commissioner of
 Oaths (LSO # 68257G)



AARON EL SABROUT

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

3611

Court File No.: CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

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Court File No. CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

This is the Cross-Examination of **Aaron El Sabrout** on his affidavit dated July 7, 2025, taken via Zoom videoconference on consent of the parties on July 14, 2025.

APPEARANCES:

ANDREW LOKAN, Mr. Counsel for the Applicant
GRETA HOAKEN, Ms.

SHANNON DOWN, Ms. Counsel for the Respondents
JOANNA MULLEN, Ms.

MERCEDES PEREZ, Ms. Amicus Curiae

(i)

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July 14, 2025

AARON EL SABROUT, AFFIRMED

CROSS-EXAMINATION BY MR. LOKAN:

1. Q. Aaron, you're here to be questioned on your affidavit that you affirmed on July 7th, 2025?

A. Okay.

2. Q. And do you have a copy of that affidavit with you?

A. Yes, sir, right here.

3. Q. Okay. And you don't have any other materials with you, do you, either on your screen or printed?

A. No. Just my water bottle and the affidavit.

4. Q. Okay, the water bottle is permitted. My name is Andrew Lokan, I'm counsel for the Region and I have some questions for you. And just a couple of ground rules. First, if I ask a question and you either don't hear or it's not clear what I'm asking, or you don't understand, please feel free to ask me to repeat or to clarify. Okay?

A. Okay.

5. Q. A second thing is that we should try and avoid talking over each other because if we're both talking at once, it makes it very difficult for

A. El Sabrout (Cr.-Ex.) - 4

1 the reporter on the transcript. So if that happens we
2 should probably stop. Sometimes it happens because of
3 me but we should both stop and then it is easier to
4 sort out.

5 And the other thing is that if you are
6 either agreeing or disagreeing with something that I
7 suggest to you, you should say "yes" or "no" and avoid
8 saying "Mm-hmm" or "Mm-mm" because that is ambiguous
9 on the transcript.

10 A. Understood.

11 6. Q. Okay, thank you very much. So I
12 understand, Aaron, from Paragraph 2 of your affidavit
13 that you are a member of Fight Back KW?

14 A. Yeah, I mean, we're not exactly an
15 organization, just a collective of folks. But I
16 participate among the other folks.

17 7. Q. Okay. And I'm not too concerned about
18 outside of the encampment. But I understand that for
19 the encampment, a call went out in late April or so to
20 people through the Fight Back KW Facebook page, to
21 start attending the site on a 24/7 basis.

22 A. I don't have a Facebook account.

23 8. Q. Okay, so you may not have seen that.

24 9. Q. But there is a 24/7 presence of Fight
25 Back at the encampment, is that right?

A. El Sabrout (Cr.-Ex.) - 5

1 A. Yes, that's correct.

2 10. Q. Okay. So just for the people who are
3 present at the encampment, who, other than you, is
4 part of that?

5 A. I'm not certain of all of the folks
6 involved. I know only know a couple of people.

7 11. Q. Okay, so the people you do know, can
8 you just tell me who they are?

9 A. Sure, there's like Jakob, Eddy, Brian
10 and Wren.

11 12. Q. Okay. And you may or may not know last
12 names but Jakob, that would be Jakob Stubbs, would it?

13 A. I don't know anybody's last names,
14 sorry.

15 13. Q. Okay. Wren Wombwell?

16 A. Potentially.

17 14. Q. Okay. And sometimes Jacara is with you
18 as well?

19 A. I believe I have met this person, yeah.
20 I don't know if that's the name they go by.

21 15. Q. Okay. The name, Fight Back ---

22 A. Mm-hmm.

23 16. Q. That's one of the -- it doesn't matter
24 this time but that was a "Mm-hmm," we need a yes or a
25 no.

A. El Sabrout (Cr.-Ex.) - 6

1 A. Oh, sorry.

2 17. Q. That's okay. What is your collective
3 fighting?

4 A. That's a good question. I don't think
5 that we have, you know, like fixed aims or like --
6 like line or like orientation. I would say in this
7 particular instance, we are helping to defend the
8 right of the folks who are camping at 100 Victoria to,
9 you know, survive in the fashion that they are able to
10 under the circumstances that they're in.

11 18. Q. So it's to help them remain at the
12 encampment?

13 A. I -- like I said, we don't really have
14 like a fixed set of goals or like a mission.

15 19. Q. Okay, and it's an informal collective,
16 is that fair?

17 A. Yes, exactly.

18 20. Q. Okay. I would like to pull up your
19 LinkedIn page, if we can?

20 A. Sure. I don't know if I have one of
21 those but maybe I made it during university.

22 21. Q. So you were, I understand, at Cornell
23 until fairly recently.

24 A. I graduated from Cornell Law School in
25 2019, that's correct.

A. El Sabrout (Cr.-Ex.) - 7

1 22. Q. Okay. So it doesn't look like you're
2 that active in terms of posting, "Aaron hasn't posted
3 yet." But you are listed here as being a research
4 assistant at Cornell First Amendment Clinic, August
5 18th to the present?

6 A. And that would have been a long time
7 ago but, yes, I was at the time.

8 23. Q. Okay. And you got your JD in 2019?

9 A. That's correct.

10 24. Q. Okay. So the research assistant work
11 that you did, was that while you were doing your JD?

12 A. That's correct, yes.

13 25. Q. Okay.

14 A. It was for a professor at the
15 university. Or, this one was for the clinic so it was
16 a -- it was a course that I was taking. And I also
17 worked for them on the side.

18 26. Q. Right. So, you know, you have a JD
19 from Cornell in the States but you're not qualified as
20 a lawyer in Canada, are you?

21 A. I have some understanding of Canadian
22 law but I am not currently licensed, no.

23 27. Q. Okay. And you have not studied law
24 formally in Canada?

25 A. That's correct.

A. El Sabrout (Cr.-Ex.) - 8

1 28. Q. Okay. Just in terms of the work you
2 did with the First Amendment Clinic, the First
3 Amendment is the amendment of the U.S. Constitution
4 that includes the right to free speech, is that right?

5 A. That is correct.

6 29. Q. And in the U.S. context, conduct can
7 count as speech, right?

8 A. Yes, the First Amendment also protects
9 individuals' right to freedom of assembly and to
10 freedom of association, as well as freedom of
11 religion.

12 30. Q. And free exercise of the establishment
13 clause, all of that's in the First Amendment, right?

14 A. That's correct.

15 31. Q. Okay.

16 A. I fail to see how this is relevant,
17 however.

18 32. Q. Well, you know, I am here to ask the
19 questions. So this -- what I'd ask you about is
20 "conduct of speech." There is a recognized U.S.
21 doctrine that some conduct counts as expressive
22 activity or speech protected by the First Amendment,
23 right?

24 A. Sure, such as the right to protest, for
25 the example.

A. El Sabrout (Cr.-Ex.) - 9

1 33. Q. Right.

2 A. Or the right to practice one's
3 religion.

4 34. Q. And protest can be a protected activity
5 including civil disobedience, correct?

6 A. I would have to look at the caselaw and
7 it would depend very much on what the people were
8 involved in.

9 35. Q. Okay. Burning of draft cards, for
10 example.

11 A. Sure, that's a classic case from the
12 Viet Nam war.

13 36. Q. Okay. Now you say that you were
14 present at 100 Vic for shifts of three-plus hours,
15 that's what you say in your affidavit?

16 A. Yeah.

17 37. Q. Three to four times a week? Has that
18 continued to be the case?

