

VOLUME 5 OF 5

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

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

JOINT TRANSCRIPT BRIEF

(Application Hearing, returnable April 16, 17, and 20, 2026)

March 13, 2026

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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 **Sara Escobar** on her affidavit dated February 20, 2026, taken via Zoom videoconference on consent of the parties on March 2, 2026.

APPEARANCES:

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GRETA HOAKEN, Ms.

ASHLEY SCHIUTEMA, Ms. Counsel for the Respondents
JOANNA MULLEN, Ms.

MERCEDES PEREZ, Ms. Amicus Curiae

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S. Escobar (Cr.-Ex.) - 3

1 MARCH 2, 2026

2
3 SARA ESCOBAR, AFFIRMED

4 CROSS-EXAMINATION BY MR. LOKAN:

5 1. Q. Good afternoon, Sara.

6 A. Good afternoon.

7 2. Q. And just to remind you, I'm Andrew
8 Lokan, a lawyer for the Region in this matter. And I
9 just have some questions for you on your third
10 affidavit which I think was affirmed on -- I'll just
11 check the date -- February 20th?

12 A. Yes.

13 3. Q. Thank you. And you have that affidavit
14 accessible to you?

15 A. I do.

16 4. Q. And you don't have any other materials
17 accessible to you at the moment?

18 A. No, I just have Peter Sweeney's
19 affidavit and his fifth affidavit and just the
20 Schedule C, the transitional protocol in front of me.
21 That's all.

22 5. Q. Okay, and sorry, the Peter Sweeney
23 affidavit, did you mean the -- just the fifth or
24 you've got ---

25 A. Yes, just -- just the fifth.

S. Escobar (Cr.-Ex.) - 4

1 6. Q. Fifth, okay, right. Thank you. I am
2 just going to remind you of a couple of ground rules.
3 The first is if you're unclear on any question, you
4 can ask to have it repeated.

5 A. Okay.

6 7. Q. If you don't understand something, you
7 can ask for a clarification. Also we should try not
8 to talk over each other because the transcript doesn't
9 work out very well if that happens. And, finally,
10 that's -- you should answer always with a "yes" or a
11 "no," if you mean yes or no and avoid using "uh-huh"
12 because that's ambiguous on the transcript.

13 A. Okay.

14 8. Q. Thank you. So, Sara, I take it you are
15 still working at the YWCA Women's Shelter in
16 Cambridge?

17 A. I am.

18 9. Q. Okay, and that is -- that's a facility
19 that's fully funded by the Region?

20 A. I think the opening was, yes.

21 10. Q. Okay, thank you. Now you've given some
22 evidence about something called "HIFIS" which stands
23 for Homeless Individuals and Families Information
24 System?

25 A. Yes.

S. Escobar (Cr.-Ex.) - 5

1 11. Q. Thank you. I understand that from your
2 position working with the Cambridge YWCA Women's
3 Shelter, you have access to HIFIS but it's of limited
4 access, is that right?

5 A. Correct.

6 12. Q. Okay. And the Region would have full
7 access to those numbers on an ongoing basis?

8 A. I would imagine that's a difference.

9 13. Q. Okay. And you appended to your
10 affidavit as Exhibit A an analysis of HIFIS numbers.
11 And you say that's done by First Connect?

12 A. That -- First Connect also has access
13 to those numbers, yes.

14 14. Q. Right. And First Connect is another
15 agency also funded by the Region?

16 A. I don't know who they are funded
17 through.

18 15. Q. Okay. But you don't yourself work with
19 First Connect? You're not an employee of First
20 Connect?

21 A. No. First Connect is the number that
22 we call whenever folks -- or people -- community can
23 call when they need an emergency shelter bed.

24 16. Q. Right. I just want to go through to
25 understand some of the numbers on the capacity of the

S. Escobar (Cr.-Ex.) - 6

1 system. And you gave some information in your
2 affidavit which was drawn from the First Connect
3 analysis. And I take it from what you told me a
4 little before, you have had a chance to look over the
5 -- the fifth Sweeney affidavit? And ---

6 A. Correct. Yes.

7 17. Q. So there is a slight discrepancy and
8 it's not very big so I am not going to get too excited
9 about it. But you reported 351 emergency shelter beds
10 and Peter Sweeney in his affidavit says it's 356?

11 A. I would agree.

12 18. Q. Yeah. But I just want to make sure
13 that I understand what is not -- what is and is not
14 included in that.

15 In your Paragraph 11, you outline a further
16 175 transitional housing spaces.

17 A. Mm-hmm, yes.

18 19. Q. And that's in addition to the 351 or
19 356? Is that right?

20 A. Transitional housing spaces operate a
21 bit slightly different than emergency shelter beds.
22 So that is correct.

23 20. Q. Okay. And you also didn't include in
24 the 356 -- and I am just trying to understand the
25 categories. We can later talk in court about what has

S. Escobar (Cr.-Ex.) - 7

1 what importance and for what reasons. But just to get
2 an idea, a bit of a census here, you didn't include
3 the motel and family category.

4 A. No, in which numbers?

5 21. Q. That's not included in the 356 and it's
6 not included in the 175.

7 A. Those function differently than the
8 emergency shelter beds that an individual, male or
9 female or gender-diverse person would be accessing.

10 22. Q. Right. And when you say, "those
11 function differently," it's fair to say that the
12 Region deals directly with the motel -- with the
13 motels for motel placements?

14 A. Some of them. I think what it's fair
15 to say is that it's, at best, confusing to how any of
16 the programs can sometimes be accessed.

17 23. Q. Right. But they are -- they are in
18 addition to the categories we talked about so far?

19 A. Yeah. And in -- for a very specific
20 category of people.

21 24. Q. For a specific category?

22 A. Correct. For the family transition is
23 for families.

24 25. Q. Right.

25 A. For example.

S. Escobar (Cr.-Ex.) - 8

1 26. Q. Is that run by YWCA Kitchener?

2 A. I don't know.

3 27. Q. Okay.

4 A. It's various agencies.

5 28. Q. Okay, and the numbers on that, it's my
6 understanding they -- there's not a set capacity.

7 That varies according to the needs and according to
8 what's available. Do you have any understanding of
9 that?

10 A. Of which beds?

11 29. Q. The motel and for family categories?

12 A. Those -- yeah, they would change
13 however the agency that is managing them would want to
14 or need to.

15 30. Q. Okay. You included in your affidavit
16 as Exhibit B, a slide deck presentation. And in your
17 Exhibit B, I understand that -- the source of that was
18 the Region of Waterloo?

19 A. Yes.

20 31. Q. Okay. And if we look at the fourth
21 page in -- so I think that's PDF 86?

22 A. Sorry, which -- which page on that
23 document? Are you talking -- what's the title of the
24 document?

25 32. Q. We can screenshare that. The title of

S. Escobar (Cr.-Ex.) - 9

1 the document is your Exhibit B.

2 A. Mm-hmm.

3 33. Q. Per 2025 HSS Data Update.

4 A. Okay.

5 34. Q. And the fourth page in. I'm just
6 pulling it up to screenshare. Can you see that?

7
8 --- SCREENSHARE

9
10 A. Yeah. Okay, yes.

11 35. Q. Yes. And we have talked about
12 emergency shelter and that's the 356. We talked about
13 transitional housing and your description, actually,
14 in Paragraph 11, comes to 175 transitional housing
15 places. And you agree with me on that, yes?

16 A. Yes.

17 36. Q. And then just to get an idea of the
18 numbers, the average number of individuals reported
19 here for motel and family are 81 and 59, respectively.

20 A. Mm-hmm.

21 37. Q. Do you see that?

22 A. I see that.

23 38. Q. Now, I don't know across how many dates
24 that's the average but that's -- that's what's
25 reported in a source that you relied on in your -- in

S. Escobar (Cr.-Ex.) - 10

1 preparing your affidavit. Correct?

2 A. Correct.

3 39. Q. So between these two, they account for,
4 at least at this time, November of 2025, approximately
5 140 people?

6 A. That's if you're -- are you adding the
7 number of transitional motel and family? Is that how
8 you got that number?

9 40. Q. No, I'm adding the number of motel and
10 family.

11 A. Okay.

12 41. Q. I wasn't adding ---

13 A. I'll trust your math.

14 42. Q. Okay. And you may not know -- you may
15 not have any sense of how many people are in motels at
16 any one time or in the family program at any one time?

17 A. It fluctuates.

18 43. Q. Okay. And you don't run either of
19 those programs. And you may not have visibility into
20 how many rooms there are?

21 A. Correct.

22 44. Q. Okay. And just to understand "the
23 family," is that also a -- that category also a motel
24 program but it's family rooms?

25 A. Correct.

S. Escobar (Cr.-Ex.) - 11

1 45. Q. Okay, thank you. Now, I'll take that
2 down. There is also something called "A Better Tent
3 City" that you're aware of?

4 A. Yes.

5 46. Q. And in the Sweeney affidavits, his
6 Exhibit F, he gives an occupancy number for "A Better
7 Tent City," or a capacity number for a "A Better Tent
8 City" of 50.

9 A. Okay.

10 47. Q. And I take it that that is something
11 you're generally aware of, the existence of "A Better
12 Tent City?"

13 A. I am aware of the existence of "A
14 Better Tent City."

15 48. Q. But you may not, yourself, know the
16 number of spots that represents?

17 A. It fluctuates, yeah. You're right, I
18 don't know how they run it.

19 49. Q. But in any event, that's in addition to
20 what we looked at so far. The 356 emergency, the 175
21 transitional, the approximately 140 motel and family,
22 there is another capacity about (indiscernible) 50
23 reported by the Region for "A Better Tent City?"

24 A. That -- that are -- like that are
25 people that spaces that are full. Is that what you

S. Escobar (Cr.-Ex.) - 12

1 mean? Fifty spaces ---

2 50. Q. That's ---

3 A. --- that people live in now?

4 51. Q. That's their capacity?

5 A. Yes.

6 52. Q. Okay. Thank you. And also in your
7 affidavit, you didn't include Peter's reports on --
8 which are "warming centres" and he gives a number as
9 of his affidavit, February 27th of 177?

10 A. Okay.

11 53. Q. And is that -- again, if you don't know
12 those numbers, that's fine. But is that in line with
13 your understanding?

14 A. Yeah, no, I understand that those
15 numbers tend to go up in the winter and then they'll
16 eventually will -- those spaces will close in the
17 spring.

18 54. Q. Right, yeah. But ---

19 A. They are scheduled on close.

20 55. Q. They're winter warming centres and when
21 winter is over ---

22 A. I think it's just important to name
23 that they will close.

24 56. Q. Yeah. We're agreed on that.

25 A. Mm-hmm.

S. Escobar (Cr.-Ex.) - 13

1 57. Q. Peter says in his affidavit. We also
2 dealt with that in the previous -- in the previous
3 round. But, yes, there is no dispute on that.

4 A. Mm-hmm.

5 58. Q. Could I take you to Paragraph 14 of
6 your affidavit?

7 A. Okay, I am there.

8 59. Q. And it just looked like something might
9 have gotten garbled there. Because if you look at the
10 second sentence after Footnote 2, just after Footnote
11 2.

12 A. Mm-hmm.

13 60. Q. You should be saying "yes" or "no."
14 That one didn't really count but do you see that?

15 A. Sorry. I see Paragraph 14. Are you
16 speaking where it says "The Region's website also
17 states?"

18 61. Q. Sorry.

19 A. Is that where you are?

20 62. Q. No, that's all first sentence. The one
21 starting with, "It's my understanding."

22 A. Okay, I see that.

23 63. Q. "... It is my understanding that the
24 general waitlist is eight to ten years
25 long. Police do not have access to the

S. Escobar (Cr.-Ex.) - 14

1 waitlist in my experience ..."

2 That looks like something got garbled
3 there.

4 A. Typo, yeah.

5 64. Q. Okay.

6 A. It's supposed to -- I think it's -- it
7 should read "the public."

8 65. Q. The public does not have access to the
9 waitlist?

10 A. Correct.

11 66. Q. So you don't have -- you don't know
12 about that number?

13 A. Correct. Well, we know that that is
14 how long the waitlist is. By "the public," I mean if
15 I'm supporting somebody that would like to know --
16 they've been on the list for six years and they'd like
17 to know how close they are to receiving an offer of
18 housing, they cannot tell us that.

19 So we don't know where people are actually
20 on the list. But we do know that it's an average of
21 ten to -- eight to ten years right now.

22 67. Q. And you say, "It's my understanding,"
23 and what's that understanding come from?

24 A. My experience of the work and being
25 able to accompany folks through this process.

S. Escobar (Cr.-Ex.) - 15

1 68. Q. So at least in the past leading up to
2 now, it's been eight to ten years?

3 A. We -- yeah, yes.

4 69. Q. Okay.

5 A. And then it has significantly grown.
6 When I first started this -- well, if I go back about
7 ten years or so, the list was somewhere between three
8 to five, and it steadily grew from there.

9 70. Q. Right. We know that we've had
10 increases in numbers in unhoused individuals. There
11 is some suggestion that the numbers may be now getting
12 lower. But we know that there was a big change
13 between 2021 and 2024 in Point in Time counts.

14 So that would coincide with that increase,
15 is that fair?

16 A. I think it -- yes.

17 71. Q. Okay. Now, you understand -- do you
18 ever visit the encampment yourself, Sara?

19 A. I do. I haven't in a little while.

20 72. Q. Okay. Do you understand that as of
21 last April 16th, there were approximately 40 people
22 residing at 100 Vic?

23 A. Yes.

24 73. Q. Okay. And you also understand that --
25 I am not talking about the amendments but prior to the

S. Escobar (Cr.-Ex.) - 16

1 amendments -- there was a plan that went with the
2 bylaw that added capacity to the system?

3 A. To the what system, sorry?

4 74. Q. To the system for being able to
5 accommodate unhoused individuals.

6 A. Sure, yes. There is always changes.

7 75. Q. There's always changes but ---

8 A. Mm-hmm.

9 76. Q. --- it's Peter Sweeney's evidence that
10 the -- that under that plan, the capacity being added
11 was that it would be enough to account for
12 approximately 40 people.

13 A. Okay.

14 77. Q. So if that evidence is believed, do you
15 accept that closing the encampment is not a net loss
16 in capacity? That is to say, you're taking away a
17 place where 40 people are residing but you're adding
18 room for 40 people to system?

19 A. I think for me, it's really important
20 to also know that if the 40 people from whatever area
21 are getting housed ---

22 78. Q. Yes.

23 A. --- and they are being prioritized,
24 there are other 40 people who have been on that
25 waitlist who are continuously getting bumped down.

S. Escobar (Cr.-Ex.) - 17

1 That's how I ---

2 79. Q. (Indiscernible).

3 A. --- understand the system.

4 80. Q. That's what I was going to ask you
5 about. Because if you're reducing the system by 40,
6 but adding 40 back in, there's no need for people to
7 be de-prioritized, is there?

8 A. There's an eight to ten-year waitlist.

9 And this -- I think if the math that you're trying to
10 -- and I'm trying to figure out if this is what you're
11 saying.

12 Because if you added 20 new units, it should
13 also alleviate the pressure of the ten -- eight to ten
14 years.

15 81. Q. Right.

16 A. Right. Because those folks have been
17 already in that wait list.

18 If you prioritize a new group on top of that
19 group, it doesn't matter if they are new units or not.
20 Because the new units are not sufficient to house
21 everybody in the 10-year waitlist.

22 82. Q. Okay, so ---

23 A. So if you're prioritizing, you're
24 always prioritizing them above somebody else. That's
25 all I am saying.

S. Escobar (Cr.-Ex.) - 18

1 83. Q. Okay. But just take a hypothetical.
2 Let's say we're dealing with the eight to ten-year
3 waitlist.

4 A. Mm-hmm. Yes.

5 84. Q. Add 40 new units to that.

6 A. Yes.

7 85. Q. And then you put 40 people in them.

8 A. Yes.

9 86. Q. You haven't changed the position of
10 anyone below them on the waitlist at all, have you?
11 They still face the same eight to ten years.

12 A. That's the point.

13 87. Q. It's neutral, is what I am suggesting
14 to you. It doesn't leave anybody any worse off, it's
15 neutral. That's what I am suggesting to you.

16 A. I am going to have to disagree. Sorry.

17 88. Q. Okay.

18 A. I am not agreeing with your neutral
19 statement. And the neutrality is what's killing
20 people now. So any "neutral" decisions that people
21 are making, it's always leaving somebody else behind.

22 89. Q. Okay. Let me just see if I understand
23 what you're saying. Who is being left behind?

24 A. If you're prioritizing 40 new people
25 that are -- let's they're in position 100 in a

S. Escobar (Cr.-Ex.) - 19

1 waitlist of a hundred people ---

2 90. Q. Yeah.