19 A. Yeah.

20 38. Q. And in Paragraphs 5 and 6, I'm just
21 interested in what you said here. I -- we're going to
22 pull that up and in Paragraph 5, you say:

23 "... Since the passing of the bylaw, members
24 of Fight Back have been present on-site 24/7
25 days a week. I personally have been going

A. El Sabrout (Cr.-Ex.) - 10

1 every Tuesday for at least three hours since
2 November of last year. And then Fight Back
3 has endeavoured to maintain an up-to-date
4 real-time shift log with details of all
5 region staff accessing the site as well as
6 police, medical and security incidents, to
7 the best of our ability ..."

8 So I've read that correctly, have I?

9 A. It appears so, yes.

10 39. Q. Okay. So tell me just about the way
11 this shift log works. Is there one person or some
12 people that maintain it?

13 A. So, yeah, generally speaking, the shift
14 log is a chat and we keep it up-to-date in real-time
15 when we are on-site with the person who is like
16 formally signed up to volunteer at that time.

17 As well as sporadically, like the folks who
18 are dropping off resources or there for some other
19 reason who happen to see something of note that they
20 feel is worth recording.

21 40. Q. Okay. So it's done as a chat, do you
22 mean like a WhatsApp or ---

23 A. Something like that. Yeah.

24 41. Q. Or Signal?

25 A. Mm-hmm. Like Signal.

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1 42. Q. You said "Mm-hmm." Sorry, that was
2 "yes" for Signal?

3 A. Yes, on Signal, that's correct.

4 43. Q. When you said "something like that," is
5 it Signal that you use for the ---

6 A. Yeah.

7 44. Q. Okay. And in Paragraph 6, you say:

8 "... Prior to the passage of the bylaw,
9 unsheltered workers ..."

10 So those are the unsheltered support
11 workers, USWs? Do you know that terminology?

12 A. Sure, yeah.

13 45. Q. "... USWs from the region were showing up
14 much less frequently in the encampment.

15 Estimating from the logs, I would say they
16 came maybe once or twice a week. Whereas
17 now, they come almost every weekday ..."

18 Do you see that?

19 A. Yes.

20 46. Q. Okay, so the logs, I take it, go back
21 to November?

22 A. Yeah, at least as long as I have been
23 around.

24 47. Q. Okay. And when did you start coming to
25 the site?

A. El Sabrout (Cr.-Ex.) - 12

1 A. November, I believe, is correct.

2 48. Q. Okay.

3 A. Of 2024, for clarification's sake.

4 49. Q. Yeah, sure. Now, I had asked for

5 production of the logs in advance of today's

6 questioning. And I did get a couple of documents.

7 And I am going to ask that we pull them up. We

8 actually marked them on earlier examination.

9 So this one was Exhibit 1 to the Jacara

10 Droog cross-examination.

11 A. Okay.

12 50. Q. And there is a second one that starts

13 April 25 and we marked that as Exhibit 2 to the Jacara

14 Droog cross-examination. Now, these are not documents

15 that you recognize as the log as such, right?

16 A. No, based on my observation, these are

17 -- like for the ones at least that are from me, which

18 are on-screen currently, there are three. This is the

19 text of what I put into the chat but it is not a

20 screenshot from the chat.

21 51. Q. Okay. So somebody has gone through,

22 and basically taken out certain communications from

23 the Signal chat.

24 A. That is what it appears to be.

25 52. Q. Right, but you weren't the one who did

A. El Sabrout (Cr.-Ex.) - 13

1 that?

2 A. No.

3 53. Q. Okay. So when I asked for production
4 of the log, I didn't actually get the log, did I?
5 This is not ---

6 A. I am not super-tech savvy. But my
7 understanding is that because Signal is end-to-end
8 encrypted, it is not possible to explore a log of the
9 actual chats.

10 54. Q. But you can -- you can do screenshots
11 of the chats?

12 A. I imagine so, yes.

13 55. Q. Okay. Your evidence at Paragraph 6 is
14 that you say based on -- or estimating from the logs,
15 you talk about the frequency of the USW attendance on-
16 site. So I take it you went back and checked the log
17 in order to make that statement?

18 A. Yes. That's correct.

19 56. Q. So you were able to go back and consult
20 with the log for November and find evidence relevant
21 to who would be on-site and when?

22 A. Yeah.

23 57. Q. But you don't personally know why that
24 wasn't produced to me?

25 A. No, I have no clue.

A. El Sabrout (Cr.-Ex.) - 14

1 58. Q. Okay.

2 A. I assume again, it's because the Signal
3 does not allow for downloading of the chats.

4 59. Q. But you can do screenshots you think?

5 A. I believe; I am not certain.

6 60. Q. Okay.

7 A. I believe also it's worth mentioning
8 that the log contains a lot of things that are likely
9 not relevant to this litigation, such as like private
10 matters relating to residents. Also probably like a
11 large number of the entries, at least for my part, are
12 things like, "I am here." "I brought toilet paper."

13 61. Q. Okay. What I am going to ask, though,
14 is, with the assistance of counsel, you could go back
15 and produce the log going back to November, your time
16 of arrival on the site. And with redacted, anything
17 that reflects a confidential conversation with a
18 resident.

19 A. I'll consult with counsel about that,
20 sure.

21 62. Q. Okay, and I am not sure who is playing
22 goalie for the region, whether it's Ashley or Joanna.
23 Is there any objection to that by way of undertaking?

24 MS. MULLEN: I'll take it under advisement.

25 MR. LOKAN: Okay, thank you.

A. El Sabrout (Cr.-Ex.) - 15

UNDER ADVISEMENT

BY MR. LOKAN:

63. Q. In your affidavit at Paragraph 11,
Aaron ---

A. Mm-hmm. Yes.

64. Q. --- you say, starting in the second
sentence, you say:

"... On one occasion in May, I was present
when a resident "G" died of what I believe
to be an overdosed unsheltered worker's, or
USWs, and a harm reduction worker had to ask
me for Narcan. Two security guards were
both standing there simply watching as the
harm reduction worker attempted to
administer the overdose reversal ..."

So this is referring to an incident on May
1st, isn't it?

A. I couldn't tell you the date but that
sounds correct.

65. Q. Okay. And I might be able to help you
with that because if we pull up the document from the
log that was provided to me, Exhibit 1 to the Jacara
Droog cross-examination, there are two entries from
you on May 1.

A. Mm-hmm.

A. El Sabrout (Cr.-Ex.) - 16

1 66. Q. Okay, and the first entry:
2 "... Region workers arrived about 20 minutes
3 ago ..."

4 Aaron, and that's at 12:16 p.m.?

5 A. Mm-hmm.

6 67. Q. Sorry, we need a "yes" or a "no."

7 A. Yes, sorry. I apologize.

8 68. Q. No problem. And then the second one,
9 12:44 p.m.:

10 "... Chris from the region and a bunch of
11 other new region staff are here ..."

12 Aaron, and then you put in brackets, ("Due
13 to death on-site")

14 A. That's correct.

15 69. Q. Okay, does that help you in remembering
16 that's the -- what you were referring to in Paragraph
17 11 happened on May 1?

18 A. Yeah, that is correct.

19 70. Q. So you were there from 12:16 at least.
20 Do you know when you first got there?

21 A. Most likely I arrived at 11:00 ---

22 71. Q. Okay.

23 A. --- most typically the time that I am
24 there. For a while it was from 11:00 until 2:30, now
25 it's most frequently from 12:00 until 3:30 on a

A. El Sabrout (Cr.-Ex.) - 17

1 Tuesday. But, yeah, probably I arrived sometime
2 within an hour-and-a-half beforehand.

3 72. Q. Okay. And you say you were present
4 when the resident died of what you believe to be an
5 overdose.

6 A. Mm-hmm.

7 73. Q. And the language you use in the
8 affidavit is that you were -- that:

9 "... The security guards were watching as the
10 harm reduction worker attempt to administer
11 the overdose reversal ..."

12 A. That's correct.

13 74. Q. Okay. And that was, what, sometime
14 around 12:00 -- around the time that you note in your
15 logs?

16 A. It would have been sometime after the
17 region workers arrived but before the second entry, so
18 sometime between. What it says there is 12:16 and
19 12:44.

20 75. Q. Okay, and do you know when the
21 ambulance arrived on-site?

22 A. It was before 12:44.

23 76. Q. Okay. So there ---

24 A. The ambulance -- just to clarify -- was
25 not able to access the site. Security was blocking

A. El Sabrout (Cr.-Ex.) - 18

1 the entrance; they had to park on the side of Victoria
2 Street.

3 77. Q. Yeah, and you wouldn't have reviewed
4 the affidavit of Brent Wood, would you?

5 A. I don't know who that is.

6 78. Q. He's one of the paramedics who has put
7 in an affidavit explaining that the street was the
8 logical place to park and where they had parked
9 before. And that there was no delay in reaching the
10 residents.

11 A. I have familiarity with such a
12 document.

13 79. Q. Okay. But you -- were you watching
14 while the attempted revival happened?

15 A. I was not in the tent; I was outside.

16 80. Q. Okay. You were outside. So you don't
17 have any knowledge as to when the resident actually,
18 unfortunately, did pass away?

19 A. As far as I know, that was not
20 determined for the time that -- like during the time
21 when the EMTs were on-site what the time of death was.
22 My like -- is it helpful for me simply to narrate
23 what, from my perspective, happened?

24 81. Q. I think we can cut to the chase on
25 this. First of all, you said "EMTs," do you mean the

A. El Sabrout (Cr.-Ex.) - 19

1 paramedics in the ---

2 A. EMTs. Emergency medical technicians or
3 whatever they're called.

4 82. Q. EMTs, thank you. Okay.

5 A. Yeah, so from my perspective, like the
6 region worker or the harm reduction worker, I believe
7 from Aqua (ph), he called for Narcan. I was not
8 physically next to the tent when this happened.

9 83. Q. But you don't actually know who called?

10 A. But, no, I know who called, I just
11 don't know what organization he was from.

12 84. Q. So the person who called was this on-
13 site security?

14 A. No. Absolutely not.

15 85. Q. Really?

16 A. Okay, then your evidence differs then.
17 Maybe there's more than one call because on-site
18 security did call for an ambulance.

19 86. Q. Oh, I'm sorry. I'm -- just to clarify.
20 This is where I think it would be helpful simply to
21 narrate what I think happened.

22 So ---

23 87. Q. I'm sorry. I do need to know what you
24 believe and from what source. So ---

25 A. Yes, I would love to be able to narrate

A. El Sabrout (Cr.-Ex.) - 20

1 that.

2 88. Q. And we're going to do this by steps,
3 okay? Because that's the way this process works. And
4 don't worry, if there is anything that you feel that
5 you wanted to say but couldn't, that's what re-direct
6 examination is for. Okay?

7 A. Okay.

8 89. Q. So you've talked about there being a
9 call and you say that the call that you were aware of
10 was from a harm reduction worker but you don't know
11 ---

12 A. The call was for the Narcan. The harm
13 reduction worker called for Narcan. I provided it.
14 Security was simply standing around. And my
15 understanding is that the unsheltered workers, the
16 person who called for an ambulance -- I want to say
17 that it was Tiffany.

18 90. Q. Okay.

19 A. And then, please don't interrupt me. I
20 then -- it's entirely possible that security called
21 for the ambulance as well. My observation from
22 standing there was that they both were just standing,
23 watching the proceedings take place while the
24 unsheltered worker was on the phone with the
25 ambulance.

A. El Sabrout (Cr.-Ex.) - 21

1 And then it was -- yeah, when the ambulance
2 showed up, they declared that the person was dead.
3 And as far as I was aware during the duration of time
4 that the ambulance was there, and before they removed
5 him, they were not certain of his time of death.

6 91. Q. Maybe not certain of the time of death
7 but the evidence is that they quickly determined that
8 he met, unfortunately, the criteria for being deceased
9 and had been for some hours.

10 A. That is not -- I don't -- I am not
11 certain of that. That would be their determination to
12 make. I did not actually touch the body because it
13 was not for me to do.

14 92. Q. Right. And so, yeah, you weren't aware
15 of anything about the time of death?

16 A. I'm still honestly not certain.

17 93. Q. Okay. And what's recorded here on your
18 two log entries, those would be all of your log
19 entries for May 1, would they?

20 A. Most likely, yes. As I stated in the
21 affidavit, the log is maintained to the best of our
22 ability. Obviously, when something of significance is
23 happening, my instinct is not necessarily always to be
24 on my phone and typing.

25 94. Q. Okay. And for something as significant

A. El Sabrout (Cr.-Ex.) - 22

1 as a death where some people jump to the conclusion
2 that there had been delay in the paramedics seeing the
3 patient, you wouldn't have thought to document more
4 carefully that?

5 A. I believe there is video of security
6 being in the way of the paramedics that I recorded. I
7 am not sure if it was provided to you. But such a
8 thing exists.

9 95. Q. Okay, and is it Fight Back video?

10 A. It's video that I, personally,
11 recorded.

12 96. Q. Okay. Could you please produce that
13 video?

14 A. Sure. I don't if, Joanna, you're able
15 to make a note of that?

16 97. Q. Yes, via counsel. That's okay. And
17 you did not see the ambulance driver's request that
18 security move the vehicle?

19 A. I saw the ambulance drivers not able to
20 pull up on-site and that their security vehicle was
21 also blocking the access of the stretcher to access
22 the site.

23 98. Q. Right, so the simple answer to my
24 question would be, "No, I did not see the paramedics
25 ask the security vehicle to move."

I believe on the day of I yelled at them to move their car because I was the person who became aware that the ambulance was attempting to pull up and they were nowhere near their car.

A. Sure, I've never seen that.

A. That's correct.

A. I am not sure what that means but ---

MS. MULLEN: Yes, we can make an undertaking to provide the video.

UNDERTAKING

A. El Sabrout (Cr.-Ex.) - 24

1 BY MR. LOKAN:

2 103. Q. You talk about encamped residents
3 sometimes being dysregulated, Aaron?

4 A. That's correct.

5 104. Q. Okay. And you describe that as times
6 when they might be shouting or throwing things?

7 A. For example.

8 105. Q. For example, okay. And you don't
9 personally have medical training, I take it?

10 A. No, just some basic first aid training.

11 106. Q. Right. Okay.

12 A. I have done peer support in numerous
13 capacities ---

14 107. Q. Sure.

15 A. --- to incarcerated folks, to folks
16 with mental illness and folks who experience
17 houselessness for many years.

18 108. Q. Okay. That's all very interesting but
19 no medical training and you are not qualified to
20 determine if someone is, for example, having a
21 psychotic episode?

22 A. Absolutely not, no, I am not qualified
23 to determine that, other than them acting dramatically
24 out of step with how I experience them most of the
25 time or when they seem more themself.

A. El Sabrout (Re-Ex.) - 25

1 109. Q. Okay. Thank you. Those are my
2 questions in cross-examination. You may have some
3 questions from the region on re-direct.

4 MS. MULLEN: Could I have just five minutes
5 to ---

6 MR. LOKAN: Of course.

7 MS. MULLEN: Thank you very much.

8 --- BREAK
9

10 RE-EXAMINATION BY MS. MULLEN:

11 110. Q. Hi, Aaron, I'm -- I just actually have
12 a very -- few very short questions for you.

13 A. Sure.

14 111. Q. So it has to do with the document that
15 was being showed to you. I believe it was Exhibit 1,
16 from the affidavit -- for, sorry. From the cross-
17 examination of Jacara Droog. Is there any way that we
18 can pull that one back up, please?