3 A. --- there's 99 people ahead of them and
4 there's 40 new units come up, say there was 40 already
5 existing. So the first 80 people will get housed on
6 that list including the 40 people that were just
7 prioritized.

8 Which means that the rest of that -- they
9 have been prioritized ahead of the other people that
10 -- so 40 housed -- there was still 60 left. But if
11 you move these 40 in ---

12 91. Q. Yeah.

13 A. --- the 60 get pushed down.

14 92. Q. They don't get pushed down if there's
15 40 new units though.

16 A. Okay.

17 93. Q. I mean, yeah, am I missing something?

18 A. I don't -- I don't know.

19 94. Q. Okay.

20 MS. SCHIUTEMA: I mean, I think she said she
21 disagreed with you, Andrew, right?

22 MR. LOKAN: She did. And what sense we make
23 of the explanation will be for the court.

24 Thanks.

25

S. Escobar (Cr.-Ex.) - 20

1 BY MR. LOKAN:

2 95. Q. Are you aware, Sara, that there are
3 other encampments in the Region of Waterloo besides
4 100 Vic?

5 A. I am aware that there are community
6 members who are needing to camp and tent in different
7 spaces, yes.

8 96. Q. Okay, so just factually. And I am not
9 asking about legal status but factually, there are
10 other encampments, smaller ones.

11 A. Yes. I am aware of folks camping other
12 places.

13 97. Q. Do you have any sense of how many there
14 are?

15 A. I could take a guess but this isn't the
16 place to take guesses so I can't ---

17 98. Q. Okay.

18 A. Yeah. They continue to grow; that I
19 can say. The number of encampments continue to grow.

20 99. Q. Okay. In your affidavit towards the
21 end, you expressed some views on the position of those
22 who are of the encampments and who do not meet the
23 definition of resident.

24 So this would be in your section called,
25 "Support for Non-Residents." And that's ---

S. Escobar (Cr.-Ex.) - 21

1 A. Okay.

2 100. Q. --- Paragraph 24 -- 24 to 26.

3 A. I see it.

4 101. Q. Okay. And again, I just want to
5 understand your evidence. What I understood you to be
6 saying is that it does not help this particular group
7 to be taken into the housing stability system because
8 that probably means just adding them to HIFIS.

9 A. Sorry, what is it that you're -- which
10 paragraph in particular? Or are you just rephrasing
11 -- paraphrasing what I wrote here?

12 102. Q. You say -- in Paragraph 24 you
13 describe:

14 "... Being taken into the housing
15 stability system as a very meaningless
16 offer ..."

17 A. Okay. Yeah, I see that.

18 103. Q. And so why do you say it's
19 "meaningless?"

20 A. Our system is at capacity. Our system
21 as it exists and we sit right now, is at capacity.

22 104. Q. Okay, well, there's the evidence of
23 both you and Peter and we're -- depending on the
24 particular night and depending on the particular
25 count, it looks like around about 95 percent capacity

S. Escobar (Cr.-Ex.) - 22

1 most nights.

2 A. Correct.

3 105. Q. Or so.

4 A. Okay.

5 106. Q. So you're aware that people from the
6 encampment who are not original residents as of April
7 2025 have been placed over the last year?

8 A. I am aware that the Region's position
9 is that they are no longer residents of the encampment
10 and that's how they are described.

11 107. Q. Right, and I wasn't actually asking you
12 that question. Are you aware that there are those
13 that don't qualify as residents under the definition
14 but who have been placed in alternative accommodation?

15 A. Sorry, what's your question?

16 108. Q. Are you aware of that?

17 A. Yes. There's -- outreach workers are
18 doing their jobs all the time.

19 109. Q. Right.

20 A. There are 2,300 people that are
21 accounted for that need housing.

22 110. Q. And it's the Region's evidence about 22
23 of those occupants who do not qualify as residents
24 under the original bylaw have been placed in the last
25 10 or 11 months.

S. Escobar (Cr.-Ex.) - 23

1 A. Okay.

2 111. Q. You wouldn't know about those numbers;
3 that's not part of your job?

4 A. It's part of what we hear -- I know
5 that we've received -- we've -- at the -- people go
6 all over the place and so I am sure that some of those
7 folks have also been offered different spaces and
8 given different spaces, yes.

9 112. Q. Okay, thank you.

10 A. Lots of people have come through there.

11 113. Q. Were you aware of a series of fires at
12 100 Vic ---

13 A. Yes.

14 114. Q. --- earlier this month?

15 A. Yes.

16 115. Q. And how were you aware of that and from
17 -- learning from other people, from people at the
18 encampment?

19 MS. SCHIUTEMA: I mean, I am going to
20 interrupt for just a second and say like
21 this is completely outside of the scope of
22 Sara's affidavit. So I don't know if it's
23 appropriate to be asking her these
24 questions.

25 MR. LOKAN: I am just going to put a

S. Escobar (Cr.-Ex.) - 24

1 position on the record which you're free to
2 look at and agree or disagree with. There
3 is no rule of evidence that says that you
4 cannot ask questions beyond the four corners
5 of an affidavit.

6 There is a rule of evidence that says
7 you can't ask irrelevant questions,
8 questions that are irrelevant to the
9 application. But there's nothing that says
10 you can't -- that you're bound by what an
11 affiant has put before the court. That's
12 the Region's understanding of what the
13 relevant rule of evidence is. Now ---

14 MS. SCHIUTEMA: Okay.

15 MR. LOKAN: --- (indiscernible) will note
16 your objection for the record and I'll go
17 on.

18 MS. SCHIUTEMA: So I mean, I guess you can
19 put the questions to her but if she can't
20 answer them, she can't answer them.

21 MR. LOKAN: That's understood.

22
23 BY MR. LOKAN:

24 116. Q. So I was asking about the source of
25 your knowledge. Is this from reading in the media or

S. Escobar (Cr.-Ex.) - 25

1 is this from hearing on -- from people on the sites?

2 A. Community members.

3 117. Q. Okay. And I am going to show you a
4 newspaper article and just ask about that. We're just
5 screensharing.

6 MS. SCHIUTEMA: And I am probably going to
7 likely be objecting to -- like, you're not
8 going to be able to enter this for the truth
9 of the content of the article, right?

10 MR. LOKAN: That all depends but if you feel
11 like, Ashley, to have a mutual understanding
12 that no article or document can be relied
13 upon for the truth of its contents. We can
14 always do that.

15 MS. SCHIUTEMA: I mean, you can give her an
16 opportunity to look at it but like we're
17 going to be disputing whether or not this is
18 allowed in.

19 MR. LOKAN: Okay, that's fine. So I am
20 going to give you a minute, Sara, to look at
21 this article. And we can scroll down, it's
22 not very long.

23
24 --- SCREENSHARING
25

S. Escobar (Cr.-Ex.) - 26

1 BY MR. LOKAN:

2 118. Q. I think that's the extent of it. First
3 of all, Sara, what is your understanding of the fire
4 that happened?

5 A. I don't have any understanding other
6 than I know that it happened.

7 119. Q. Okay, and have you been by the site
8 since the fire?

9 A. No.

10 120. Q. Okay. Had you taken note of this
11 article; had you read it at the time that it was
12 reported?

13 A. No.

14 121. Q. Okay. I am going to ask that we give a
15 letter and not a number for this document and call it
16 Exhibit A to the cross-examination.

17 MS. SCHIUTEMA: Well, she hasn't been able
18 to identify it. She hasn't -- she's not
19 aware of it so I don't think it should be
20 entered as an exhibit.

21 MR. LOKAN: It isn't entered as an exhibit
22 when you give it a letter. That's the whole
23 point of the letter.

24 A numbered exhibit is part of the
25 evidence. A lettered exhibit is for

S. Escobar (Cr.-Ex.) - 27

subsequent identification.

MS. SCHIUTEMA: Okay.

MR. LOKAN: So we'll refer to this as Exhibit A but that doesn't mean it's evidence. And that's what we followed through the earlier cross-examinations as well.

EXHIBIT NO. A: Newspaper article

MR. LOKAN: Okay, you can take this down.

BY MR. LOKAN:

122. Q. Sara, you expressed a view in your affidavit that -- and I am paraphrasing again here -- that once somebody is placed, the supports stop once they have indoor shelter, the supports stop?

A. On the unsheltered workers.

123. Q. On the unsheltered workers. Okay, so maybe it's -- maybe that's the source of the disagreement. I am wondering if we could put up Peter Sweeney's fifth affidavit, Paragraph 16.

--- SCREENSHARE

S. Escobar (Cr.-Ex.) - 28

1 124. Q. Now, Peter Sweeney says that:
2 "... USW support continues when someone
3 comes indoors but remains in the
4 emergency shelter system. When someone
5 is housed in a market housing unit with
6 the assistance of a Canada-Ontario
7 Housing Benefit, a rental subsidy, the
8 USWs will support the person with
9 light-tech support regarding that
10 program for requirements for up to one
11 year to ensure a smooth transition ..."
12 Are you saying that he's wrong in that
13 or are you just saying that's not something you're
14 aware of?

15 A. I am stating that what I see on the
16 ground in real life in real-time, sees -- it's
17 slightly different than that.

18 125. Q. Okay, and when you say what you see on
19 the ground, I take it your source is unhoused
20 individuals who you've maintained contact with?

21 A. Correct. Unhoused individuals and
22 frontline workers.

23 126. Q. And when you say "frontline workers,"
24 who are you -- are you talking about the USW ---

25 A. A mixed -- a mix of -- a mix of workers

S. Escobar (Cr.-Ex.) - 29

1 within the system.

2 127. Q. But you're not talking about the USWs
3 themselves?

4 A. Some of them, yes.

5 128. Q. Okay, so the USWs have told you that
6 there are no supports once people come indoors?

7 A. So I think -- so what I have heard from
8 -- from different workers is that the number of people
9 kept growing that they were supporting and there was
10 lots of really great things that were intended, like
11 what Peter has described.

12 And when the reality of the numbers really
13 began to hit, there was pressure that they needed to
14 just support folks -- there -- they had to concentrate
15 their work in the folks that were unhoused. So
16 anybody coming indoors was no longer considered
17 unhoused.

18 129. Q. So ---

19 A. And from the title of the worker,
20 that's how we understand the workers' role as well.

21 130. Q. So I just want to understand your
22 evidence. Despite what Peter says, you say there is
23 no such thing as My Touch Support as set out in
24 Paragraph 16 of Peter's affidavit?

25 A. Well, what I said was that the work

S. Escobar (Cr.-Ex.) - 30

1 looks very different on the ground for me in real-time
2 and in real life.

3 131. Q. I understand what ---

4 A. Mm-hmm.

5 132. Q. No need to repeat that part but I just
6 want to understand what you're saying. Are you saying
7 it never happens or are you saying it happens perhaps
8 less frequently than it should?

9 A. Sure, we'll say it happens less
10 frequently than it should.

11 133. Q. Okay. And I take it you would say the
12 same thing about individuals in scattered site
13 supported housing and the ongoing regular support for
14 a minimum of one year that Peter speaks of?

15 A. Yes.

16 134. Q. And that would be true as well for the
17 fixed site supportive housing and where he says they
18 receive ongoing support for as long as they're living
19 in the unit and engaged with the team. Again, you'd
20 say not that it never happens, it's just that it's not
21 at the level it should be?

22 A. That people really need it, the -- the
23 USWs, right? The unsheltered support workers. We're
24 still speaking specifically about that role?

25 135. Q. I'm actually talking more generally

S. Escobar (Cr.-Ex.) - 31

1 here because my understanding -- I may be wrong, but
2 people in fixed site supported housing, it may not be
3 only the USWs, there may be other resources available
4 to them?

5 A. It depends on the agency that is
6 providing that service.

7 136. Q. Okay. And do you disagree that for
8 those in transitional housing that they're getting
9 24/7 support from the staff team of the building
10 they're in?

11 A. I will agree that there is a staff
12 available for residents.

13 137. Q. Okay. And on cooperative housing, have
14 you heard of the position called "Tenancy Liaison
15 Specialist?"

16 A. For which housing, sorry?

17 138. Q. For cooperative housing?

18 A. Yeah, we don't have a lot of folks that
19 have moved into co-op housing so I know very little of
20 how co-op housing works.

21 139. Q. Okay. Thank you. Thank you, those are
22 my questions.

23 MS. SCHIUTEMA: I am just going to take a
24 couple of minutes to review my notes and see
25 if I have any redirect.

- 32

1 MS. PEREZ: I actually have one question but
2 Andrew already asked it. It was about
3 Paragraph 14 and clarifying that typo. So I
4 don't have anything else.

5 MS. SCHIUTEMA: Okay. I actually don't have
6 any redirect questions for Sara.

7 MR. LOKAN: Okay, Sara, thank you. We're
8 done with -- you're finished for today.

9 THE WITNESS: Okay.

10 MR. LOKAN: We were going to have a counsel
11 discussion. Maybe we can have a brief
12 discussion with Barbara.

13 MS. SCHIUTEMA: Sure.

14
15
16 --- ADJOURNED
17
18
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- 33

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.

EXHIBIT “A”

[Kitchener](#) | News

Two fires reported at Kitchener encampment

By [Shelby Knox](#)

Published: February 12, 2026 at 2:02PM EST



A damaged structure was photographed at 100 Victoria Street North in Kitchener, Ont. on Feb. 12, 2026. (Dan Lauckner/CTV News)

Emergency responders were called to a large encampment in Kitchener for two separate fires.

Both incidents happened on Thursday at 100 Victoria Street North, with the first call coming in shortly after 9:30 a.m.

According to the City of Kitchener, four trucks from the Kitchener Fire Department responded to a tent fire involving large flames and heavy black smoke.

Two people suffered minor injuries and paramedics were notified.

The cause of that fire is still unknown.

Just over two hours later, at 11:33 a.m., a second call about a fire at the encampment came in. This one involved an enclosed structure.

The city said that fire was smaller and quickly extinguished.

041



Waterloo Regional Police Service vehicles were seen at 100 Victoria Street North in Kitchener, Ont. on Feb. 12, 2026. (Dan Lauckner/CTV News)

There were no occupants inside the structure at the time of the fire and no injuries were reported. The cause of that fire is undetermined.

Photos taken from the site around 1 p.m. show blackened and charred bits of wood surrounded by other undamaged structures.

Related Stories

- > [Court hearing on Waterloo Region’s encampment bylaw pushed back](#)
- > [Workers tear down tiny home built illegally inside Guelph, Ont. park](#)
- > [A Better Tent City asks Waterloo Region for more funding to hire two new staff members](#)

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TAB 23

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 **Julie Kalbfleisch** on her affidavit dated February 12, 2026, taken via Zoom videoconference on consent of the parties on March 4, 2026.

APPEARANCES:

ANDREW LOKAN, Mr. Counsel for the Applicant
GRETA HOAKEN, Ms.

ASHLEY SCHIUTEMA, Ms. Counsel for the Respondents
JOANNA MULLEN, Ms.

JENN DANCH, Ms. Amicus Curiae

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1 MARCH 4, 2026

2
3 JULIE KALBFLEISCH, AFFIRMED

4 CROSS-EXAMINATION BY MR. LOKAN:

5 1. Q. First of all, is it okay if I call you
6 Julie? If I refer to you as Julie?

7 A. Can you not pronounce my last name, or
8 ...? Yes, you can refer to me as Julie. That's fine

9 2. Q. Your last name, I was actually going to
10 say, Kalbfleisch because I studied German at one
11 point.

12 A. Well, there you go. And, I mean, I
13 think they have lots of different ways to pronounce
14 it, but we'll go with Julie. That sounds good.

15 3. Q. Okay. That's good. So just to
16 confirm, I'm Andrew Lokan. I'm a lawyer for the
17 Region, and I have some questions for you on your
18 affidavit. And this is your affidavit that was sworn
19 February 12th of 2026, is it?

20 A. Yes.

21 4. Q. Okay. Just a couple of ground rules.
22 The first is that if you don't understand a question
23 or don't hear a question, please ask me to repeat it.
24 Second is that we should try to avoid talking over
25 each other because it makes it very difficult on the

J. Kalbfleisch (Cr-Ex) - 4

1 transcript. And third is if you want to answer "yes,"
2 or "no," try to use those words and not "mm-hmm" or
3 nodding your head as you currently are, because
4 neither of those show up in a way on the transcript
5 that can be understood later. Are you ...

6 A. Got it. Yes. Got it.

7 5. Q. Okay. So Julie, I understand you are
8 the Director of Public Engagement at Sanguen. Is that
9 right?

10 A. Yes.

11 6. Q. And how long have you been in that
12 position?

13 A. Two years.

14 7. Q. And that is an agency that's funded by
15 the region?

16 A. In part. We are funded by a number of
17 different private donors, provincial government,
18 federal.

19 8. Q. Okay. And the association with the
20 region, is that a long-standing arrangement?