19 So, Mr. Lokan was asking you why there was
20 nothing more fulsome in this document about the events
21 on May 1st. And I am wondering if you could look at
22 the title of the document.

23 A. It says, "Region Unsheltered Workers
24 On-Site Documentation."

25 112. Q. Okay. And so the notes, do you -- on

A. El Sabrout (Re-Ex.) - 26

1 May 1st, what does this document specifically deal
2 with?

3 A. Well, the first entry reports that the
4 unsheltered workers arrived. And then the second
5 entry reports that someone named "Chris" who I met for
6 the first time that day, who I believed to be their
7 supervisor in some capacity arrived.

8 So it's entirely possible that there might
9 have been entries that ended up in a different
10 document related to other matters that may have taken
11 place, such as security incidents or the ambulance or
12 police arriving.

13 113. Q. Okay.

14 A. And once again, I don't know the full
15 -- I am not super-familiar with the full breadth of
16 what's been provided.

17 114. Q. All right, those are all my questions.
18 Thank you.

19 MR. LOKAN: And we're now off record and
20 we're done. So thank you for that.

21
22 --- ADJOURNED
23
24
25

THIS IS TO CERTIFY that the foregoing
is a true and accurate transcription of
my recordings and notes, to the best of
my skill and ability.



Barbara A. Pollard
Certified Court Reporter

Photostatic copies of this transcript are not
certified and have not been paid for unless they bear
the original signature of Barbara A. Pollard, C.C.R.,
and accordingly are in direct violation of Ontario
Regulation 587/91, Courts of Justice Act, January 1,
1990.

Court File No. CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

This is the Cross-Examination of **Angela Allt** on her affidavit dated June 20, 2025, taken via Zoom videoconference on consent of the parties on July 14, 2025.

APPEARANCES:

ANDREW LOKAN, Mr. Counsel for the Applicant
GRETA HOAKEN, Ms.

ASHLEY SCHIUTEMA, Ms. Counsel for the Respondents
JOANNA MULLEN, Ms.
SHANNON DOWN, Ms.

MERCEDES PEREZ, Ms. Amicus Curiae

(i)

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1 July 14, 2025

2
3 ANGELA ALLT, AFFIRMED

4 CROSS-EXAMINATION BY MR. LOKAN:

5 1. Q. Good morning, Angela. My name is
6 Andrew Lokan and I am a lawyer for the Region of
7 Waterloo.

8 A. Mm-hmm.

9 2. Q. And I'm going to be asking you some
10 questions this morning. Just to confirm, I'm cross-
11 examining you on your affidavit that you affirmed on
12 June 20th of 2025?

13 A. Correct.

14 3. Q. Okay. And you have a copy of that affidavit
15 with you?

16 A. I do.

17 4. Q. Okay. And you don't have any other
18 materials with you, either on screen or in print?

19 A. What type of materials are you
20 referring to?

21 5. Q. Anything. Any other materials. Any
22 documents, articles, other affidavits. It's all
23 you've got (indiscernible)?

24 A. No.

25 6. Q. Okay. You're agreeing that all you have is

A. Allt (Cr.-Ex.) - 4

1 your own affidavit, is that right? Yeah? Thank you.

2
3 Another thing is that a transcript is being
4 taken. We live in a world of visual cues as well as
5 verbal cues. So you just held up your affidavit for
6 me. That doesn't come through on the transcript,
7 which is why I said, "Thank you," to make clear that
8 that's what you have and that's all you have.

9 A. (Indiscernible).

10 7. Q. Related to that, if I ask you a question and
11 you mean to say either "Yes," or "No," but you instead
12 say, "Mm-hmm," and nod, or "Mm-hmm," and shake your
13 head, that doesn't work on a transcript because it's
14 ambiguous.

15 A. Right, I understand that, yes.

16 8. Q. Okay, thank you. Final thing is that when
17 I'm asking you questions and you're answering, we
18 should try not to talk over each other, because that's
19 very difficult for the court reporter to make sense
20 of. So if that starts to happen, both of us should
21 stop, okay?

22 A. Yeah.

23 9. Q. So when I ask you questions, if there's
24 anything you don't hear, or don't understand, or isn't
25 clear, please feel free to ask me to repeat or

1 clarify, okay?

2 A. I will.

3 10. Q. Thank you. So I understand from your
4 affidavit Angela, that you are a registered social
5 worker?

6 A. I am.

7 11. Q. And you have experience with adults with
8 severe mental health and addiction issues?

9 A. I do.

10 12. Q. Okay. I wonder if we can go to your
11 affidavit? And we're going to pull it up on screen.
12 To paragraph 20.

13 A. Okay, yeah.

14 13. Q. So you talk in paragraph 20 about the huge
15 gap in the continuum of care that was left when the
16 province shuttered psychiatric hospitals, do you see
17 that?

18 A. I do.

19 14. Q. Okay. And that was 2014? At least for the
20 London psychiatric hospital, that was 2014?

21 A. Yeah, there was a process that had been
22 in place for a while, various hospitals across the
23 province but that one, as far as I know, was 2014.

24 15. Q. And this was part of a province-wide thing,
25 wasn't it? Where basically, similar institutions

A. Allt (Cr.-Ex.) - 6

1 across the province shut down in and around the same
2 date range?

3 A. Yes, and to be fair, it wasn't just
4 this province. It was something that happened across
5 the country.

6 16. Q. Okay. And just as I read it, it sounds like
7 you disagree with the shuttering of these facilities?

8 A. Well, there's a number of people that
9 disagree with the shuttering of those facilities. You
10 know, obviously I can't speak for the wide masses
11 here, but you know, it's pretty much agreed amongst a
12 variety of service providers that, you know, yes, it
13 left a gap.

14 17. Q. Yeah. And I'm not suggesting you're alone
15 by any means. There may be many people who would
16 agree with you, but it left it gap particularly with
17 patients who have some of the most acute problems? Is
18 that fair?

19 A. Yes.

20 18. Q. Okay. And you talk in particular about
21 patients who are suffering from psychosis?

22 A. Mm-hmm.

23 19. Q. That would have to be a "yes" or a "no."

24 A. Yeah, yes, sorry.

25 20. Q. That's okay. And psychosis can be, as you

A. Allt (Cr.-Ex.) - 7

1 point out, it can be quite temporary or episodic, or
2 it can be longer term? Hopefully not permanent, but
3 longer term, is that fair?

4 A. For the most part that would be fair,
5 but there are individuals who can have long term fixed
6 delusions about what they believe. And psychosis can
7 be present a lot of the time, particularly if somebody
8 is unmedicated.

9 21. Q. Right. And so one thing that is of high
10 importance for treatment of patients experiencing
11 psychosis is to make sure that they have access to the
12 appropriate medications, is that fair?

13 A. Absolutely.

14 22. Q. And I'm not suggesting that medications
15 always work or that you always know, but there are
16 antipsychotic medications and they play a very
17 important role, is that fair?

18 A. A huge role.

19 23. Q. And in people suffering from psychosis,
20 it could take a lot of different forms, is that also
21 fair?

22 A. Yes, I would say so.

23 24. Q. Okay. And would there be an overlap
24 between psychosis and paranoia?

25 A. Yes, yes. In some cases.

1 25. Q. Yeah, and I'm not suggesting everyone
2 who has a psychotic episode is paranoid, or that
3 everyone who's paranoid is psychotic, just that
4 there's overlap.

5 A. Good, because I was going to say that
6 one does not necessarily mean they have the other all
7 the time.

8 26. Q. Right. And as with psychosis, there's
9 different degrees, right? You can be mildly
10 paranoid; you can be acutely paranoid?

11 A. Yes.

12 27. Q. Okay. And one of the reasons why the
13 shuttering is unfortunate, from the point of view of
14 patient care, is that it can be really challenging,
15 even for experienced mental health professionals, to
16 deal with patients experiencing psychosis, is that
17 fair?

18 A. Particularly when it becomes acute.

19 28. Q. Right. And when it does become acute,
20 it can lead to conflicts in the hospital setting with
21 other patients, right?

22 A. It can cause conflicts with patients or
23 it can cause conflicts with staff.

24 29. Q. Yeah.

25 A. And of course, in a hospital setting

A. Allt (Cr.-Ex.) - 9

1 they have more tools than the community does to deal
2 with it.

3 30. Q. Right. And some of those tools --
4 absolutely not first resort -- but some of those
5 tools include being able to keep people in the
6 institutional setting for periods of time, with
7 appropriate safeguards?

8 A. Yes. I mean, you know, if you look at
9 your average psychiatric unit, you know, the tools
10 that they have if somebody has escalated to that point
11 because of their illness is they have seclusion rooms
12 that they can use so that the patient can't hurt
13 anybody else, or somebody else, or themselves, pardon
14 me.

15 31. Q. Yeah.

16 A. You know, and there's chemical
17 restraints that can be used, so yeah, those are things
18 that the community does not have available to them.

19 32. Q. Right. And there's also the form
20 system. You can form 1, where you can have somebody
21 involuntarily in an institutional setting and it
22 lasts a certain amount of time before it's got to be
23 reviewed and kept going?

24 A. Yes.

25 33. Q. That's another tool?

A. Allt (Cr.-Ex.) - 10

1 A. Yes, and I can tell you exactly what
2 all the forms are because I used to be a rights
3 advisor and that was my bread and butter.

4 34. Q. But basically, the way the scheme works
5 is that, initially, it's a short-term event and then
6 the patient is monitored and, depending on the
7 progress of the patient, it can be extended? But
8 there's always a patient advocate structure there to
9 make sure -- to attempt to make sure it doesn't
10 overreach, is that fair?

11 A. That is true.

12 35. Q. Yeah, okay. And going back to conflict
13 with other patients or with staff, if you're not
14 medically trained and if you don't quite get that
15 this person is having a psychotic episode or
16 suffering from paranoia, you may react in a way
17 that's non-constructive, would you agree?

18 A. Could you put that into a bit more
19 context for me? So like, are you talking about
20 somebody walking down the downtown street, or are you
21 talking about other service providers?

22 36. Q. Yeah, I mean I'll just keep it as a
23 hypothetical example. You've got someone who's in a
24 psychotic break and suffering from paranoia and they
25 start accusing their neighbour of things ---

A. Allt (Cr.-Ex.) - 11

1 A. Mm-hmm.

2 37. Q. Sorry, you nodded, I'd have to take
3 that as a, "Yes."

4 A. Correct.

5 38. Q. I mean, that's not an uncommon symptom
6 of psychosis with paranoia, is it? Or is it just
7 that it happens every once in a while?

8 A. It's very difficult to answer the
9 question because it is so situational.

10 39. Q. Sure.

11 A. But, you know, a scenario like you just
12 described, certainly, yes. That happens.

13 40. Q. And so somebody without mental health
14 training, they might react focusing on the
15 accusation, "I can't believe you just accused me of
16 that." They might get defensive or angry? Whereas a
17 mental health professional might recognize it for
18 what it is, which is there's a patient needing help?

19 A. Yes. A mental health professional
20 would recognize it, probably, for what it is. I would
21 also add however, that as I've said, we have had
22 situations just like you described happen in community
23 and the neighbour right away recognizes it for what it
24 is.

25 41. Q. Right. So some neighbours are better

A. Allt (Cr.-Ex.) - 12

1 than others, you'd say?

2 A. Yes. And I note those cases, I would
3 also add that more often than not -- and the reason
4 that we hear about it, our service providers, is
5 because, you know, neighbour picks up the phone and
6 calls the police.

7 42. Q. Right, okay. It's sometimes difficult,
8 is it not, to spot or figure out when somebody is
9 undergoing a psychotic episode?

10 A. Again, very situational. If it's
11 somebody who is used to working with the population,
12 they're probably going to see it quite quickly.

13 43. Q. And if they're trained? If they've got
14 proper mental health training, for example?

15 A. Yes. They're probably going to figure
16 it out quite quickly. You know, they may say, "Hmm,
17 don't know exactly what's going on, but something's
18 really off here."

19 44. Q. Yeah.

20 A. And, you know, as I know you would be
21 aware, the only people that can make an actual
22 diagnosis are the doctors.

23 45. Q. Yeah.

24 A. Right. So the rest of us, we may know
25 exactly what's going on, or we may know by history

1 what's going on with somebody.

2 46. Q. Right.

3 A. They're familiar.

4 47. Q. Right. But when you first see somebody
5 exhibiting strange behaviours or unusual behaviours,
6 you wouldn't necessarily jump to the conclusion that
7 they're psychotic? So for example, someone talking
8 to themselves, you wouldn't think, "Oh, that person's
9 psychotic?"

10 A. It would depend on what way they're
11 talking to themselves, I would think. If they're
12 doing so loudly in the middle of the street, you know,
13 that might be your first go to. If they're off in a
14 corner, kind of you know, what appeared to be mumbling
15 to themselves, no that might not be your first go to.

16 48. Q. Right. But you wouldn't expect a
17 layperson without any mental health training to be
18 able to make those (inaudible), would you?

19 A. Probably not.

20 49. Q. Okay. And so if someone's acting
21 emotionally dysregulated, could be psychosis, or it
22 could be nothing to do with psychosis?

23 A. Exactly.

24 50. Q. Okay, thank you. And if you have someone
25 who is experiencing psychosis, like you say, for a

A. Allt (Cr.-Ex.) - 14

1 community member, really the best that you can hope
2 for is that they'll get in touch with appropriate
3 authorities, and that that directs that person into
4 getting the help that they need, is that fair?

5 A. Well, that's certainly preferable to
6 them trying to intervene, yes.

7 51. Q. Okay. And that might the police, or it
8 might be calling an ambulance, or it might be
9 contacting another person with a medical background?

10 A. Yes.

11 52. Q. Okay, thank you. And one advantage of the
12 psychiatric hospital is that, I mean, you've talked
13 about the tools that you'd have such as a seclusion
14 room. You also have people around who are able to
15 respond quickly to a psychotic episode, such as for
16 example, you'd typically have registered nurses or
17 licensed practical nurses on duty, correct?

18 A. (Inaudible).

19 53. Q. And you'd have access to psychiatrists? I'm
20 not saying that they're available 24/7, but if there's
21 someone in crisis, then hopefully, sooner or later
22 they can see a psychiatrist?

23 A. Yes. If somebody's on a psychiatric
24 unit, I mean you know, like everything else 9-5,
25 right? There's somebody there. But again, like

A. Allt (Cr.-Ex.) - 15

1 almost every other medical service, you know, there's
2 somebody on call after hours.

3 54. Q. Right, okay. But none of those supports are
4 available in an encampment, are they?

5 A. They're not available in an encampment,
6 and not available in the wider community.

7 55. Q. Right. So at best what you can hope for is
8 that someone will recognize that there's a person who
9 may need treatment and contact the appropriate person,
10 whether police, or ambulance, or other mental health
11 professional?

12 A. Yes.

13 56. Q. Okay. You say that drug use can lead to
14 psychosis?

15 A. Yes.

16 57. Q. In your experience? Thank you. You also
17 say that at 100 -- sorry, that you have a caseload in
18 the Region of Waterloo?

19 A. Yes. So just to clarify the
20 understanding around this, my role covers both
21 Waterloo and Wellington counties.

22 58. Q. Right.

23 A. Because it's a, you know, bigger
24 population, I generally do have more people from
25 Waterloo County as a whole, which takes in Kitchener,

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1 Waterloo, and Cambridge.