21 A. Can you clarify that? You mean the --
22 the funding relationship?

23 9. Q. Yes.

24 A. I -- I can only go back to my knowledge
25 with the Consumption and Treatment Services site back

J. Kalbfleisch (Cr-Ex) - 5

1 to 2017. I know there was funding agreement there.

2 10. Q. Okay.

3 A. Yeah. Depends on the -- the program.
4 There's been a variety of programs that have been
5 funded by the Region over the years.

6 11. Q. Okay. So the funding arrangements go
7 back at least to 2017?

8 A. Correct.

9 12. Q. Okay. And you yourself used to be an
10 employee of the region?

11 A. Yes.

12 13. Q. And just roughly what year or years was
13 that?

14 A. I worked with public health from 2013
15 to 2021.

16 14. Q. Okay. And in terms of the arrangement
17 -- sorry, the services provided by Sanguen to the
18 encampment, first of all, I'm going to just refer to
19 the encampment 100 Victoria Street North as the
20 encampment or 100 Vic, okay?

21 A. Okay.

22 15. Q. The services that Sanguen provides,
23 it's a community health van that visits weekly. Is
24 that right?

25 A. Yes. That's one of the services that

J. Kalbfleisch (Cr-Ex) - 6

1 we provide there.

2 16. Q. Okay. And the visits from the van, the
3 community health van, were weekly up until, it looks
4 like, about late November or early December?

5 A. It was, I believe, December 18th when
6 there was a change in the schedule. The week of
7 December 18th.

8 17. Q. Okay. And then you said in the
9 affidavit that the van did not go on-site for a few
10 weeks and on-site service resumed the week of January
11 19th. Do I have that right?

12 A. Correct.

13 18. Q. Okay. Now you refer to a Ms. Steingart
14 in your affidavit, and there being a phone call from
15 somebody at the Region. Is it Ms. Steingart that
16 received the phone call?

17 A. Yes.

18 19. Q. Okay. You don't actually know who it
19 is that it was from the Region who passed on the
20 information?

21 A. I -- I don't know who passed on the
22 information to us. It came in an email after that
23 call to Michelle.

24 20. Q. Okay. When you say, "Came in an
25 email," the email you're referring to was the one that

J. Kalbfleisch (Cr-Ex) - 7

1 was sent around by -- and you have this in paragraph
2 four, if you need to look at it. Yes, "By Michelle
3 Steingart." She sent the email around.

4 A. Correct.

5 21. Q. Okay. What was the date of that email?

6 A. November 28th.

7 22. Q. Okay. Would it be possible for that
8 email to be produced to me?

9 A. Yes.

10 23. Q. Okay. I'm going to ask that Counsel
11 provide that via an undertaking. Is that okay?

12 MS. DANCH: Yes, we can do so.

13 MR. LOKAN: Thank you.

14 **UNDERTAKING**

15 BY MR. LOKAN:

16 24. Q. So, Julie, are you aware of documented
17 fights between residents at 100 Vic?

18 A. No.

19 25. Q. Okay. Are you aware of a documented
20 incident with a person onsite wielding a machete and
21 threatening security?

22 A. No.

23 26. Q. Okay. Are you aware of documented
24 reports of an assault with a baseball bat at 100 Vic?

25 A. No.

J. Kalbfleisch (Cr-Ex) - 8

1 27. Q. Okay. Are you aware of a documented
2 incident where a person at 100 Vic threatened another
3 with a metal pipe?

4 A. No.

5 28. Q. Are you aware of a documented assault
6 by a person at 100 Vic on another person there with a
7 hammer?

8 A. No.

9 29. Q. Okay. Are you aware of a person at 100
10 Vic throwing stones at a security guard?

11 A. No.

12 30. Q. Are you aware of a resident reporting
13 to security that they believed another resident had a
14 firearm?

15 A. No.

16 31. Q. So what was in the email that went
17 around? What was the specific thread?

18 A. Can I -- would it be okay if I can pull
19 the email up since I'm going to share it with you? I
20 have it right here.

21 32. Q. Sure. Sure.

22 A. Okay. Just so I can read it to you.

23 33. Q. Is there a way you can screenshare the
24 email?

25 A. Oh boy.

J. Kalbfleisch (Cr-Ex) - 9

1 34. Q. If you can't, then you and I are in the
2 same boat.

3 A. I mean I can but it never goes well.
4 It's a very short email from Michelle on November 28th.

5 35. Q. Okay.

6 A. And it says:
7 "Got a call from ROW Housing
8 Services to make us aware that
9 there have been reports of weapons
10 amongst the community at 100 Vic.
11 There have not [in capital] been
12 any incidents, but she wanted us
13 to be aware as we provide service
14 there. Please reach out to me if
15 you have any questions or
16 concerns. I have the ROW person's
17 contact information for
18 information."

19 36. Q. Okay. Are you aware of residents at
20 100 Vic uttering death threats?

21 A. No.

22 37. Q. Okay. Now you say in your affidavit
23 that there's a person who has the position of Manager
24 of Harm Reduction.

25 A. Yes, correct.

J. Kalbfleisch (Cr-Ex) - 10

1 38. Q. And who is that?

2 A. Violet Umanetz.

3 39. Q. Okay. And you say that she did an
4 assessment and then service was restored on-site as of
5 the week of January 19th.

6 A. Correct.

7 40. Q. And what kind of assessment or
8 investigation did she do?

9 A. She spoke with the team that -- that
10 provides service at 100 Vic to get a sense of their
11 feelings about or concerns about this email that came
12 from -- or, sorry, the phone call that came from the
13 Region, and if there was any concern that she needed
14 to be aware of. She spoke with other agencies that
15 deliver ---

16 41. Q. Okay. But just to -- the first that
17 you spoke of spoke to the team. That's the Sanguen
18 team?

19 A. Correct, yeah.

20 42. Q. And spoke with other agencies. Did she
21 speak to anyone at the Region?

22 A. I'm not sure.

23 43. Q. Okay. Did she reach out to Waterloo
24 Region Police Service?

25 A. I believe so.

J. Kalbfleisch (Cr-Ex) - 11

1 44. Q. Okay. And why do you say you believe
2 so? Is that in some kind of written report or
3 something?

4 A. There's no written report. Violet has
5 -- is not someone who reports to me; however, in our
6 leadership meeting, I believe that her director said
7 that the police would be contacted.

8 45. Q. Okay. Her director is who?

9 A. Lindsay Sprague.

10 46. Q. Okay. And were you present at this
11 meeting when Lindsay Sprague said that WRPS would be
12 contacted?

13 A. Yes.

14 47. Q. Okay. Do you know if Violet reached
15 out to on-site security at 100 Vic?

16 A. I don't know.

17 48. Q. Okay. Is there any reason why it's you
18 who provided this affidavit rather than Violet
19 Umanetz?

20 A. We both had conversations with Ashley,
21 and I said I would do it so Violet didn't have to be
22 burdened with it.

23 49. Q. Okay. I'd just like to ask for any
24 written records of Violet's assessment that's referred
25 to in paragraph 6, if those could be produced?

J. Kalbfleisch (Cr-Ex) - 12

1 A. Okay.

2 MS. SCHIUTEMA: I think that we'll take that
3 under advisement, Andrew.

4 MR. LOKAN: Okay.

5 UNDER ADVISEMENT

6
7 BY MR. LOKAN:

8 50. Q. Now I've just taken you through a
9 number of different questions about whether you were
10 aware of incidents, okay?

11 A. Yes.

12 51. Q. And I'm just going to ask -- I know you
13 don't know about those incidents. I'm just going to
14 ask if those incidents had, in fact, occurred, you
15 would accept, wouldn't you, that it would be
16 appropriate for the Region to pass on a warning to
17 Sanguen?

18 A. Yes. As a service partner.

19 52. Q. Okay. And just generally, if the
20 Region itself has safety concerns for people onsite,
21 it should advise its service providers of its
22 concerns.

23 A. Sure. Yes.

24 53. Q. Okay. Thank you. I have no further
25 questions.

J. Kalbfleisch (Cr-Ex) - 13

1 A. Okay.

2 MS. MULLEN: Okay. We'll just take a brief
3 moment to see if there's any redirect.

4 MR. LOKAN: Yes.

5
6 --- BRIEF PAUSE

7
8 MS. MULLEN: No questions on redirect from
9 us.

10 MR. LOKAN: So thank you, Julie. You're
11 done.

12 MS. KALBFLEISCH: Okay. See you later.

13
14
15 --- ADJOURNED

J. Kalbfleisch (Cr-Ex) - 14

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.

TAB 24

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 **Dr. Laura Pin** on her affidavit dated February 20, 2026, taken via Zoom videoconference on consent of the parties on March 4, 2026.

APPEARANCES:

ANDREW LOKAN, Mr. Counsel for the Applicant
GRETA HOAKEN, Ms.

ASHLEY SCHIUTEMA, Ms. Counsel for the Respondents
JOANNA MULLEN, Ms.

JENN DANCH, Ms. Amicus Curiae

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L. Pin - (Cr-Ex) - 3

1 MARCH 4, 2026

2
3 DR. LAURA PIN, AFFIRMED

4 CROSS-EXAMINATION BY MR. LOKAN:

5 1. Q. Dr. Pin, I'm Andrew Lokan, I'm a lawyer
6 for the Region, and I'll be asking you some questions
7 this afternoon. And I just want to go over a couple
8 of ground rules. I think you've been through these
9 before, but just as a reminder.

10 First is, if I ever ask a question where you
11 don't hear or you're unclear of what I mean, please
12 don't hesitate to ask for clarification. Second is
13 that we should avoid talking over each other because
14 it makes it very hard for the court reporter to make
15 an intelligible transcript out of that. And third is
16 that if you want to answer, "yes" or "no," you need to
17 use your words. Neither shake your head or say "uh-
18 huh" or "uh-uh" because none of that will show up
19 clearly on the transcript.

20 So you're okay with all of those
21 things?

22 A. Yes.

23 2. Q. Okay. Thank you. In your second
24 affidavit -- and just to confirm, you're going to be
25 questioned on your second affidavit which was sworn, I

L. Pin - (Cr-Ex) - 4

1 think, February 20th. Is that right?

2 A. Yes.

3 3. Q. I'm just going to check the date here.

4 Yes. Okay. You refer to adopting your first
5 affidavit and in particular Exhibit A which is your
6 curriculum vitae.

7 A. Yes.

8 4. Q. Okay. And what you have before you, at
9 the moment, is that affidavit, the February 20th
10 affidavit?

11 A. Yes.

12 5. Q. Do you have any other materials with
13 you?

14 A. No. I downloaded the exhibits to the
15 affidavit as well.

16 6. Q. Of course.

17 A. Yeah.

18 7. Q. Okay.

19 A. And I have a blank piece of paper and a
20 pen.

21 8. Q. Okay. And this may have come up last
22 time. There is nothing to stop you from taking notes
23 while I ask questions, but I am entitled to see them.
24 So many witnesses prefer not to take notes but that's
25 up to you. Okay?

L. Pin - (Cr-Ex) - 5

1 A. Okay.

2 9. Q. I just wanted to understand, if I can,
3 a bit about your expertise. And sorry, I have a copy
4 here somewhere for my own purposes of your CV.

5 A. Sure.

6 MS. MULLEN: So, Andrew, I will just
7 interject at this point. Kartika did go
8 over this with Dr. Pin during the first
9 cross-examination and it's my understanding
10 that we're not here to go over things that
11 have already ben examined, that Dr. Pin has
12 already been examined on.

13 MR. LOKAN: I'm not gong to examine on
14 anything that has already been examined on.
15 I mean there, Dr. Pin made a point of
16 reaffirming Exhibit A. I have just some
17 slightly different questions.

18
19 BY MR. LOKAN:

20 10. Q. You have a PhD in Political Science,
21 correct?

22 A. Yes, that's correct.

23 11. Q. And you are an associate professor in
24 the Department of Political Science at Wilfred
25 Laurier?

L. Pin - (Cr-Ex) - 6

1 A. That is correct.

2 12. Q. Okay. And so it's fair to say that
3 your basic discipline is political science?

4 A. Yeah, I think that's accurate.

5 13. Q. Okay.

6 A. I would say that I find a lot of my
7 work -- a lot of my work is interdisciplinary, but my
8 core concentration is political science.

9 14. Q. Right. And that's true of many
10 academics these days. But you don't have any legal
11 qualifications, do you?

12 A. No.

13 15. Q. And it follows from that you're not a
14 lawyer.

15 A. No.

16 16. Q. Okay. You're also not a linguist.

17 A. No.

18 17. Q. And you don't claim to have any
19 expertise in the meaning of words.

20 A. What do you mean? Could you clarify
21 what you mean by that?

22 18. Q. Sometimes people are put forward as
23 experts on what a word means, and that's not part of
24 any expertise that you're claiming.

25 A. I'm still not really clear on that,

L. Pin - (Cr-Ex) - 7

1 because I was asked to interpret both the Plan to End
2 Chronic Homelessness, so, the regional plan, which is
3 a document with words, and so I would assume that part
4 of my expertise, for example, involves drawing meaning
5 from that. So, you know, in the sense of being asked
6 to interpret the plan to end chronic homelessness as
7 well as being a scholar that works with qualitative
8 research methods, so interviews, focus groups,
9 discourse analysis. So I engage with words in those
10 ways, but I certainly am not a lawyer in terms of the
11 legal meaning of words, if that's where you're going.
12 So I just wasn't clear on the question. I hope you
13 don't mind. Does -- is that where you were trying to
14 ...?

15 19. Q. Actually, I think the question
16 (indiscernible) itself, and your answer is something
17 we will be taking up with the judge, whether you can
18 actually ask a witness to interpret the meaning of a
19 document, but we'll get to that a little later.

20 Could we turn to the very end of your CV?
21 And I'm wondering if we can get that screenshared.
22 You have a community service ...

23
24 --- INTERRUPTION
25

L. Pin - (Cr-Ex) - 8

1 20. Q. Sorry for the interruption there, that
2 was Siri. Something I said triggered something from
3 Siri.

4 Anyway, under community service, you have an
5 item. Since 2023 you've been a member of the National
6 Encampment Litigation Strategy Working Group. Do you
7 see that?

8 A. I do. Just let me make this -- are you
9 able to make that a bit bigger for me, please?

10 21. Q. Sure. Sure we can. Can you just tell
11 us, Dr. Pin, what is the National Encampment
12 Litigation Strategy Working Group?

13 A. Sure. It's a group of lawyers and
14 folks working in legal-adjacent organizations, so
15 legal advocacy groups, that meet to talk about
16 encampment litigation.

17 22. Q. Right. And so would I be right in
18 assuming that the membership on the lawyer side is
19 those that are opposing initiatives to close
20 encampments?

21 A. I wouldn't say that I know exactly the
22 interest of all of the lawyers that attend.

23 23. Q. Okay. Are they lawyers from clinics?

24 A. Some of them are.

25 24. Q. Okay. And the lawyer-adjacent people

L. Pin - (Cr-Ex) - 9

1 that you've mentioned, that's people like yourself who
2 have acted as expert witnesses?

3 A. Not necessarily. So I don't know if
4 anyone else that attends the meetings has acted as an
5 expert witness. I couldn't tell you.

6 25. Q. Okay.

7 A. Some of the adjacent folks might be
8 other academics with an interest in homelessness or
9 encampment governance. Some of the adjacent folks
10 might be from government organizations -- arms-length
11 government organizations like human rights bodies that
12 might attend as well. Yeah.

13 26. Q. And the title talks about litigation
14 strategy. So is this a group that discusses
15 litigation strategies?

16 A. Sometimes it does.

17 27. Q. Yes. And would these be strategies on
18 how to defeat government efforts to close down
19 encampments?

20 A. Sometimes they are, but I would say not
21 exclusively.

22 28. Q. Okay. What other kinds of litigation
23 strategies are discussed?

24 A. Well, to be honest, when the group
25 discusses litigation strategies, that's often when I'm

L. Pin - (Cr-Ex) - 10

1 least attentive or present because I'm not a lawyer,
2 so that's not my particular interest in the group.

3 29. Q. Okay. But you have confirmed that in
4 the group you've heard people discuss strategies to
5 keep encampments open. Do you have recollections of
6 anything else, any other litigation strategies that
7 have been discussed?

8 A. Let's see. And, again, I don't --
9 let's make two points. First is that the group meets
10 infrequently and I don't always attend meetings. And
11 the second, as I mentioned, is some things are more of
12 interest to me than others, and so I don't always pay
13 attention to some of the pieces of litigation. So
14 sometimes, I believe, there's discussion around policy
15 changes, either at the provincial or local level. So
16 policy changes that have occurred and implications
17 that might have for work with clients.

18 Sometimes there's discussions around
19 strategies to support clients, so not necessarily
20 focused on the litigation aspect but strategies around
21 how to work well with people who might be staying in
22 encampments or experiencing homelessness. So those
23 are two of the other pieces that I recall.

24 30. Q. Okay. Thank you. And the clients you
25 refer to are people experiencing homelessness?

L. Pin - (Cr-Ex) - 11

1 A. Yes.

2 31. Q. Okay.

3 A. From my recollection.

4 32. Q. Okay. Thank you. And how often, to
5 your knowledge or recollection, does this group meet?

6 A. I would say quarterly.

7 33. Q. Okay.

8 A. And I would say I attend about half of
9 the meetings. So maybe once or twice a year.

10 34. Q. Okay. And I take it that there are
11 members from Waterloo Region Community Legal Services
12 as part of that group?

13 A. I have seen individuals from Community
14 -- Waterloo Region Community Legal Services attend the
15 meetings from time to time.

16 35. Q. Thank you. You have, in your
17 affidavit, a document appended as Exhibit C. And I'm
18 referring to the -- I'll make sure I get the right
19 title for this. "Municipalities Under Pressure One
20 Year Later," document.

21 A. Yes. The report from the AMO, I
22 believe.

23 36. Q. Okay. And AMO stands for Association
24 of Municipalities of Ontario?

25 A. Correct.

L. Pin - (Cr-Ex) - 12

1 37. Q. Okay. There's a couple of other
2 organizations mentioned but I don't think we need to go
3 into that.

4 You cite this document for the fact that
5 there has been an increase in homelessness in Ontario
6 in the last few years.

7 A. Correct.

8 38. Q. Okay. And what I'd like to do is pull
9 up the document. I don't want to trip you up with
10 anything. I want to make sure that you're able to
11 refer to the document. So if we can screenshare, it's
12 page 8 of the document which I believe is going to be
13 PDF 132.

14 A. With, "Homelessness increased in 2025"
15 as the first line at the top?

16 39. Q. That would be correct. So front page
17 of the document is PDF 125, and if we go to 132, I
18 think we'll get to page 8.

19
20 --- SCREENSHARE
21

22 40. Q. Yes. So we're looking at the same page
23 here. "Homelessness increased in 2025." I believe
24 that this is the source for the 7.8% increase that you
25 cite in your affidavit.

L. Pin - (Cr-Ex) - 13

1 A. (Indiscernible).

2 41. Q. Sorry, you cut out. I saw you say, I
3 think, "correct" but the sound cut out for a minute.

4 A. Yes. That's correct.

5 42. Q. Thank you. And, in fact, what this
6 document sets up is that this really is the
7 continuation of a trend that has happened from 2021 to
8 2025. And looking just below where the 7.8% is, we
9 see quite striking figures. From 2016 to 2020, there
10 was a 6.3% increase whereas from 2021 to 2025 there
11 has been a 49.1% increase. Do you see that?

12 A. Yes.

13 43. Q. Okay. And I take it that you would
14 accept those numbers as being accurate?

15 A. Yes, for the most part.

16 44. Q. And ---

17 A. Homelessness is extremely difficult to
18 measure. It's really difficult to enumerate or count
19 the number of people experiencing homelessness. I
20 think this is a fairly good measure. I wouldn't say
21 it's a definitive measure.

22 45. Q. Right. But you relied on the
23 methodology of this group for the 7.8%, so ...

24 A. Yes, that's correct. So I did -- yes.
25 I consider it reliable enough to include in that way.

L. Pin - (Cr-Ex) - 14

1 46. Q. Okay. Yes. And that's all I need for
2 my purposes, and I do take your point about there
3 being difficulties in measurement.

4 This report also notes -- and if we can go
5 to PDF 134 page 10?

6 A. The page that starts with, "Lack of
7 Housing is Increasing?" That's the bolded line at the
8 top?

9 47. Q. That's right. And I'm actually going
10 to ask you about a couple of things. Sorry, if you'll
11 just give me a moment.

12 On the bottom part of that page, so under
13 the heading, "Housing and Homelessness funding has
14 increased but homeless grows faster." Do you see
15 that? If you need anything expanded, we can do that
16 for you.

17 So it's pointed out here that, "Public
18 funding for housing and homelessness in Ontario has
19 increased substantially, while homelessness continues
20 to rise." And I'm going to skip the next sentence,
21 but then continue on:

22 "However, while the number of people
23 experiencing homelessness increased by
24 49.1% between 2021 and 2025, total
25 funding increased by 32.1% over the

L. Pin - (Cr-Ex) - 15

1 same period with municipal funding
2 increasing by 48.2%."

3 Do you see that?

4 A. Yes.

5 48. Q. And those numbers would be consistent
6 with your own research?

7 A. Yes. And they're also consistent --
8 the Ontario Auditor General did an audit of -- of
9 funding for homelessness, and they're consistent with
10 the findings from that report, which found that
11 municipal funding was increasing at a rate that was
12 greater than the increase in provincial or federal
13 funding.

14 49. Q. Right. And just looking at the
15 numbers, it looks like municipal funding has come
16 close to the percentage increase in number of
17 homeless, but it's a bit of an outlier, right? It's
18 48.2% as apposed to 49.1%, but the provincial and
19 federal governments haven't kept pace to the same
20 extent. Is that fair?

21 A. In terms of the increase of total
22 funding, that's correct, although the proportion of
23 total funding applied by different levels of
24 government, I believe, the province still, overall, if
25 you're looking at the amount of funding, the magnitude

L. Pin - (Cr-Ex) - 16

1 rather than the rate of increase, the province
2 provides more overall. But in terms of rate of
3 increase, that's correct. Municipal funding has been
4 increasing more quickly and more closely in terms of
5 the number of people experiencing homelessness, that
6 increase.

7 50. Q. Okay. But that increase in spending by
8 municipalities has certainly not been enough to put a
9 dent in overall homelessness. It hasn't led to any
10 decrease, correct?

11 A. No, that's consistent with the numbers
12 from this report as well as point-in-time count
13 numbers from across Ontario which have shown an
14 increase.

15 51. Q. Yes.

16 A. And the point-in-time count numbers in
17 Waterloo Region which also have shown an increase from
18 2018 to 2021 and then to 2024, when the most recent
19 total point-in-time count was completed.

20 52. Q. And we actually have those numbers in
21 the records. We don't need to go over those.

22 A. Okay.

23 53. Q. And if we could just go to PDF 149?
24 And that should be page 25 of the document up on the
25 top right.

L. Pin - (Cr-Ex) - 17

1 We've also had growth in the number of
2 encampments across the province. And what's reported
3 here is from the service managers that, province-wide,
4 there's approximately 2,000 encampments as of the time
5 of this report. Again, is that consistent with your
6 research?

7 A. In terms of my research, it wouldn't
8 allow me to provide an estimate of the number of
9 encampment sites across Ontario, but I would say based
10 on what I know about encampments, I suspect this is
11 likely an undercount.

12 54. Q. And in terms of the methodology, what
13 it looks like from this report is that the service
14 managers were surveyed and they each reported a number
15 of encampments within their municipalities and those
16 numbers were aggregated. And that's what I got from
17 looking at the report. And I assume you read it
18 before you appended it to your affidavit?

19 A. Yes, that's correct. That's my
20 understanding of their method of counting the
21 encampments as well.

22 55. Q. Okay. And understanding that it could
23 be an under-count because there can be encampments
24 that are not visible or for whatever reason are not
25 enumerated, you would accept that there's been an

L. Pin - (Cr-Ex) - 18

1 increase in the number of encampments alongside the
2 increase in homelessness?

3 A. Yes. Since that -- I would say, that
4 same period, about 2020, 2021 to the present, I think
5 it's fair to say that there have been an increase in
6 the number of people in encampments in municipalities
7 of all sizes in Ontario.

8 56. Q. Right. And you would accept that the
9 increase in homelessness comes from a number of
10 different factors that have been exacerbated in the
11 pandemic and post-pandemic period?

12 A. Yes.

13 57. Q. And one of those factors, for example,
14 is the substantial increase in the cost of housing.

15 A. Yes. Although, I would say more than
16 the increase in the cost of housing, the lack of
17 affordable private market rentals, so lower-cost
18 private market rentals which are affordable for
19 people, as well as stagnation and decline in the
20 number of social housing units. So I wouldn't
21 necessarily, I mean, just sometimes when people talk
22 about the affordability of housing, the price of a
23 detached home that someone's looking at purchasing is
24 not the most relevant indicator of the situation.

25 58. Q. But there is an interconnectedness, and I'm

L. Pin - (Cr-Ex) - 19

1 just going to give you an example. What a middle-
2 class person or couple might be planning on buying
3 goes up by a lot, and so they remain in rentals for
4 longer and that puts pressure on the rental market
5 which means rents increase. Is that a plausible
6 scenario?

7 A. Sure.

8 59. Q. And then that leaves behind more people
9 who have difficulty accessing the rental market
10 because it lifts rents across the board, and subsidies
11 have not kept pace, for example. Is that fair?

12 A. Sure.

13 60. Q. And there's also been under-investment
14 in social housing by, you would probably say, by all
15 three levels of government?

16 A. Yes, that's correct. And, in fact, in
17 some jurisdictions like the City of Toronto, we've
18 seen a number of social housing units overall actually
19 decline over the last five years.

20 61. Q. And there's also been factors such as
21 increase in unemployment with economic dislocation
22 following the pandemic?

23 A. Because that's not my area of research,
24 I couldn't say that definitively.

25 62. Q. Okay. You've seen that reported,

L. Pin - (Cr-Ex) - 20

1 labour market disruption, as a factor in an increase
2 in homelessness?

3 A. Labour market disruption ...?

4 63. Q. Increases in unemployment, you've seen
5 that as a factor cited as something that is a factor
6 in the increase in homelessness.

7 A. I think challenges for people in
8 finding stable, well-remunerated work, for sure, is a
9 challenge. You know, I couldn't say in terms of
10 labour market dynamics or overall unemployment rates
11 or anything like that.

12 64. Q. Okay. And in fact, this report says
13 we're not done yet with the increase in the homeless
14 population. And when we looked on page 8 of the
15 report, I went to go back there but the headline
16 number was around about 85,000 as a cross-province
17 count that we're at, as of 2025.

18 And what I'd like to do now is if we
19 could look at PDF 161? You would have taken note when
20 you reviewed this report, Dr. Pin, of the three
21 scenarios for number of homelessness by 2035?

22 A. Yes. Would you give me a moment just
23 to pull that page up on my PDF viewer?

24 65. Q. Of course.

25 A. And in the document, it's page 37?

L. Pin - (Cr-Ex) - 21

1 66. Q. That's right.

2 A. Okay. I've got it up. Thank you.

3 67. Q. Okay. And this report looked at
4 projections for 2035 under three scenarios. One would
5 be steady assumptions, another would be if there's an
6 upturn in the economy, and another would be if there's
7 a downturn in the economy. And the numbers are
8 reflected in this chart on page 37 of the document,
9 161 of the PDF. And if you need a moment to review,
10 I'm happy for you to take the time.

11 A. Yeah. Just let me take a moment to
12 review the -- the chart.

13 68. Q. Sure.

14 A. Okay. I can let you know when I -- I
15 just need one minute.

16
17 --- BRIEF PAUSE

18
19 A. Okay. I'm ready when you're ready to
20 continue.

21 69. Q. And I just want to make sure that I
22 understand the numbers and, again, that it's
23 consistent with your research. But under steady
24 economic assumptions, no particular change by 2035,
25 this report projects a homeless population of 177,000.

L. Pin - (Cr-Ex) - 22

1 I just want to make sure I get the -- 177,000, 4-8,
2 the last one is obscured on my screen.

3 A. 483.

4 70. Q. Yes. And even if there is an upturn in
5 the economy and economic conditions get better, it's
6 still projected to reach 128,265. Am I reading that
7 correctly?

8 A. The numbers are correct. The one thing
9 that I might suggest is that the indicator that they
10 produced, it doesn't just look at the economy but it's
11 a composite measure looking at labour market
12 conditions, income, housing affordability, population
13 change, and housing need. So there's economic factors
14 but there's also policy-related factors that go into
15 the way they're modelling this.

16 71. Q. Okay. And I think some might refer to
17 all of those as economic factors, or a blend of
18 economic and policy. That doesn't matter to me. But
19 for completeness, if there's an economic downturn, the
20 projection is almost 300,000. So the chart's drawing
21 297,985. And again, are these numbers consistent with
22 your research?

23 A. I couldn't say whether they're -- my
24 research doesn't use this sort of modelling.

25 72. Q. Okay. Well let me ask something

L. Pin - (Cr-Ex) - 23

1 slightly different. Do you accept, knowing what you
2 do about this report, that these are reasonable
3 projections?

4 A. Yes.

5 73. Q. Okay. And just looking at the middle
6 one, without either an upturn or a downturn in
7 economic conditions, the steady state, that's already
8 177,000. That's already more than double the current
9 number which was approximately 85,000. Is that
10 correct?

11 A. Yes.

12 74. Q. So there is increasing strain on the
13 system. Is that fair?

14 A. Yes, I think that's fair to say.

15 75. Q. Okay. If we can go back, please, to
16 PDF 136 or page 12 of the document? I'm going to draw
17 your attention -- we may need to increase the size a
18 bit -- to the third paragraph. It's one that begins,
19 "Because pressures move between systems." Are you
20 able to read that?

21 A. Yes. I have it up on my own screen
22 just because I find it a little bit easier, but I have
23 the -- I'm on page 12 and the, "Because pressures move
24 between systems," paragraph.

25 76. Q. Okay. And I just want to read it to

L. Pin - (Cr-Ex) - 24

1 you so that it's clear in the record:

2 "Because pressures move between
3 systems, progress depends on a whole-
4 of-government approach rather than
5 isolated action. Decisions made in one
6 system can either increase or reduce
7 homelessness pressures elsewhere. A
8 coordinated, whole-of-government
9 approach, operating horizontally across
10 provincial services and mandates
11 delivered through service managers, and
12 vertically through federal, provincial,
13 and municipal systems, helps ensure
14 that effort in one area supports
15 outcomes in another."

16 And is that a concept that you would
17 endorse, that you really need coordination between all
18 three levels of government to hope to make inroads
19 into this very difficult issue?

20 A. Sure. I think there are specific roles
21 for each level of government but that those roles and
22 responsibilities are interconnected.

23 77. Q. Right. And each level of government
24 must do its part in order to make a serious effort to
25 combat homelessness. Is that fair?

L. Pin - (Cr-Ex) - 25

1 A. Sure.

2 78. Q. Okay. And if you go to the next
3 paragraph, again, I'll read it:

4 "Yet housing availability remains a
5 central constraint. Increasing the
6 supply of housing, particularly deeply
7 affordable housing, is essential to
8 reducing homelessness and requires an
9 expanded federal role alongside
10 provincial and municipal action."

11 Again, is that something that you would
12 endorse?

13 A. Yes. Yes.

14 79. Q. If we can go to PDF 159? We get some
15 data here. Yes, that's 35. We get some data on where
16 the increases have come. And, in particular, I'm
17 looking at a paragraph that starts, "In a longer-term
18 context." Do you have that either on screenshare or
19 on your own version?

20 A. Page 35 of the document, "In a longer-
21 term context, homelessness spending ..."

22 80. Q. Yes.

23 A. Yes.

24 81. Q. Okay. And so, again, I just want to
25 read for the transcript what the document says and

L. Pin - (Cr-Ex) - 26

1 then I'll have a question or two for you from it:

2 "In a longer-term context, homeless
3 spending increased from \$1.21 billion
4 in 2021 to \$2.27 billion in 2025, an
5 increase of \$1.06 billion. Over this
6 period, supportive housing accounted
7 for the largest absolute increase for
8 any homelessness program area, rising
9 by \$431.3 million while emergency
10 centre spending increased by \$387.1
11 million. Together, these two areas
12 accounted for most of the growths in
13 homelessness spending."

14 Now I don't know if you keep data on these
15 particular areas, but is it consistent with your
16 research that there has been an increase of which the
17 largest component is supportive housing?

18 A. I wouldn't -- I wouldn't really be able
19 to say. I don't have a reason to doubt the accuracy
20 of these numbers, but it's not, like, I don't conduct
21 research on the proportion of spending on supportive
22 housing, for example, across the province.

23 82. Q. Okay. But you have relied on this
24 report as a reliable source for other purposes and,
25 again, you would accept this to be a reasonable

L. Pin - (Cr-Ex) - 27

1 account of the increase in spending?

2 A. Sure. Yes.

3 83. Q. Okay. And the document goes on to say:

4 "Increased investment in supportive
5 housing is necessary. Growth in
6 spending for this program area
7 recognizes its importance within the
8 homelessness response and the growing
9 number of people experiencing
10 homelessness who have complex needs
11 around mental health, substance use,
12 and physical health."