2 59. Q. Okay. So your caseload of 30 to 50, do you
3 know, are you necessarily aware whether any of those,
4 or which of those are staying at the encampment at 100
5 Vic?

6 A. The only time I would know if somebody
7 was specifically staying there is if I get a call from
8 a worker and they're looking to get some kind of
9 service or support for that person. And they would
10 tell me, you know, as part of an intake, where the
11 person is living.

12 60. Q. Okay. And when you say, "A worker," you
13 mean a worker for the Region?

14 A. It could be a worker from several
15 places. It could be workers from the Region, it could
16 be from St. John's Kitchen, sometimes CMHA will
17 contact me.

18 61. Q. That's the organization you work for?

19 A. Yes, I'm based out of Canadian Mental
20 Health Association, but I am of service to the whole
21 mental health and addiction system.

22 62. Q. Okay, right. So you don't really have any
23 reliable sense of your own caseload, how many of those
24 patients are or were at 100 Vic?

25 A. Well, I know at any given time, like if

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1 the file is open, I would know if they were there.

2 63. Q. Okay. And so you would say that at any
3 given time, as far as you know, out of your 30 and 50,
4 you would have what? A few who you were aware were
5 staying at 100 Vic?

6 A. There would be times that I might have
7 two or three; there would be times that I wouldn't
8 have any.

9 64. Q. Okay. So that's not going to be enough for
10 you to be able to talk about the extent of psychosis
11 amongst residents at 100 Vic? The numbers are too
12 small?

13 A. At any given time, but if I look at it
14 cumulatively, we can certainly talk about it.

15 65. Q. Right. And in general terms, if you have an
16 unhoused population, we know that there's an
17 association with drug use, correct?

18 A. Yes, there is an association, but
19 again, it's a matter of degrees. Like, is everybody
20 who is unhoused using drugs? No, of course not. Are
21 a portion of them? Yes, of course.

22 66. Q. Right. Okay and in turn, there is something
23 known as drug-induced psychosis, so in turn of an
24 unhoused population that uses drugs, there may be some
25 who suffer from drug induced psychosis from time to

1 time?

2 A. I would say that's a fair statement.

3 67. Q. Okay. Non-drug-induced psychosis, I take
4 it, would be a bit less common? If you can't say,
5 that's fine.

6 A. If your only -- and we're just looking
7 at the unhoused population, correct?

8 68. Q. Well, let's start with the general?

9 A. Okay, so in the general population -- I
10 would probably lean towards saying that in the general
11 population it might be as common.

12 69. Q. Okay.

13 A. Within the unhoused population, I would
14 say it probably is more common that you have drug-
15 induced psychosis.

16 70. Q. Okay. And that's because of the prevalence
17 of drugs amongst the unhoused? Or drug use amongst
18 the unhoused population?

19 A. Yes.

20 71. Q. Okay. Now, in your affidavit, you do refer
21 to some issues that you have with shelters, at least
22 as they're currently, in your experience, set up. But
23 you would agree with me that shelters do provide
24 warmth in the winter and air-conditioning in the
25 summer?

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1 A. I know they provide warmth in the
2 winter; I'm not sure if they all provide air
3 conditioning in the summer.

4 72. Q. Okay. And they provide a bed?

5 A. They provide a bed, yes.

6 73. Q. They provide those who are staying in them
7 with protection from the elements?

8 A. Certainly, yes.

9 74. Q. And there's also supervision by shelter
10 staff?

11 A. Yes, there is staff on site.

12 75. Q. Okay. And that's not necessarily the case
13 at an encampment, is it?

14 A. That I am aware of? No, there is not
15 staff there 24/7.

16 76. Q. Okay. You've made an assertion in your
17 affidavit that deaths from drug overdoses are more
18 frequent in motels, in your experience, than in
19 encampments. I just wonder if we could understand how
20 many cases are you aware of where there were deaths
21 from overdoses in motels?

22 A. So I think that, you know, if you -- I
23 believe that I put this in here. One of the things
24 that I often get asked for is to put people in motels,
25 to pay for a stay in a motel.

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1 77. Q. I understand. And we can cut this short. I
2 understand the context of ---

3 A. Okay, just wanted to be sure, right?

4 78. Q. Sure. Some people -- and I want to make
5 sure that I put this fairly.

6 A. Yeah.

7 79. Q. Some people who have addiction issues and
8 have substance use problems, a motel may not be the
9 ideal environment for them because they have the
10 ability to go alone to their room and be away from
11 other people and that that may mean that they use
12 dangerous quantities of drugs, or laced drugs and
13 there's no one there to notice or revive them. And
14 because of that, you've said that motels can be a
15 suboptimal choice for people with addiction issues?
16 Have I put that fairly?

17 A. Yes, for some people with addiction
18 issues, it's not great because of that reason.

19 80. Q. Right. And that's some, but not all people?

20 A. Not all people, certainly.

21 81. Q. Okay. And you're aware that -- and maybe
22 you're not, but the Region in the planning it has done
23 for the closure of 100 Vic, has made additional
24 resources available to the existing residents of 100
25 Vic?

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1 A. What resources would those be?

2 82. Q. So what we've heard on the evidence is that
3 there is a monetary budget, it's over \$800,000 this
4 year and over \$500,000 next year, and a part of that
5 becomes permanent, and a part is just earmarked for
6 now. And that's on the current budget projections; as
7 we know, budgets evolve over time. But the Region has
8 made additional resources available in terms of
9 shelter spaces, providing for additional shelter
10 spaces, providing for motel rooms, providing for
11 transitional housing, providing for rent supplements.
12 Were you aware of any of that?

13 A. I knew that there were some things
14 being brought onstream.

15 83. Q. Okay. Were you aware --- sorry, I just want
16 to start with what you're aware of. Were you aware
17 that the Region has a team of USWs, Unsheltered
18 Support Workers that go to the site, and I think their
19 current schedule is most days, a couple of hours?

20 A. Oh, very aware of them. I'm in touch
21 with them almost daily.

22 84. Q. Okay. And you're aware that the USWs are
23 formulating something called IHPs, Individual Housing
24 Plans, for those residents that engage with them?

25 A. Yes.

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1 85. Q. Okay. I didn't mean to interrupt you; what
2 was it that you wanted to say a minute ago?

3 A. We were started talking about the
4 potential risk for some people in motels.

5 86. Q. Right.

6 A. And you had asked me, you know, how
7 many I was aware of, and what I was going to say was
8 that of people on my caseload over the past, I'm going
9 to say seven years or so, give or take, we've lost
10 four.

11 87. Q. Okay.

12 A. Due to that.

13 88. Q. Mm-hmm.

14 A. So those are ones that I'm very aware
15 of, obviously. And I've heard from some of the
16 outreach workers here and again that this has happened
17 as well.

18 89. Q. Okay. You'd be less confident about what
19 you hear from other outreach workers because you don't
20 know the casefile, you don't know whether it was in
21 particular an overdose, whether there were other
22 factors, *et cetera*, is that fair?

23 A. Well, if they tell me that one of their
24 clients passed away due to an overdose in a motel
25 room, I have no real reason to question what they're

1 telling me.

2 90. Q. Okay. And I take it you were aware there
3 have been, unfortunately, five deaths at the
4 encampment?

5 A. Yes, I had heard of -- I'd heard of two
6 of them.

7 91. Q. Okay.

8 A. The others I wasn't aware of.

9 92. Q. Okay. You say in your affidavit that, like
10 we've discussed, patients with addiction issues, you
11 will not refer them to motels in the spring and summer
12 and fall, because of the risks of them being in an
13 environment where they may overdose? Or may take
14 dangerous or laced drugs? That's what we've just
15 discussed, right?