13 Is that a proposition that you would
14 endorse?

15 A. Yes.

16 84. Q. And just to unpack that a bit, we're
17 seeing, are we not, an increase in the number of
18 homeless individuals with complex needs. Is that
19 fair?

20 A. I think there's an increase in the
21 number of people experiencing homelessness. I
22 couldn't say if the proportion of people with complex
23 needs among that group has increased, but I think with
24 the growth in the number of people with complex needs,
25 especially because the experience of homelessness can

L. Pin - (Cr-Ex) - 28

1 be debilitating for folks and can create new health
2 issues or exacerbate, excuse me, existing ones. So
3 yeah.

4 85. Q. Exacerbate.

5 A. Thank you. Exacerbate.

6 86. Q. Okay. Because the report, if you look
7 down to the last paragraph, does seem to suggest that
8 actually more of the spending is directed towards
9 people with increasingly complex needs. And so again,
10 I'll read that to you and see if that perhaps puts a
11 gloss on the answer you just gave.

12 "At the same time, the continued year-
13 over-year growth in spending on
14 emergency shelter and supportive
15 housing shows that demands on the
16 system are driven by increasingly
17 complex needs. This pattern
18 demonstrates the pressure is building
19 at the intensive end of the system,
20 drawing more investment in responses to
21 crisis than long-term, high support,
22 rather than reducing the flow of people
23 before they reach that level of need."

24 The suggestion in that paragraph -- first of
25 all, was that a paragraph that you would endorse?

L. Pin - (Cr-Ex) - 29

1 A. I'm reading the paragraph. I wouldn't
2 agree with the oppositional framing of crisis response
3 and homelessness prevention initiatives. You know?
4 So there's an oppositional framing in the very last
5 sentence.

6 87. Q. Okay.

7 A. But generally speaking, I would agree
8 with the paragraph.

9 88. Q. Okay. And included in that, it
10 wouldn't surprise you to learn, especially since we've
11 seen supportive housing being the fastest growing
12 category, it wouldn't surprise you to learn that the
13 system is having to respond to increasingly complex
14 needs, and it's more at the intensive end.

15 A. Again, I -- I think maybe I'm being a
16 bit of a stickler, here, but I would -- I would frame
17 it slightly differently. I think there are more
18 individuals with complex needs because of the number
19 of people experiencing homelessness that has grown
20 significantly, but I couldn't -- I couldn't say that
21 those individuals are any more complex than
22 individuals that were in the system 10 years ago.

23 89. Q. Okay.

24 A. You know? And there's often
25 researchers talk about differences between people who

L. Pin - (Cr-Ex) - 30

1 are experiencing episodic and chronic homelessness.
2 And individuals experiencing chronic homelessness do
3 tend to have higher and more complex needs, but
4 they've always been part of the -- our understanding
5 of who people are who are experiencing homelessness.

6 90. Q. But if it was just that the absolute
7 number was rising, you would expect the growth in
8 shelter spending and the growth in supportive housing
9 spending to be proportional rather than one growing
10 faster than the other. Is that fair?

11 A. No, I wouldn't, because the way that
12 governments make spending decisions is not necessarily
13 linked to need. There's a lot of factors that go into
14 how those decisions are made. For example, supportive
15 housing as seen as a more permanent type of solution
16 may be seen as more politically viable than emergency
17 shelter spending. There may be specific choices to
18 direct funding in ways that don't (indiscernible). So
19 that's not something I would necessarily agree with.

20 91. Q. Okay. I would like to go to PDF page
21 163 if we can.

22 A. Sure. What page of the document is
23 that?

24 92. Q. I'll tell you that in a minute. 39.
25 And if you want to take a moment to read, I'm happy to

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1 give you that time. But I'm going to have questions
2 about the last two paragraphs on the page.

3 A. Sure. Let me just review those
4 paragraphs.

5 93. Q. Sure.

6
7 --- BRIEF PAUSE

8
9 94. Q. So we know from the numbers we looked
10 at earlier that we've had a sharp increase in demand
11 for services for a major increase since 2021 in the
12 number of homelessness. We've been through that,
13 right?

14 A. Yes.

15 95. Q. And these paragraphs talk a bit about
16 the reaction to that, that the system has been
17 reactive to the crisis and it's increasingly directed
18 to managing higher levels of demand, but has not
19 really been in a position to make in-roads into
20 reducing the numbers to date. Is that fair?

21 A. I think that perspective would be
22 supported by the evidence presented in this report.
23 Yes.

24 96. Q. Okay. And you would endorse the
25 proposition in the last paragraph:

L. Pin - (Cr-Ex) - 32

1 "In these circumstances it's not
2 feasible for any single level of
3 government or homeless-related program,
4 under current system design, to produce
5 sustained reduction in homelessness."

6 A. Hmm. I don't know if I would fully
7 agree with that, to be honest.

8 97. Q. Okay. And it is important that you
9 should be being honest, because you have
10 (indiscernible) evidence as affirmed to be true.

11 A. Though, I think -- I mean, I think one
12 of the complexities is that this is an absolute
13 statement, so to agree with it, you would have to
14 agree that it applied in all circumstances and all
15 situations, and so I do think that -- and, again, I'm
16 not sure what exactly would constitute a, "sustained
17 reduction in homelessness." And I don't know if that
18 means 5% lower for six months or exactly what that
19 looks like. I do think each level of government can
20 make meaningful policy changes that impact the
21 experience of homelessness. And I think, yeah, I
22 think for me this is -- you know, I included this
23 report, and I think strongly of the AMO and OMSA and
24 the organizations that produced this report and the
25 methodology that they used. But one of the pieces to

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1 remember is that these are advocacy organizations on
2 behalf of municipal governments. And so one of the
3 things they're trying to do with this report is
4 encourage all levels of government to up their
5 contributions in terms of addressing homelessness.

6 So I think, for me, I'm reading this
7 last line as less a part of the research in the report
8 and more of a call to action. And so, yeah, I would
9 suggest that, ideally, you would have multiple levels
10 of government working together. But saying that no
11 level of government can do anything, I think, is a
12 step too far ...

13 98. Q. But I'm not sure that it says, "No
14 level of government can do anything." But you ---

15 A. "Do anything to produce a sustained
16 reduction in homelessness on their own."

17 99. Q. "On their own." And you say that this
18 is because it's an advocacy group, sort of like a
19 litigation strategy group may advocate for the rights
20 of the homeless. Right?

21 A. I'm sorry, are you referring to the
22 Encampment Litigation Strategy Working Group?

23 100. Q. That is what I'm referring to. They
24 advocate for the rights of the homeless, don't they?

25 A. I don't think that there's a specific

L. Pin - (Cr-Ex) - 34

1 mission statement associated with the group that
2 includes that language.

3 101. Q. It may not be a mission statement, but
4 that's what they do, isn't it?

5 A. I think that they do work with people
6 experiencing homelessness in terms of representing
7 them legally. Like I said, I can't -- I don't speak
8 on behalf of the group. I mostly attend and observe
9 when I'm able to.

10 102. Q. Well you were prepared a minute ago to
11 make a description or a characterization of the AMO in
12 this report. And to be fair, and you're sworn to the
13 Court to be objective and neutral as an expert, you
14 could say the same thing about the Encampment
15 Litigation Strategy Group, couldn't you? That it's a
16 group that advocates for results for the homeless.

17 A. I don't think I could and the reason
18 that I don't think I could is that the AMO is a formal
19 organization that includes a public website, detailed
20 statements of its purpose and goals, in a way that a
21 working group of people who -- who meet, they don't
22 have that same cohesion, right? And that same
23 formality. So like I said, that I don't -- I've
24 responded to some of the things that I've observed
25 happened in those meetings, but I wouldn't be

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1 comfortable saying that I can ascribe a -- a purpose
2 in one line on behalf of that group in that way. As
3 far as I know, group members haven't agreed to any
4 sort of statement in that way.

5 103. Q. But they are an advocacy group.

6 A. They're a group of lawyers and legally
7 adjacent folks that meet to discuss encampment
8 litigation.

9 104. Q. On behalf of homeless clients?

10 A. What they do includes discussing both
11 litigation strategies as well as strategies for
12 working with clients who experience homelessness as
13 well as broader policy changes. Insofar as I
14 understand the content of the meetings that I've
15 attended.

16 105. Q. Okay. Can we go to PDF 165, please?
17 That should be 41.

18 A. "Previous municipalities under
19 pressure," that's the first line?

20 106. Q. Yes, that's right. So this report
21 calls for additional investments to change the
22 trajectory of homelessness. Do you see that?

23 A. Yes, I do.

24 107. Q. Okay. And it's actually a restatement
25 of what I understand was in the previous report. And

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1 it breaks it down into a longer-term and a targeted
2 near-term investment. Do you see that?

3 A. Yes, I do.

4 108. Q. So this report calls for longer-term
5 investment of approximately \$11 billion over 10 years
6 and a targeted near-term investment of approximately
7 \$2 billion to address acute pressures such as
8 encampments and visible, unsheltered homelessness
9 intended to reduce immediate harm, et cetera. Do you
10 see that?

11 A. Yes, I do.

12 109. Q. And you would accept that investments
13 in the billions are necessary to fully address the
14 problems of homelessness in Ontario?

15 A. In terms of fully address, could I ask
16 you to clarify what you mean by that?

17 110. Q. Let's say, to get back to the levels
18 pre-2021.

19 A. Yes, I think that's fair to say. To
20 get back to the level of homelessness pre-2021 we
21 would need investments in the billions of dollars.

22 111. Q. Thank you.

23 A. Across Ontario.

24 112. Q. And these two, the \$11 billion and the
25 \$2 billion, we don't even know if that'll do the trick

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1 because it's going to, in part, depend on the
2 trajectory we looked at earlier, whether we have a
3 weak economy, steady state, or economic downturn. And
4 if there's an economic downturn, it might require a
5 lot more. Is that fair?

6 A. Consistent with the modelling that they
7 did in the report, if there is a change in economic
8 circumstances as well as, you know, they also looked
9 at housing market dynamics and availability of
10 affordable units, then, yeah, depending on what
11 trajectory we see over the next 5 to 10 years, that
12 the amount of money required could be more.

13 113. Q. Okay. In your affidavit, you expressed
14 some thoughts at paragraph 30, and I wanted to ask you
15 about those.

16 A. Sure. I'm just going to click over to
17 my affidavit. Paragraph 30. Starting with the Petsch
18 (ph) references?

19 114. Q. Yes. I'm actually going to take you a
20 bit further down. You say:

21 "Similarly, a housing-first approach
22 requires setting up individuals
23 experiencing homelessness with housing
24 and living supports."

25 And I take it that you are an advocate for

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1 the housing-first approach?

2 A. I wouldn't describe myself as an
3 advocate for the housing-first approach.

4 115. Q. Okay. Perhaps I'll try it slightly
5 differently then. You believe that the housing-first
6 approach is the best policy response?

7 A. Similarly, I don't know that I would
8 say that I believe it's the best policy response. I
9 would say that it is one of the policy responses to
10 homelessness with the strongest research, including
11 Canadian-specific research through the "At Home/Chez
12 Soi" study to support it. So -- and there have been
13 multi-year longitudinal studies that have shown that
14 housing-first produces more robust housing stability
15 outcomes for people experiencing homelessness. It's
16 an approach that's discussed in the Region of
17 Waterloo's Plan to End Chronic Homelessness and it's
18 an approach that's well known in the research
19 literature in terms of having the strong evidence
20 base.

21 116. Q. So I think I can take the answer you
22 gave as, "yes." You agree and it's your belief that
23 housing first is the best policy approach. And you
24 just gave me reasons why, but you didn't agree with
25 the opposition.

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1 A. It's not that I -- I just, I don't want
2 it to rest on belief. It's not that I have my belief
3 in this. It's that it's my expertise as a researcher
4 leads me to, yeah, believe -- I guess not "believe,"
5 but to agree that it's an approach to homelessness
6 that has a strong evidentiary base.

7 117. Q. So what you say is most appropriate
8 would most of the unhoused living in encampments
9 should go straight to supportive housing?

10 A. That's a very difficult question. So
11 housing-first can look differently, depending on who
12 exactly you're working with. And so housing-first
13 approach with somebody staying in an encampment might
14 involve a supportive housing unit. For other
15 individuals, it might not involve supportive housing,
16 it might involve a subsidized housing unit or a
17 different sort of living arrangement.

18 118. Q. Okay. But you certainly would say that
19 people in an encampment, if they are to be placed
20 anywhere, should go to either subsidized housing or
21 supportive housing as long as it's permanent, and
22 that's as opposed to emergency shelter, transitional
23 shelter, or motels or hotels.

24 A. Yes, that's correct. Housing-first
25 requires placing individuals in permanent housing.

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1 119. Q. Okay. And even if you, for example,
2 require a property in the short-term for other valid
3 purposes, what you're saying is that people that are
4 displaced because the property is needed should go
5 straight to permanent housing.

6 A. I think ideally, they should be offered
7 permanent housing option that meets their needs.

8 120. Q. Okay. And you've ruled out things like
9 emergency shelter, transitional shelter, or motels,
10 hotels, as meeting their needs. And so we're left
11 with supportive housing or subsidised housing, both
12 categories of permanent housing. Is that fair?

13 A. What I would say is if it's consistent
14 with the housing-first approach, emergency shelter,
15 transitional shelter, and motel, hotels are not the
16 kind of housing that's discussed in the housing-first
17 approach.

18 121. Q. I understand, but ---

19 A. Okay.

20 122. Q. They could be a stopgap, can't they? I
21 mean, if you need a property for valid purposes by a
22 certain date and there just doesn't happen yet to be
23 sufficient permanent housing available, you can use
24 those other options as a stopgap. It's not ideal, but
25 it's something you can do.

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1 A. I guess my difficulty with that is
2 based on my experience working with people staying in
3 encampments, often these -- and sometimes, and again,
4 it's very individual. Sometimes they might be
5 realistic options for individuals. Sometimes they
6 might be options that people will accept as a stopgap,
7 but often there are really good reasons why those
8 options don't work for people. And part of that is
9 the lack of permanency. So for example if someone
10 goes from an encampment to an emergency shelter, they
11 often lose a lot of their survival equipment, they
12 can't take that equipment with them. They might know
13 that they don't do well in emergency shelters, and so
14 they're likely to experience a service restriction.
15 You know, they may not, after a few days in a past
16 experience, they've found that they become service-
17 restricted and they can't stay there any longer, and
18 then they end up cycling back to sleeping rough, being
19 on the street, except now they've lost a lot of their
20 survival equipment. So that's just one example.

21 So for some individuals, you know, if
22 that's presented as an option, it may find that to be
23 an option they could work with, but for other
24 individuals, those options feel very risky, very high-
25 risk in terms of destabilizing them.

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1 123. Q. Okay. And what I'm taking from the
2 answer you just gave is that in your view, it should
3 be a matter of individual choice. Nobody should be
4 forced to go to a motel or transitional shelter or an
5 emergency shelter unless they've chosen that's an
6 option appropriate to them.

7 A. Yes, I agree. It should be a matter of
8 individual choice. And I think, given some of the
9 broader system pressures across Ontario, that the AMO
10 report, you know, really hammered home in terms of the
11 way that the system right now cannot deal with the
12 volume of people experiencing homelessness, the
13 reality is that even the emergency shelter and
14 transitional shelter and motel and hotel overflows
15 cannot deal with the number experienced -- of people
16 experiencing homelessness. And there is a need for
17 sites where people can safely encamp and tent.

18 124. Q. Okay. But what I'm asking you, in a
19 case like this, and you don't need to comment on
20 whether the property is or isn't needed or by what
21 date, I'm just asking you to accept, for the purposes
22 of my questions, that it is. And you will be aware,
23 it's just an assumption, but you will be aware that
24 the region's intended use of 100 Vic is for a public
25 transit project?

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1 A. Sure. Yes, I'm aware.

2 125. Q. And you don't disagree that there is a
3 public good that comes from expanding public transit
4 facilities?

5 A. Of course.

6 126. Q. Okay. And that if what the region says
7 in its evidence is true, that the property is simply
8 needed for that project by a certain date, then those
9 who are at the encampment will have to move by that
10 date? So I'm just asking you to assume that. And
11 from the evidence you've given, there simply isn't
12 enough permanent housing available. Is that the case?

13 A. My understanding, and -- of the
14 situation in the region, and I don't know that the
15 evidence I gave in this affidavit was specific to the
16 availability of permanent housing in the Region of
17 Waterloo, but my understanding is that there is not
18 sufficient permanent housing in the region.

19 127. Q. Right. And so you would say that the
20 transit project has to wait until each and every
21 person in the encampment has chosen a permanent
22 housing or other of the temporary housing options that
23 suits their needs before it can proceed? Is that what
24 your position is?

25 A. No. My position is that,

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1 realistically, there are going to be individuals that
2 cannot be accommodated in permanent housing or the
3 alternative accommodations in the -- the foreseeable
4 future because of the number of people experiencing
5 homelessness in the Region of Waterloo, and so there
6 needs to be a location where people can tent safely.
7 (Indiscernible).

8 128. Q. But let me ask you this. If you were
9 to take the current population of the encampment and,
10 again, this is just an assumption, let's say there's
11 25 people there. And you were to expand the capacity
12 of the system by 25 places, you would say you still
13 can't move those people experiencing homelessness to
14 those 25 places in order to proceed with the transit
15 project? Is that your position?

16 A. Would you mind restating that?

17 129. Q. Yes. So you've got, let's say, 25
18 people at the encampment and the region says, "Well we
19 want to do right by these 25 people, so we are going
20 to find the funds to expand our capacity in the system
21 by 25 places." Is it your position that the transit
22 project should still not proceed until you've got each
23 and every one of those people satisfied with the
24 options that they've been given?

25 A. My position probably would be that the

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1 way that the scenario is set up is not realistic in
2 terms of the dynamics of homelessness in Waterloo
3 Region, so trying to consider the people who are
4 located at 100 Victoria in isolation from people
5 across the region experiencing homelessness makes it
6 very difficult. And that's because people -- because
7 of the system's lack of capacity, people are going to
8 need a place to tent and so if you expanded the
9 capacity of the site to the system to accommodate the
10 four people that the region states were on site as of
11 the date in April last year when they started counting
12 residents, that's not going to take away from the
13 broader need for a place where people can camp in
14 Waterloo Region simply because there are so many
15 people experiencing homelessness and the system cannot
16 find space for all of them.

17 130. Q. That may be ---

18 A. So, I would say the system has a duty
19 to all of the people experiencing homelessness in
20 Waterloo Region and not just the people that they have
21 enumerated as residents at 100 Vic.

22 131. Q. Okay, and so I understand your
23 position. And you can't do what I might refer to as a
24 localized solution where you've got a set number of
25 people, you just make sure that you expand the

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1 capacity to be able to accommodate that set number of
2 people and then proceed with your transit project.
3 You're saying that, no, you can't do that because you
4 haven't looked after the other however many people
5 there are experiencing homelessness in the region.

6 A. That's correct and as one of my
7 research projects we did surveys with 65 people in
8 Waterloo Region who had stayed in encampments in the
9 last year.

10 132. Q. Yes.

11 A. And again people, you know, the need to
12 encamp -- people will shift. People might temporarily
13 be able to access a shelter bed for a couple of
14 nights. But really what we saw from that research was
15 about 80% of the folks we surveyed have been staying
16 in encampments for over a year. And so -- and that
17 wasn't just at 100 Vic. So there's this need for a
18 safe place to tent that I don't see disappearing
19 anytime soon.

20 133. Q. And I think we're probably -- we
21 understand.

22 A. Okay.

23 134. Q. And in the evidence so far that there
24 are more people than there are facilities available.
25 But when I asked about, "Couldn't you do a local

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1 solution that found spots for people in this
2 encampment and increase capacity of the system to
3 accommodate them?" You say no because you have to
4 really look after the entire homeless population. Is
5 that fair? Is that a fair summary of where you got
6 to?

7 A. I think so, and I think that I would
8 add as well is that transitions to and from
9 homelessness aren't linear. So, for example, if you
10 set up individuals from the encampment with a housing
11 solution, which would be great, that's great. I think
12 that's what we, you know -- I certainly hope for
13 anyone experiencing homelessness that they are able to
14 find permanent housing and be there. But they
15 wouldn't necessarily still be there in six months,
16 right? Because this is complicated. This is a
17 complex issue. And so, somebody ends up back
18 experiencing unsheltered homelessness, the question
19 becomes where can they go safely to tent?

20 135. Q. My question is about your position,
21 because you have, I think now twice, rejected the idea
22 that you could find what I've referred to as a
23 localized solution that there are say 25 people,
24 you're at capacity, you find place spots for them.
25 You say, "That's not enough, you really have to

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1 provide for the rest of the population." So, is it
2 then also your position that the transit project
3 cannot proceed until you have solved the homelessness
4 problem in the Region?

5 A. No, that's not my position at all. My
6 position is that there is a need -- there's only one
7 location right now in Waterloo Region where people can
8 tent and there's some legal protection. There are
9 bylaws across the region that make it illegal to tent
10 on public lands and my position is that in the
11 foreseeable future people need a location where they
12 can tent. And so I think if this particular location
13 is no longer available, I just don't know where people
14 would go in terms of being realistic about the fact
15 that there are still going to be hundreds of people
16 experiencing unsheltered homelessness in Waterloo
17 Region.

18 136. Q. And those are the people that -- you
19 just don't know where they would go. The people are
20 not currently at camp. Because under the localized
21 solution that I'm suggesting to you, and asking you to
22 assume, places have been found for them. Places will
23 be found for them. You're talking about the rest of
24 the homeless population. You're saying you don't know
25 where they would go, and so what you're saying is

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1 that, yes, you can proceed with the transit project as
2 long as there's a place for the rest of the homeless
3 population to go. Is that fair?

4 A. No, again, because, you know, if
5 there's a localized solution, by which I'm taking you
6 to mean that there is a permanent housing option made
7 available to all of the individuals currently in 100
8 Victoria ---

9 137. Q. Okay, so just stop there.

10 A. Okay.

11 138. Q. In order to satisfy you, it has to be
12 permanent housing.

13 A. I don't think I'm the person that needs
14 to be satisfied in this scenario. So, I don't think
15 ---

16 139. Q. It is by cross-examination, because
17 we're trying to understand what you're putting forward
18 to the court. When you say you can't do this, you
19 can't do that, what can you do?

20 A. Sure. So if -- again, the reason that I
21 say I don't think it's me that needs to be satisfied
22 is because I think, again, thinking about the way that
23 the plan to end chronic homelessness references both
24 human rights as well as housing first, there's space
25 ---

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1 140. Q. You don't have to get your talking
2 points across. We've read the report, we've read your
3 affidavit. You don't need to repeat things that are
4 already said, just to save us some time here. Okay?

5 A. Pardon me, do you mind if I -- you just
6 -- you cut me off. You've asked me what my ideal
7 solution would be, and so I'm trying to explain that,
8 which I would like to do because you seem to be
9 implying that I wouldn't be satisfied with anything
10 short than permanent housing for the entire homeless
11 population of Waterloo Region, and that's not my
12 position at all. I'm very realistic and I have a good
13 sense of the system capacity. So, I'm not just trying
14 to get talking points across. I'm trying to respond
15 to this narrow scenario you've presented and I'm not
16 sure how to do that.

17 141. Q. You may have misunderstood me because
18 the question I asked was for the people at the
19 encampment, for the localized solution, do they all
20 need to go to permanent housing? That was the
21 question I asked, not does the entire population
22 experiencing homelessness need to go to permanent
23 housing. So, it was a narrow question that I asked.
24 And let me take you back to what I think you're trying
25 to say ---

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1 A. Right and then ---

2 MS. MULLEN: To interject, I think that Dr.
3 Pin deserves the time to actually answer the
4 question. I think she is going to answer
5 your question, but you are interrupting her
6 and cutting her off.

7 MR. LOKAN: Yes, and we were getting into
8 some very long responses to some fairly
9 short questions, but I'll simply restate the
10 question and allow Dr. Pin to answer it.

11
12 BY MR. LOKAN:

13 142. Q. Dr. Pin, what do you say is necessary
14 for the Region to do before it can proceed with its
15 transit project?

16 A. Sure. Again, I don't know that I'm the
17 -- theoretically, based on my research concerning
18 homelessness and people staying in encampments
19 locally, I think that people should be -- people who
20 are on site at 100 Victoria should be presented with
21 housing options, including permanent housing, with a
22 recognition, which is well supported in the
23 literature, that what a good housing option looks like
24 is going to vary for -- from individual to individual.
25 But the other piece that I think is important is a

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1 place where people can camp, where people are legally
2 permitted to camp. And so, again, if individuals from
3 100 Victoria are all set up with housing options that
4 work for them, you know, and in this, you know, that's
5 great, it's likely that some of those individuals will
6 end up unsheltered again. And so, if there is no
7 place where they legally can camp, then it becomes
8 very difficult for them to survive in a lot of places.

9 143. Q. Okay, but I still haven't heard the
10 answer to the question. What must the Region do
11 before it can -- in your opinion, in your position,
12 before it can proceed with the transit project?

13 MS. SCHUIITEMA: Andrew, she just answered
14 that question. She just gave you her answer
15 to that question, you just don't like it.

16 MR. LOKAN: No, no, no. I don't ---

17 MS. SCHUIITEMA: No, she's given you her
18 answer for this question.

19 MR. LOKAN: (Indiscernible).

20 MS. MULLEN: Do you want me to read back her
21 notes?

22 MR. LOKAN: No, I do not because I was
23 listening very carefully. Let's unpack
24 that.

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1 BY MR. LOKAN:

2 144. Q. So, the first element is that those who
3 are at the encampment have to give -- be given options
4 that they accept. Is that fair?

5 A. Given options that they accept.

6 145. Q. Yes.

7 A. Sure.

8 146. Q. Okay. And so, if it so happens that
9 there's not enough permanent housing and that those in
10 the encampment say, "Well, I don't want to go into a
11 motel, I want to go to permanent housing," that that's
12 not good enough?

13 A. My position isn't that they, you know,
14 inevitably a transit development should be delayed at
15 100 Vic, right? My position is that people may have
16 really good reasons why going to a motel or going to a
17 temporary form of shelter, that doesn't work for them
18 and so they need an alternative place where they can
19 camp. And there are other municipalities, for example
20 the City of London which has designated encampment
21 zones, the city of Thunder Bay as well, which doesn't
22 have a bylaw prohibiting camping on public lands. So,
23 I don't think this suggestion is so infeasible. I
24 think there are other municipalities that have adopted
25 it.

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1 147. Q. Right. So is it -- I just don't know
2 what the position is. So, your position is people
3 that 100 Vic should be offered the range of
4 accommodation options and it should be their choice
5 whether they take them or not, and that in addition to
6 that, there should be other sites where people can
7 camp, where people can form an encampment? Is that
8 where you're getting that?

9 A. People staying at 100 Vic, like other
10 individuals experiencing homelessness, yes, should be
11 offered housing options that work for them and ideally
12 consistent with the human rights approach. That would
13 mean permanent housing. Where that's not available,
14 they certainly could be offered motels or emergency
15 shelters but, of course, we don't have mechanisms to
16 force people -- to force people to go to an emergency
17 shelter or a motel for example.

18 And as I mentioned, there's really good
19 reasons why people may be concerned about that option
20 including knowing that they are often service banned
21 from shelters and so they, you know, this may not be a
22 permanent solution and then they've lost all their
23 stuff, including people who use substances and are
24 nervous about going into hotels where they may be
25 isolated and using alone, putting them at a risk for

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1 overdose and death so ---

2 148. Q. Again ---

3 A. --- I think people should have choice
4 over whether they take up those options. And again,
5 you know, the -- the emergency shelter system in
6 Waterloo Region is at capacity, and I'm sure you've
7 heard evidence in this case to that effect. And so,
8 yes, another component of a fulsome response is the
9 place where people can legally tent.

10 149. Q. Okay. So as long as people at the
11 encampment are given a choice of options that you
12 discuss in paragraph 30 and also have a place where
13 they can tent, then you would see the region can
14 proceed with its transit project?

15 A. Then I would say that there has been
16 more due diligence being done in terms of the criteria
17 outlined in the plan to end chronic homelessness
18 around the way we want to be responding to people
19 experiencing individual homelessness. I wouldn't say
20 the region's permission to go forward with the project
21 hinges on my view of it.

22 150. Q. Dr. Pin, I'm not asking you to say
23 there's been more or less due diligence done. I'm
24 asking you what your position is. What does the
25 region need to do? Pretend for a moment you're the

L. Pin - (Cr-Ex) - 56

1 judge, and pretend that you don't need to have any
2 knowledge of the law or of the *Charter*, and you're
3 free just to make up what needs to happen before that
4 transit project proceeds.

5 MS. MULLEN: So, I think she has answered
6 this question now, several times.

7 MR. LOKAN: No, she didn't, she avoided
8 answering it scrupulously in the last answer
9 by saying it's a matter of, more or less,
10 due diligence.

11
12 BY MR. LOKAN:

13 151. Q. I just want you to confirm if you
14 provide the options referenced in your paragraph 30 of
15 emergency shelter, transitional shelter, motels,
16 hotels, supportive housing, or subsidized housing, you
17 provide those options and you also provide the ability
18 to tent elsewhere. If you've done all that can the
19 region proceed with its transit project?

20 A. Sure. With, I think, sufficient
21 notice, right? And assistance in moving people and
22 things like that. But, yeah, sure. If all of those
23 things were provided.

24 152. Q. Okay. So, you mentioned that you're a
25 member of the co-creators' group for the Petsch?

L. Pin - (Cr-Ex) - 57

1 A. That's correct.

2 153. Q. And in your affidavit, you talk about
3 there being 60 organizations that are ---

4 A. That's correct.

5 154. Q. --- members of that group. And that
6 group includes Region of Waterloo representatives,
7 doesn't it?

8 A. What do you mean by representatives?

9 155. Q. People who are employed by the Region.

10 A. Okay. I wasn't sure if you meant
11 elected officials. Yes, it includes Region of
12 Waterloo Housing Services staff.

13 156. Q. Okay. And it's fair to say, isn't it,
14 that in your discussions, there's a range of
15 perspectives who are represented in the co-creators'
16 group?

17 A. Sure.

18 157. Q. Okay. You don't have any particular
19 mandate to speak for the group, do you?

20 A. No, I do not.

21 158. Q. Okay. Thank you. In your paragraph 21
22 of your affidavit, you talk about the -- and
23 following, you talk about the definition of
24 "resident," and you say it depends on a moment of
25 enumeration. You say:

L. Pin - (Cr-Ex) - 58

1 "The definition of tents to fix
2 residency is a status that can be
3 definitively determined at a single
4 point in time based on presence on one
5 specific date, and at the moment of
6 enumeration."

7 Do you see that?

8 A. Yes.

9 159. Q. Are you aware of what the Region
10 actually did to count who it regards as residents at
11 the encampment?

12 A. Maybe not fully.

13 160. Q. Okay. And you're also not aware of how
14 important a tribunal might define whether somebody is
15 a resident or not?

16 A. Sorry, if which tribunal?

17 161. Q. Any court or tribunal might determine
18 whether somebody is a resident or not. That's beyond
19 your expertise.

20 A. I'm not sure about that.

21 162. Q. How a court would interpret a
22 definition of residence, whether it's enough for a
23 court that somebody was there the week before and the
24 week after, you have no knowledge of that.

25 A. No.

L. Pin - (Cr-Ex) - 59

1 163. Q. By, "no," you're saying you agree with
2 me?

3 A. Yes.

4 164. Q. Okay. Thank you. Thank you. I have
5 no further questions.

6 A. I actually would like to clarify
7 responses. Am I able to do that?

8 165. Q. Yes. If there's a response, well,
9 you'd be asked in re-examination anyway, so why don't
10 I ask you?

11 What is the question or what is the response
12 you want to clarify?

13 A. Just the response around how aware I
14 was of how the Region enumerated individuals at 100
15 Vic.

16 166. Q. Yes.

17 A. And just what I wanted to clarify is I
18 have the same level of awareness as the region has
19 publicly reported in documents, but I don't have any
20 specific knowledge. For example, regional staff have
21 never told me exactly how they did that count or how
22 they had security do that count.

23 167. Q. Or how many times they visited, or
24 whether they cross-checked, or whether it was multiple
25 occasions. You don't know any of that.

L. Pin - (Cr-Ex) - 60

1 A. Well, what I have seen in the publicly
2 posted documents is a statement that they counted the
3 individuals that were present at the site on this
4 particular date, and that's how they defined
5 residence. And so I just wanted to be clear that I
6 wasn't basing it on nothing but basing it on what I've
7 read. And, of course ---

8 168. Q. When you say what you've read, you mean
9 in one of the affidavits?

10 A. No, I mean in terms of public materials
11 around the initial bylaw.

12 169. Q. Not in the sworn or affirmed evidence
13 before the court?

14 A. No. No.

15 170. Q. Okay. No further questions.

16 MS. SCHUITEMA: And, Andrew, I mean, the
17 evidence around what you were just saying
18 of, like, how often they were there and
19 those types of things, like, could you point
20 us to where that is in the record?