16 A. Well, I think you misunderstood what I
17 wrote.

18 93. Q. Okay.

19 A. What I said was, I stay away from
20 putting people in the motels spring, summer, fall, as
21 I try to hold those funds for the winter.

22 94. Q. Right.

23 A. To get them off the street when it's
24 cold.

25 95. Q. Okay, so you know, we're sort of in a

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1 hierarchy of needs situation here. And hierarchy of
2 needs is a concept in mental health where you've got a
3 pyramid and at one level there's your most basic
4 needs, like shelter, warmth, food, right?

5 A. Maslow.

6 96. Q. Yeah, exactly. And you go through the
7 hierarchy and then once those are taken care of, there
8 are other needs that are less basic, but nevertheless
9 real, such as social interaction, community, whatever,
10 fair?

11 A. Yes, absolutely.

12 97. Q. That's the way that model works, but in
13 terms of the hierarchy of needs, in winter there's
14 really a need for people, so that they're not on the
15 street, to be somewhere where it's warm and they're
16 not exposed to the elements?

17 A. Correct.

18 98. Q. And so you will refer people to motels for
19 the winter months?

20 A. I do quite regularly.

21 99. Q. Right. And what you'd hope though, is that
22 the risks can be mitigated, if they're going to a
23 motel with appropriate supports?

24 A. Yes. The request for motels, again,
25 comes from various organizations.

1 100. Q. Right.

2 A. Circumstances can vary depending on
3 what the need of the client is. When those requests
4 come to me, I start asking questions about, okay, well
5 you know, "Who is this person? Why do they need a
6 motel room? Is there any issues that we should be
7 aware of?" And certainly, I do ask about substance
8 use to try and screen as much as possible.

9 101. Q. Right.

10 A. To see if we are running that risk of
11 -- this is somebody that's going to go in there and
12 use heavy and maybe overdose.

13 102. Q. Right. And there may be some for --
14 even though it's winter, and even though it's
15 important to have patients off the street and not
16 exposed to the elements, where you'd really try and
17 advocate for them to go to something other than a
18 motel?

19 A. Yes. And I have.

20 103. Q. Such as a transitional housing space,
21 or if it can be worked out, independent housing with a
22 rent supplement?

23 A. Motel ask is -- comes usually in some
24 sort of a crisis situation.

25 104. Q. Okay.

1 A. So things like supportive housing or
2 such, that's not on the table at that moment.

3 105. Q. Right.

4 A. I mean, that's the long-term goal,
5 obviously, to get them somewhere where they're going
6 to be more permanently house, where they'll have
7 support but that's not what's going on at that moment.
8 This is, they have nowhere to go and there may be some
9 specific issues attached to it. So maybe for some
10 people, maybe they have been barred from going to the
11 shelter.

12 106. Q. Okay.

13 A. That happens.

14 107. Q. Do you ever advocate for people to have
15 the bars lifted?

16 A. Oh, yes. We've certainly had that
17 conversation more than once.

18 108. Q. Yeah, and sometimes you're successful,
19 right?

20 A. I can only think of like, two instances
21 where it was successful.

22 109. Q. Okay. If we're talking about Region
23 operated shelters, you would hope that one of the
24 things they could take into account in their plan
25 moving forward would be, look in light of what I've

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1 said and I think about motels and the risks that for
2 some of the population motels may carry, you should be
3 more flexible in terms of bans at shelters. You
4 should make sure that people who are not appropriate
5 for motels at least have the shelter option available;
6 would that be helpful?

7 A. That would be ideal.

8 110. Q. Okay, thank you. In the way that the
9 Region has set this up, the bylaw, I think you're
10 aware, was publicly proposed on April 16th and then the
11 bylaw was passed on April 23rd. But the encampment is
12 not scheduled to close until December 1st; you're aware
13 of those dates, roughly?

14 A. Yeah, I knew it was scheduled to close
15 in December.

16 111. Q. Okay. So from date of introducing the
17 bylaw, through to scheduled closure date, that's
18 overall, a period of a bit more than seven months and
19 as we are now, it's a bit less than six months because
20 a bit of time has elapsed. Do you yourself get
21 involved in conversations with residents about their
22 options and what might be appropriate, most
23 appropriate for that, can be worked out?

24 A. Generally speaking, no, I don't. That
25 is a conversation that is with, you know, the outreach

1 workers.

2 112. Q. Right.

3 A. There have been occasions where I've
4 had a little more direct contact with the clients.
5 But, you know, as a general role, no. That's the role
6 of the worker.

7 113. Q. Okay. But the outreach workers, your
8 aware they include -- I mean, it's a team of licensed
9 professionals, right? You know that?

10 A. Some are licensed, some aren't
11 licensed.

12 114. Q. Well, the evidence of the Region is
13 that they consist of registered social workers, social
14 support workers, and a registered nurse. So all of
15 those people are licensed. Not all RSWs, but they are
16 all licensed. Is that fair?

17 A. The Region's, yes. But there are other
18 workers from other agencies who may not necessarily
19 be, although many of them are as well. There's social
20 workers, there's nurses, but there are some who aren't
21 licensed professionals. So I, you know, just wanted
22 to make that distinction clear.

23 115. Q. Okay, and that's helpful. The Region
24 came up with the estimate that six to seven months
25 would be a reasonable time to find housing

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1 alternatives, or alternative arrangements for the
2 existing residents of the camp. That's part of the
3 reason why it happens in April for something that's
4 not going to close until December. You're aware of
5 that?

6 A. Pardon? Could you kind of ---

7 116. Q. So I ---

8 A. --- define the question for me? Was I
9 aware that the Region felt ---

10 117. Q. Yeah, were you aware that the Region's
11 estimates of the time necessary to make those
12 transitions to alternative arrangements was six to
13 seven months?

14 A. Yes.

15 118. Q. And you wouldn't second guess the
16 Region on that judgment, would you? That that's an
17 appropriate period?

18 A. I would need far more details in order
19 to say it's adequate, or it's not.

20 119. Q. Okay. And in the absence of those
21 details, you can't -- if it worked out that the period
22 was slightly longer, you would see that as a
23 constructive thing?

24 A. If it took a little longer to get
25 everybody housed and have appropriate housing

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resources available, yes.

120. Q. I think I put it a little bit the other way around. Let's say that the Region was able to extend the closure so it didn't happen on say, December 1, but it happened on January 1?

A. Okay.

121. Q. That extra month, that would be something that you would see as helpful to the population?

A. I would think it would be.

122. Q. Okay. Thank you, those are my questions for you. There may be some questions from other counsel. We can take down the affidavit.

MS. DOWN: Can we just take a short break? We'll be back in four minutes and I'll let you know if I have anything in reply.

MR. LOKAN: Sure.

THE WITNESS: Four minutes?

MS. DOWN: Five. Let's make it five.

THE WITNESS: Okay, seven's good.

MS. DOWN: I always say four and it takes five, so we'll just say five.

THE WITNESS: Okay.

MS. DOWN: Thanks.

1 --- BREAK

2
3 RE-EXAMINATION BY MS. DOWN:

4 123. Q. Angela, my name is Shannon Down, I'm
5 part of the legal team for the homeless residents at
6 the encampment. I'm just going to be asking a few
7 questions in response to the answers that you provided
8 Mr. Lokan.

9 A. Okay.

10 124. Q. So Mr. Lokan was mentioning that the
11 Region has attached some additional funding to the
12 bylaw, and my question is, are you aware of what the
13 overall context is, in terms of the funding situation
14 with respect to getting people motel rooms, supportive
15 housing, transitional housing?

16 A. I would have to say that I have a
17 general idea, but not specific to how that money is
18 going to be used, what it's going to be put towards.