21 MR. LOKAN: I have a recollection, but I
22 don't have a specific reference.

 MS. SCHUITEMA: Okay. So maybe we should
 ask her that, then.

 MR. LOKAN: But she says I wasn't her

L. Pin - (Re-Ex) - 61

source.

MS. SCHUIITEMA: Okay. I'm not sure that's in the record, so -- okay. We'll take a few minutes and think about re-direct.

--- BRIEF PAUSE

RE-EXAMINATION BY MS. SCHUIITEMA:

171. Q. So, Dr. Pin, one of your answers was talking about a component being a place where people can legally tent, and I was hoping you could describe to us what some of the components of a process or protocol or something like that might look like.

A. Sure. Thanks for the question. So -- or I shouldn't say, "Thanks for the question," I've been doing too many panel discussions lately. What I should say is, "Let me think about that." So, I think a place where someone could, like, a protocol where people could legally tent, where I've seen this work well is when there are a variety of spaces. So not a single location. There are some constraints put on those spaces and that can be partly for the safety of individuals encamping as well as to balance different public needs. So, for example, a common limitation might be around the number of spaces permitted, so

L. Pin - (Re-Ex) - 62

both London and Hamilton, which did have tenting protocols, had limits around five structures or tents being in place. And then also a plan for connection with services. So, for example, in the city of London where they have a tenting protocol, they also have a mobile service provision that regularly visited sites where they know people are encamped to make sure that they're able to access different sorts of social services as well as health services and basic needs. And so those are some of the pieces that I would see as being part of it.

Then another piece that is often part of public tenting protocols is a process of public consultation and engagement to try and work with those most affected by the issue. So, in this case it would be, in particular, individuals who are experiencing homelessness to identify suitable sites, and -- as well as clear communication of those sites to individuals experiencing homelessness and service providers.

172. Q. Okay. I think that's the only re-direct question I had. Thank you very much.

MR. LOKAN: So, we're done.

--- ADJOURNED

L. Pin - 63

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.

BarPollard

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.

TAB 25

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 **Doug Spooner** on his affidavit dated June 6, 2025, taken via Zoom videoconference on consent of the parties on March 6, 2026.

APPEARANCES:

KARTIGA THAVARAJ, Ms. Counsel for the Applicant

ASHLEY SCHIUTEMA, Ms. Counsel for the Respondents
SHANNON DOWN, Ms.
JOANNA MULLEN, Ms.

MERCEDES PEREZ, Ms. Amicus Curiae

(i)

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2.	Provide emails from Metrolinx project sponsor, Dec. 1, 2024 forward incl. timing and commencement of project discussions	11
3.	Is grade separation agreement signed or what is the status?	40

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2.	Provide emails discussing project timing from Dec. 1, 2024	9
3.	Provide quarterly status reports as at Dec. 2024 forward	16
4.	Provide annual progress reports as at Dec. 2024 forward	16
5.	To confirm current design percentage that was provided from Metrolinx to the Region	25
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D. Spooner - (Cr-Ex) - 4

1 MARCH 6, 2026

2
3 DOUG SPOONER, AFFIRMED

4 CROSS-EXAMINATION BY MS. DOWN:

5 1. Q. Good morning, Mr. Spooner.

6 A. Good morning.

7 2. Q. Would you like to be called Mr. Spooner
8 or Doug?

9 A. Doug works for me, if it works for you.

10 3. Q. That works for me and you can call me
11 Shannon.

12 A. Great.

13 4. Q. I am going to be asking you a few
14 questions this morning. I just want to go over a few
15 housekeeping items before we get started.

16 So just first of all, can you confirm that
17 that only document you have in front of you is your --
18 I am assuming you have a copy of your affidavit with
19 you?

20 A. I do not. I have blank white paper
21 with me. That's all I've got in front of me.

22 5. Q. Okay. Okay, well if we need to refer
23 to parts of your affidavit and you don't recall it, we
24 can put it up on the screen. Kelsey is going to
25 assist us with some screensharing.

D. Spooner - (Cr-Ex) - 5

1 And I just want to confirm that during the
2 course of your cross-examination, that you're not to
3 communicate with anybody during the cross-examination
4 and that includes if we take a break or adjourn for a
5 few minutes for, you know, a bathroom break or a lunch
6 or something and come back. Is that okay?

7 A. Okay, great.

8 6. Q. Okay. And if at anytime any of my
9 questions you don't understand what I'm asking you,
10 please just let me know and I'll try to rephrase or
11 repeat it, okay?

12 A. Will do.

13 7. Q. So I am going to start out with, can
14 you tell me how often -- so you've got this project
15 that you've been working on from the Region's side
16 with Metrolinx. Can you tell me how often do you meet
17 for the purposes of discussing this project with
18 Metrolinx, say starting in the 2024 timeframe?

19 A. Yeah, so myself, I don't join every
20 project meeting. So the team meets, you know, with
21 regularity. I don't know the regularity of that
22 meeting. I join in as a co-chair of the funding
23 meeting for the transfer payment agreement.

24 So that's co-chaired by myself and a rep
25 from the MTO that's reporting on progress and budget.

D. Spooner - (Cr-Ex) - 6

1 And then I join our internal briefings which happen
2 about monthly from our design and construction team
3 and facilities team to meet.

4 8. Q. Okay.

5 A. And obviously any other phone calls,
6 emails that we need to do to check in.

7 9. Q. Okay. And those progress and budget
8 meetings that you were talking about related to the
9 TPA, how often were those occurring, say starting in
10 2024?

11 A. Yeah, quarterly for those.

12 10. Q. Quarterly. And who attends those
13 meetings?

14 A. Myself, the project lead, our CFO and
15 then representatives from the MTO.

16 11. Q. So is there representatives -- so the
17 project lead, is that someone from the Region or is
18 that (indiscernible) ---

19 A. The Region's project lead, yes.

20 12. Q. Okay. So and when you say, "MTO," is
21 that -- are they there on behalf of Metrolinx?

22 A. So the TPA is split into two parts.
23 It's a \$43 million contract; 33 to the Region of
24 Waterloo, 10 million to Metrolinx. So Metrolinx does
25 not have a rep in that meeting. That is to cover the

D. Spooner - (Cr-Ex) - 7

1 Region's portion of that transfer payment agreement.

2 13. Q. Okay, but are the -- when you talk
3 about the progress in the budget because this -- my
4 understanding is the Region's work is tied very
5 closely to Metrolinx's work. So is the budget --
6 sorry, the progress in budget, does it -- do you talk
7 about what's happening on the Metrolinx side at those
8 meetings?

9 A. If there are any interface challenges.
10 But that is not the meeting where we do the interface
11 work and that's done in -- the meeting that I don't go
12 to, that is, the project meeting with the design and
13 construction folks.

14 14. Q. Okay, so those project meetings, you
15 said you don't go to those but do you know how often
16 they are meeting?

17 A. I do not.

18 15. Q. Okay.

19 A. Like it would be with great frequency
20 because we're obviously an integrated project but I
21 don't know the specific.

22 16. Q. Like it might be monthly?

23 A. I would guess, yeah, or greater than
24 that, yeah.

25 17. Q. Okay, monthly or more frequently.

D. Spooner - (Cr-Ex) - 8

1 Okay. And you get progress reports from that group
2 but even though you're not part of those meetings?

3 A. Correct.

4 18. Q. Okay. And are there minutes that are
5 produced from those meetings that get circulated?

6 A. None, that I've reviewed. I don't
7 know.

8 19. Q. Okay. Can I get an undertaking for you
9 to determine whether there are minutes from those
10 meetings? And if there are, we're asking for a copy
11 of minutes going back to December 1st, 2024.

12 MS. THAVARAJ: I will undertake to answer if
13 there are minutes.

14 **UNDERTAKING**

15 And then under advisement as to whether to
16 produce.

17 **UNDER ADVISEMENT**

18 MS. DOWN: Okay.

19
20 BY MS. DOWN:

21 20. Q. And so, do you have direct
22 communications with the people who are in charge of
23 this project at Metrolinx?

24 A. So my contact is the project sponsor
25 from Metrolinx. And so that is somebody who

D. Spooner - (Cr-Ex) - 9

effectively tries to keep the project moving, keep the partnerships working. So, yes, I can have regular contact if I need.

21. Q. Okay. And so would you have had contact with them about the timing of this project like in the timeframe since December 1st of 2024 until now?

A. Yeah, that is one of the activities that I try to support in my position.

22. Q. Okay. And so how would those communications usually occur; like is that a telephone call or is that an email?

A. Either/or, yeah.

23. Q. Okay. And so, do you have emails that discuss the timing between December 1st and now?

A. Yes.

24. Q. Okay, can I get an undertaking to provide copies of those emails?

MS. THAVARAJ: Under advisement as well.

UNDER ADVISEMENT

MS. DOWN: Okay.

BY MS. DOWN:

25. Q. And when did you last communicate with Metrolinx about this project?

D. Spooner - (Cr-Ex) - 10

1 A. I am forgetting my -- roughly three
2 weeks ago.

3 26. Q. Three weeks ago? And that was with
4 this project sponsor?

5 A. Correct.

6 27. Q. Okay, and did you discuss the timing of
7 the commencement of the project?

8 A. Absolutely.

9 28. Q. Okay. And what was that -- can you
10 tell me about that?

11 A. Yeah, so they received board approval
12 to proceed to tender. So there was an update from
13 Metrolinx that they will proceed to tender in March.

14 29. Q. Okay. And so do they know when that
15 tender is going to be released?

16 A. The email said within two to three
17 weeks barring any other -- any other changes. So it
18 should be out this month.

19 30. Q. Okay. And what's your understanding of
20 what their tender process -- how long it takes?

21 A. I don't have a great understanding. I
22 would imagine it's (indiscernible) bill, receive
23 responses, and work through those responses. I don't
24 have a sense of timing for them.

25 31. Q. Okay, so you didn't actually -- did you

D. Spooner - (Cr-Ex) - 11

1 talk to -- during that communication, did you have a
2 discussion about when the project would actually
3 potentially be starting?

4 A. Yeah, so we did ask the date on which
5 they would seek possession of 100 Victoria. And that
6 date is the end of October of this year.

7 32. Q. Okay. Okay, and, sorry, was that a
8 telephone meeting or a Zoom meeting or email
9 communication?

10 A. That -- the second part was an email,
11 yeah. Well, I guess both parts are an email. Them
12 informing me and me asking the question back, yes.

13 33. Q. Okay. Can I have an undertaking to
14 produce those emails.

15 MS. THAVARAJ: Yes.

16 **UNDERTAKING**

17
18 BY MS. DOWN:

19 34. Q. And the letter that came from Metrolinx
20 -- so there is a December 18th letter that's in your --
21 attached to your affidavit. It's from the person at
22 Metrolinx. I can't remember the person's name but the
23 person at Metrolinx who is in charge of the project
24 and it was directed to the CAO, I think, of the
25 Region.

D. Spooner - (Cr-Ex) - 12

1 And it was saying we are going to need this
2 property in March. Was that -- was that letter -- is
3 that letter unusual; like why was that letter sent
4 from Metrolinx if there's these regular communications
5 between your team and Metrolinx?

6 A. Yeah, I think -- yeah, so that was from
7 Thomas Budd (ph) at Metrolinx to -- and if you're
8 correct and if it's the CAO, I believe it was Matthew
9 Getsky (ph). Not unusual and when we reach formal,
10 you know, kind of milestones to issue something like
11 that.

12 So I believe at that point they had reached
13 a design milestone, likely 90 percent design. So to
14 confirm, "here are the anticipated dates," that
15 wouldn't be irregular. We do have formal
16 communications and to both Metrolinx and MTO that we
17 often put in a formal letter.

18 35. Q. Okay. Has there been any other letters
19 like that one received during the course of this
20 project to your knowledge?

21 A. Not to my knowledge, no.

22 36. Q. Okay. I am going to turn now to some
23 questions about the transfer payment agreement.

24 A. Yeah.

25 37. Q. So that transfer payment agreement was

D. Spooner - (Cr-Ex) - 13

1 signed by the Region and the province in May of 2018.
2 It states that, "The project completion date" but the
3 whole project was supposed to be done December 1st,
4 2024. What has been the cause of that delay?

5 A. So as you know, Shannon, I joined the
6 Region in 2023 in February so anything predating that
7 time, I don't know. I know the Region had worked
8 through the collection of lands on the Kitchener
9 Central site.

10 There had been ongoing design work, a
11 community panel that had inputted but I am not sure
12 why we had moved off of a '24 -- a 2024 date. The
13 date that I've been working on since I arrived is
14 delivery by 2030.

15 38. Q. Okay. So you have no knowledge of what
16 the cause of those delays were? Because that's a
17 pretty substantial delay.

18 A. Absolutely, yeah.

19 39. Q. Okay. And, yeah, because under the
20 transfer payment agreement, it says that the
21 construction was supposed to commence in the summer of
22 2019. So, you know, coming up on almost seven years.
23 And so there's nothing -- there's nothing in sort of
24 the institutional knowledge that you would have
25 received from other people as to why that's happened?

D. Spooner - (Cr-Ex) - 14

1 A. No, I -- when I began the project, I
2 was working with the Director of Facilities at the
3 time who is no longer with the Region. And she had
4 mentioned that we needed to get the project going.
5 But I am not aware of why it wasn't going previous.
6 So ...

7 40. Q. Okay. Had you been working at
8 Metrolinx prior to working for the Region?

9 A. Yeah, I had worked in a group called
10 Stations Planning in my role immediately before
11 joining the Region.

12 41. Q. Okay. Did you have any awareness of
13 what that project -- what was happening with that
14 project on the Metrolinx side during your time at
15 Metrolinx?

16 A. No, so it -- the planning group would
17 have worked on stations well before they were close to
18 construction. And so, I had a member of my team who
19 worked on Kitchener Station from a planning
20 perspective. But nothing related to the project or
21 the construction.

22 42. Q. Okay. So in that transfer payment
23 agreement, it talks about quarterly status reports.
24 Are those to be submitted? And subparagraph -- this
25 is at -- on Page 105 of your affidavit. And it talks

D. Spooner - (Cr-Ex) - 15

1 about that those reports will include forecast and
2 actual construction start and end dates. Are those
3 quarterly status reports, have those been submitted
4 in, say, since December 1st of 2024?

5 A. Shannon, can I just ask that we pull up

6 ---

7 43. Q. Sure.

8 A. --- (indiscernible) synopsis.

9 44. Q. Kelsey, can you pull that up? It's at
10 Page 105 of Mr. Spooner's affidavit; if you can
11 screenshare that.

12
13 --- SCREENSHARE

14
15 45. Q. So if you looked -- yeah, so quarterly
16 status, this is part of the reporting and evaluation.
17 And it talks about these quarterly status reports and
18 that they would contain, amongst other things,
19 forecasts and actual construction start and end dates.

20 Are those quarterly reports being produced?

21 A. I haven't reviewed them. If it's part
22 of our commitment in the TPA, I would imagine that our
23 -- that our project lead is submitting them but I have
24 not reviewed any of these. These would be, you know,
25 points of discussion for me in a meeting rather than

D. Spooner - (Cr-Ex) - 16

1 something I would review.

2 46. Q. Okay. Can we get an undertaking to
3 provide copies of those quarterly status reports, say,
4 starting December 2024 up until now?

5 MS. THAVARAJ: I'll take that under
6 advisement, Shannon.

7 MS. DOWN: Okay.

8 **UNDER ADVISEMENT**

9
10 BY MS. DOWN:

11 47. Q. And then, there is also just below that
12 at C2-2 there's this annual progress report. And so I
13 guess, same question about that. Is that a report
14 that you're aware of or you've seen?

15 A. I have not reviewed, no. But it has
16 not been told to me that we didn't produce it. So I
17 would assume we are producing these ongoing.

18 48. Q. Okay, so similarly, we'd like an
19 undertaking to produce a copy of those annual progress
20 reports.

21 MS. THAVARAJ: Also under advisement.

22
23 **UNDER ADVISEMENT**

D. Spooner - (Cr-Ex) - 17

1 BY MS. DOWN:

2 49. Q. So there's now an amending agreement
3 that's also in your affidavit. It actually -- it
4 originally -- I think the amending agreement says that
5 the completion date is December 31st of 2029.

6 So there's some confusion. I wasn't sure
7 whether -- like is -- it seems to talk about 2029 but
8 then I've seen 2030. So was that changed at some
9 point?

10 A. Can you show me the reference to 2029,
11 is that -- oh, it's there, it's okay.

12 50. Q. Yeah. Sorry, if you go back. Yeah.

13 A. Yes, so now what I -- what I don't know
14 in here is that referring to substantial completion or
15 final completion. The date that I work off is the
16 December 31st, 2030, we need to have achieved final
17 completion, and all our submissions to the MTO to get
18 this -- to get this funding.