19 125. Q. Right. I guess I'm asking do you have
20 a sense of what the overall context is? Is there lots
21 of funding, is there not quite enough funding, is
22 there a gap in funding?

23 A. I'm trying to be fair in my answer
24 here. It would depend on what they are hoping to
25 accomplish with it. And I know like, across any

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1 system, not even just here locally, but the idea is to
2 get people permanently housed. So without knowing how
3 much money they have to go towards trying to find
4 permanent housing, and how much towards temporary
5 housing, or how much they intend on putting towards
6 motels. I mean I know that's all kind of part of the
7 mix, but you know, it's hard to say where it's going
8 to go, how much of an impact it'll have, and
9 therefore, is it enough? Is it too much? Is it --
10 very hard for me to say. I really can't answer that
11 question.

12 126. Q. Okay, fair enough. In terms of people
13 being placed into motels, you were talking about that
14 with Mr. Lokan.

15 A. Yes.

16 127. Q. And I think the issue came up of
17 whether there's supports attached to that. Are the
18 supports that are attached to motels, in your
19 experience, are they sufficient to deter like,
20 overdoses in instances of vulnerable people being
21 placed there?

22 A. No, they're not. Because as I believe
23 I mentioned in my affidavit, the supports are coming
24 in from 9-5, business hours. I think some people, if
25 they are attached to say, an ACT team for some reason

1 they need medications over the weekend, they might get
2 a visit on a weekend. And again, that support is
3 attached to an individual. There is no one who is
4 there just to kind of keep oversight on the people who
5 have been placed there by whatever agency, whether
6 it's me, or whether it's the Region, or somebody has
7 put them in for a few nights like sometimes there's a
8 fund through Canadian Mental Health Association where,
9 in an emergency, they'll do that. You know, so you
10 get a mix, but there is no one agency who is there all
11 the time to kind of keep an eye on everybody who might
12 fall under that category.

13 128. Q. Okay, thank you. And you mentioned in
14 one of your answers you suggested that motels are
15 offered in crisis but that supportive housing would be
16 the long-term goal?

17 A. Yes.

18 129. Q. So why isn't the supportive housing
19 provided to those people instead of the motel?

20 A. Availability. We just -- we don't have
21 enough. Trying to get somebody into supportive
22 housing is -- it's a process. You know, first and
23 foremost, they've got to go through all the paperwork,
24 and interviews, and things of that nature to just get
25 on the list. And then once they get on the list, then

B. Allt (Re-Ex.) - 34

1 they wait for a unit to become available. And because
2 we don't have enough, it can be quite a wait.

3 130. Q. Okay, and that leads me to my next
4 question. So the six or seven months that Mr. Lokan
5 suggested the Region has determined is sufficient to
6 place people at the encampment, if someone needed
7 supportive housing, would six or seven months be
8 enough time to place someone in supportive housing?

9 A. Generally speaking, no, it would not.
10 However, the Region does have oversight and operates a
11 number of places, and if they decided that they were
12 going to prioritize someone, then that could be enough
13 time.

14 131. Q. And so if that happened, what would
15 happen to the other people on the waitlist?

16 A. Well, they just wait a little bit
17 longer. It's, you know, like anything else. It has
18 waitlists. If something becomes urgent and somebody
19 decides that, you know, somebody needs to go to the
20 head of the line, well that means everybody else is
21 just waiting longer.

22 132. Q. So I think Mr. Lokan was asking you
23 about shelters and what shelters provide. And I think
24 at some point you said shelters -- something about,
25 "Shelters would be ideal." I'm just trying to

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1 understand, are shelters -- are the supports that are
2 provided for people -- your types of clients, are the
3 supports that are provided in shelters, are they
4 adequate to the needs of vulnerable people with mental
5 health requirements?

6 A. Shelters are a very difficult
7 environment for some people. And I had made mention
8 of this. And it may be due to their mental health, it
9 may be due to their addictions, there are a few other
10 things that can kind of compound things. We have
11 people who have development disabilities who end up in
12 shelters, and people with acquired brain injuries, and
13 sometimes we have a combination of those things. So
14 the supports that those folks would get, could be
15 quite difficult for them to take part in, at times,
16 due to their level of cognitive functioning, shall we
17 say. So in those cases, they wouldn't be adequate.

18 For some people who are able to fully engage
19 with the workers within the shelters, they can be very
20 helpful. But for that other subset, it doesn't do a
21 whole lot for them.

22 133. Q. Okay. And what, in your experience,
23 what are the consequences like if someone is unable to
24 engage and they're not getting the supports? What
25 happens to that person when they're in shelters?

1 A. Sometimes they end up getting
2 discharged from the shelter, and as I've mentioned,
3 some people end up getting barred from the shelter.
4 But those would be kind of the two common ones, or
5 they just cycle in and out of the shelter without
6 getting any real resolution.

7 134. Q. Okay. On the issues of barring, being
8 barred from the shelter, Mr. Lokan was suggesting that
9 because the Region funds the shelters that somehow you
10 could advocate for some leniency. In your experience,
11 who sets the rules in the shelters around like, how
12 long someone is barred and what the process is? Is it
13 the Region of Waterloo, or the shelter provider? Who
14 makes that determination?

15 A. Well, in my experience, usually the
16 shelter provider will have some guidelines that they
17 follow. Policies they follow around things and you
18 generally have a manager of the shelter, who's kind of
19 like the final arbitrator of, you know, what's going
20 to happen with any individual, particular individual.
21 And yes, they get funded by the Region and one could
22 go to either the shelter manager, or the Region at
23 times, and say, you know, "Look, we have this
24 particular situation, this person's been barred, we
25 really need to get them back in." And usually, the

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1 answer is, "No, we can't." And more often than not,
2 the reason that they've done this, and I do
3 understand, is there's been violence.

4 135. Q. Okay. And are those rules or
5 processes, are they consistent across shelters that
6 are funded by the Region, or are they each
7 individually responsible for setting their own rules?

8 A. I think each shelter sets their, kind
9 of like their own rules around those things, is my
10 understanding. Because some shelters, and you know,
11 I'm going over probably the last four or five years,
12 sometimes you'll find one is a bit more lenient than
13 the other.

14 136. Q. Okay. Mr. Lokan was asking about
15 people with psychosis and paranoia, and talking about
16 interactions, confrontational interactions with other
17 people.

18 A. Mm-hmm.

19 137. Q. In your experience, are people with
20 psychosis and paranoia more likely to be the victims
21 of violence, or the perpetrators of violence?

22 A. I would say it's 50/50. They can be
23 the victim, or they can be the perpetrator.

24 138. Q. And are there circumstances that would
25 mitigate that?

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1 A. I think the circ -- there's a couple
2 things that can mitigate it. First off, if we could
3 get people treated reliably, that would help. And if
4 they have ongoing adequate support because when you
5 have a client who is unwell, if they have a support
6 worker attached to them and -- be that in supportive
7 housing, or be that in community, you know, if they
8 have someone that they have developed a rapport with,
9 that can go a long way to mitigating those
10 circumstances.

11 139. Q. Those are my questions, thank you.

12 THE WITNESS: You're welcome.

13
14
15
16 --- ADJOURNED

17
18
19
20
21

THIS IS TO CERTIFY that the foregoing
is a true and accurate transcription of
my recordings and notes, to the best of
my skill and ability.



Barbara A. Pollard
Certified Court Reporter

Photostatic copies of this transcript are not certified and have not been paid for unless they bear the original signature of Barbara A. Pollard, C.C.R., and accordingly are in direct violation of Ontario Regulation 587/91, Courts of Justice Act, January 1, 1990.

**THE ATTORNEY GENERAL OF ONTARIO AND
THE REGIONAL MUNICIPALITY OF
WATERLOO**

Appellants

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

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	EXHIBIT BOOK (VOL. 8 OF 15)
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