19 51. Q. Okay. It talks about project
20 completion date. I don't know -- if you can scroll
21 down maybe it -- I am not sure if it defines that. So
22 what would the project completion date be?

23 A. Yes, so the project completion date
24 would be everything finished, wrapped up, facilities
25 in use, there are no more settlements claims, we've

D. Spooner - (Cr-Ex) - 18

1 accepted all -- any and all deficiencies, they've been
2 remediated, etcetera.

3 52. Q. Okay, so how does that differ from the
4 other -- so what did you call the December 31st date?

5 A. Yeah. Substantial completion. So
6 substantial completion is there could be deficiencies,
7 there could be settlements outstanding but the
8 facility would be assumed by the Region and could be
9 starting to be used. We could outfit it; we could
10 take possession.

11 53. Q. Okay, is the project completion date
12 still contemplated as being December 31st of 2029?

13 A. No, we've said substantial completion
14 in 2029, final completion in 2030.

15 54. Q. Okay. So that -- so, sorry, again, I
16 am trying to -- because this is pretty specific.

17 A. Okay.

18 55. Q. It's talking about project completion
19 date and you're talking about substantial completion
20 date. So are those two different things?

21 A. Is there a definition in this document?
22 And I don't recall if there is, about the definition
23 of the ---

24 56. Q. I think the project completion date may
25 be -- is back in the other document. So maybe we have

D. Spooner - (Cr-Ex) - 19

1 to go back to the ---

2 A. Transfer agreement?

3 57. Q. --- original. What would -- I guess,
4 what would your understanding of this -- because we
5 have these two dates, the December 29th, 2029 date,
6 December 2030 date? Has that changed or is it -- is
7 it that same as what's contemplated in the amended
8 agreement?

9 A. My understanding is the same as what's
10 contemplated in the amended agreement. Yeah, I'm
11 using, obviously, a different word but ---

12 58. Q. Okay, so Kelsey, can you go back up
13 because it talks about substantial completement. I
14 want to go back up where it talks about project
15 completement. But it doesn't define it; it just gives
16 a date. That's not very helpful.

17 So you're saying your understanding is that
18 that project completement date is still -- is still
19 December 31st of 2029. Is that correct?

20 A. Yes, we plan to reach substantial
21 completion in 2029.

22 59. Q. Okay, so that's completion minus any
23 like additional like defects that need to be fixed?

24 A. Correct.

25 60. Q. Okay. Sorry. So at the December 18th

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1 letter that's in your affidavit, refers to the current
2 project schedule. And I just want to -- I want to go
3 to Page 166 of your affidavit and just ask you if that
4 is the current project schedule?

5 A. No, so it would be off of this
6 schedule. They've got a tender date listed there as
7 October 31st and that is the date that I just told you
8 will be in March. So they are delayed from October on
9 the second tendering market. Yeah.

10 61. Q. Okay. And this has -- again, this has
11 slightly different dates that -- so is that -- this
12 has changed from the time that this was produced to
13 when the amendment agreement was signed?

14 A. Correct. This would have been what the
15 paragraph immediately in that -- in that letter that
16 addressed there may be changes in schedule. These
17 have been updated. There are new dates from
18 Metrolinx. I haven't requested those dates from them.

19 As far as I understand, they obviously --
20 the tendering market and the contractor dates have
21 changed. But substantial completion and total
22 completion have not.

23 62. Q. Okay, so is there an updated version of
24 this schedule that we're looking at right now?

25 A. Not that I've reviewed. We could

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1 produce one. We could ask Metrolinx for one.

2 63. Q. Okay. Is it fair to say that the
3 schedule on this project has been a bit of a moving
4 target?

5 A. I think with all construction projects,
6 you know, especially ones that are integrated with
7 multiple constructors, there are delays that happen in
8 the design phase, yeah.

9 64. Q. Okay, this one seems to have had a lot
10 of delays so, I mean, we're looking at an original
11 agreement that was supposed to be where it was
12 contemplating the whole thing would be done in
13 December of 2024. And now we're talking about
14 December of 2030.

15 So I mean, is that normal for construction
16 projects to have delays of seven -- six, seven years?

17 A. And again, I don't know the reasons why
18 this one was delayed. My -- my dates I've been
19 working off are completion by 2030. I would say of
20 other projects I've looked at, it's not uncommon to
21 have, you know, delays that have crossed the entire
22 design phase through construction of, you know, five,
23 six, seven years.

24 65. Q. Okay. I took a look back at the cross-
25 examination that we did of Ellen McAughy (ph) who was

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1 ---

2 A. Yeah, yeah.

3 66. Q. --- involved in the previous
4 litigation. In her evidence when we were preparing
5 for the case, this case, when we -- it was heard in
6 2023, was that the site was going to be needed in the
7 summer of 2023. So it seems that the, you know, the
8 Region's expectation of when this was going to happen
9 has changed several times. Is that fair to say?

10 A. Again, I can't -- I can't speak to what
11 was happening before I got here nor what Ellen was
12 working on prior to my arrival. So I don't know.

13 67. Q. Okay. But even now, like it seems like
14 it's -- I mean, it has changed because originally, we
15 were told that the site was -- that the region needed
16 the site December 1st of 2025. And that the Metrolinx
17 was going to be actually starting the work in March.

18 So again, it seems that it's a moving
19 target. Like it -- you know, I mean, I know you
20 weren't there in 2023 but the reason we were in court
21 was because the region said we need this property,
22 Metrolinx needs this as a lay down site.

23 That date has shifted time and time again.
24 Is that fair to say?

25 A. Oh, yeah, dates have moved in the

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1 project, absolutely. I think the dates that are key
2 are when tenders are issued and those start to lock in
3 construction timelines. So while we've been working
4 through detail design, I'd say it's not uncommon for
5 dates to move.

6 68. Q. Okay. So in the -- in that letter,
7 that December 18th letter, it also talks about the
8 "Anticipated general mobilization of the future
9 contractor."

10 Can you tell me what that means? I
11 wasn't -- as I was reviewing that letter, I just
12 didn't understand that sentence.

13 A. Yes, okay, so the current project
14 schedule was the one we've just looked at. And then
15 "mobilization of the future contractor" would
16 reference the fact that they were pre-tendered, they
17 had not brought on a contractor-constructor. And then
18 the "mobilization" just means their activities to get
19 up and ready.

20 So this was effectively Metrolinx saying we
21 believe that our constructor-contractor will use these
22 timelines. But when they get here and start to
23 mobilize, they will make those decisions on reaching
24 the ultimate timeline.

25 69. Q. Okay. And they don't -- so just to be

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1 clear, they don't have a contractor yet because that
2 hasn't been tendered, is that correct?

3 A. Correct, that's the tender that will go
4 out this month.

5 70. Q. Okay. Has the final design been
6 provided to the Region for the Metrolinx works?

7 A. Metrolinx is at 90 percent design which
8 is where they should be for tender. I believe we're
9 in possession.

10 71. Q. Okay, can I get an undertaking to
11 provide a copy of that?

12 MS. THAVARAJ: A copy of what, Shannon?

13 MS. DOWN: Sorry, the design ---
14

15 BY MS. DOWN:

16 72. Q. What's involved in the design? Like
17 what does that look like? Is it -- like how many
18 pages are we talking about? Is it a massive document
19 or is it a CAD drawing?

20 A. It would be probably thousands of CAD
21 drawings. Because if it was in the 90 percent design,
22 you'd have HVAC drawings, electrical, you'd be done
23 to, you know, everything except furniture and
24 fittings.

25 73. Q. How about an undertaking just to

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1 provide us with the percentage of the design that is
2 currently available to the region.

3 MS. THAVARAJ: That is currently available
4 to the region?

5 MS. DOWN: Yeah, has been provided to the
6 region by Metrolinx. So what percentage of
7 the design, like you're talking about 90
8 percent. Just confirm that they're at that
9 percentage or what percentage they are at.
10 If that makes sense.

11 MS. THAVARAJ: Okay, we'll take that under
12 advisement.

13 **UNDER ADVISEMENT**

14 BY MS. DOWN:

15 74. Q. During the time that you worked at
16 Metrolinx, like did you observe the issues like, you
17 know, we read the paper, there seems to be a lot of
18 delay with Metrolinx projects.

19 Is that something that you experienced when
20 you were working at Metrolinx?

21 A. Yeah, I mean, I was a client on a
22 number of projects. Those experienced the usual, you
23 know, delays through design and construction. But ---

24 75. Q. I guess I'm not talking about usual
25 delays, I'm talking about like things like the -- the

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1 lengthy delays that some -- some of the Metrolinx
2 projects have been -- seem to have been plagued with.

3 Is that something that you observed?

4 A. Not directly, no. I would have
5 consumed media articles the same as everybody else.
6 But, no, I didn't work directly on any -- any projects
7 that I felt were significantly delayed.

8 76. Q. I want to look at the Page 171 of your
9 affidavit which shows the list of properties. I have
10 a question for you about 123 Breithaupt Street. On
11 this list it states that it's being used as a staging
12 area by Metrolinx.

13 A. Yes.

14 77. Q. Is that correct? Okay. And can you
15 tell me how long is this -- so this Phase 1 part where
16 Metrolinx is doing the track work, how long is that
17 supposed to take place?

18 A. I believe the rough timeline for that
19 is about two years.

20 78. Q. Okay, so up to 2028. And that laydown
21 site would only be needed during that time, is that
22 correct?

23 A. I am not into that level of detail of
24 the Metrolinx staging plan. Nor do I think they would
25 be at this point without a constructor.

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1 79. Q. Okay, good. So maybe we'll just back
2 up. So can you tell me what a staging area is?

3 A. Yeah. So in a project like this, where
4 Metrolinx is going to raise the rail corridor, they're
5 going to, you know, add platforms, we're talking about
6 significant amounts of gravel, rail ties, other
7 equipment and materials that they'll need.

8 So a staging area is simply that it's a
9 place to store materials as you are in active
10 construction so that they're close to the site where
11 you're constructing.

12 80. Q. Okay, so how does that -- how does that
13 compare to a laydown site?

14 A. It would be very similar. A staging
15 area could become a layby site. Effectively, it's
16 places where you can put things, you can move things,
17 you could use it for a variety of purposes. Laydown
18 would be materials, staging could include -- you could
19 put a site trailer there, you could put other things
20 there.

21 81. Q. Okay, so why does Metrolinx need the
22 other like 100 Victoria Street if they already have
23 123 Breithaupt as a staging area?

24 A. Yeah, it's the amount of materials that
25 they're going to need is the reason that they've asked

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1 for both.

2 82. Q. Okay, could the staging -- so could the
3 laydown area though be like more use for more long-
4 term storage of materials? Is that -- is that why --
5 like when I -- I was trying to understand it, I
6 Googled -- I asked Google AI what the difference was
7 and it said that laydown sites are for storing large
8 quantities of material, whereas the staging areas are
9 almost immediately adjacent to the active work.

10 So it seemed to suggest that somehow, you
11 know, you could have an off-site laydown area because
12 it's more long-term and then the staging area is where
13 you're bringing materials in for the work that you're
14 working on. Is that sometimes the way it works?

15 A. I guess in theory it could. But with
16 the types of materials and the weight of the materials
17 we're talking about, I wouldn't suggest we would do it
18 in that way in this type of project.

19 83. Q. Okay. But is it possible, like, for
20 instance, let's say if we look at -- if we can turn to
21 Page 174 of your affidavit. I'm looking at -- so if
22 -- like, for example, Area 2, is that -- is it my
23 understanding is that where the actual building for
24 the transit hub is going to be at some point?

25 A. Correct, yes. That's where the transit

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1 hub will be.

2 84. Q. Okay. And that's happening later, like
3 that's happening after a lot of this preliminary work
4 is done, is that correct? It says -- it talks about
5 August 2027 to March 2029?

6 A. It's in a later stage of the project,
7 yes.

8 85. Q. Okay. Is it possible that could be
9 used as a laydown site while the Metrolinx part of the
10 work which is happening at the beginning is occurring?

11 A. So I believe -- geographically, no.
12 It's too far. But also the Region has activities
13 there. We need to demolition, to demo the building
14 that you see in Area 4. And we need to build a bus
15 loop in Area 3 while Metrolinx is building the
16 retaining wall, so we will also need staging and
17 layby.

18 86. Q. Okay. So it wouldn't be possible for
19 the laydown site to be like a short distance away. So
20 you're saying laydown sites have to be immediately
21 adjacent to the project sites? Because we also have
22 -- remember we also have the staging site.

23 A. Yeah. Again, I use -- I use those
24 terms interchangeably. And I have not asked Metrolinx
25 directly about their plans. That would be done by my

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1 project lead. My sense from my discussions on the
2 project is, no, that area is not suitable due to the
3 project phasing and the proximity.

4 87. Q. But you don't know that for sure?

5 A. No, that's not my role in the project
6 to confirm those things, no.

7 88. Q. Okay. What are the approvals that are
8 required in order for that Phase 1 work to start?

9 A. The Region's Phase 1 work or
10 Metrolinx's Phase 1 work?

11 89. Q. Both because they're tied together,
12 right? Like my understanding is you're working sort
13 of in concert with each other.

14 A. Yeah, so I don't know Metrolinx's
15 approval process through the province. I would
16 imagine getting through -- getting board approval to
17 tender would be a critical one that they've gone
18 through.

19 Ours would be to reach a 90 percent design
20 and receive a project approval to proceed to tender.
21 And that could, depending on dollar amount, be done by
22 myself, the Commissioner, by the CAO or by Regional
23 Council.

24 90. Q. What about things like consultations
25 with Aboriginal peoples?

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1 A. Yeah, so we do have duty-to-consult.
2 We have done that on this project. It's a requirement
3 of -- I am going to forget if it's in the TPA or ICIP
4 Agreement but it is -- it is a requirement of the
5 project.

6 91. Q. And has that been completed? Is that
7 consultation completed?

8 A. I believe so.

9 92. Q. There's approval?

10 A. I don't know that, Shannon, as I sit
11 here today.

12 93. Q. Okay, can we get an undertaking to
13 provide us with the answer to that question?

14 MS. THAVARAJ: What's the question, Shannon?

15 MS. DOWN: The question is whether the
16 approval from the Indigenous consultation
17 has been received for the project.

18 But there are other ministry ---

19 MS. THAVARAJ: I am going to give an under
20 advisement. I'm just not -- some of these
21 questions are -- just to be clear why I am
22 taking a lot of these under advisement --
23 Doug is here on behalf of the Region and
24 some of these questions involve answers to
25 people -- from people that aren't the

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1 are separate corporations. So ...

2 96. Q. Okay. Are there other types of
3 approvals that the region or Metrolinx needs to
4 acquire like from the Ministry of the Environment or
5 from the City of Kitchener?

6 A. So for the Region of Waterloo, yes. We
7 would need the Ministry of the Environment, we would
8 need, obviously, a site plan approval from the City of
9 Kitchener. So, yes, there are other approvals.

10 97. Q. Okay, and what stage are those items at
11 right now?

12 A. Site plan approval from the City of
13 Kitchener is planned for later this year. I am not up
14 to speed on our approvals from MECP or any of the
15 other ministries. They haven't come up in this.

16 98. Q. And that's site plan approval for Phase
17 1?

18 A. I believe it's for the entirety of the
19 site.

20 99. Q. Okay, so that would be required for the
21 Metrolinx work as well?

22 A. It's an interesting question, Shannon.
23 I don't know because they are in an active rail
24 corridor and I don't know if the city's planning
25 permissions apply to an active rail corridor.

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1 100. Q. Okay, can we get -- can I get an
2 undertaking for you to make inquiries about whether
3 Metrolinx requires the City of Kitchener site plan
4 approval. And also what the status of that approval
5 is ---

6 MS. THAVARAJ: Sorry, I didn't mean to cut
7 you off.

8 MS. DOWN: That's okay.

9 MS. THAVARAJ: I will take that under
10 advisement.

11 **UNDER ADVISEMENT**

12
13 MS. DOWN: I am going to ask Kelsey to put
14 up a staff report on the screen. It's not
15 in your affidavit, it's a document that is a
16 regional document, Staff Report EES-FFM-25-
17 002.

18 MS. MILLS: I am sorry, I am not sure what
19 happened. All the pages seem to be blank.
20 I don't know if you guys are also seeing
21 blank pages?

22 MS. DOWN: Yeah.

23 MS. MILLS: It was working this morning.
24 Let me just stop the screensharing and I'll
25 try it again.

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1 MS. DOWN: Okay, thanks.

2
3 --- SCREENSHARE

4
5 BY MS. DOWN:

6 101. Q. All right. If we go to -- sorry, just
7 go back up to the top just so Doug can take a look at
8 this.

9 So this was the report produced for the
10 Sustainability Infrastructure and Development
11 Committee on October 7th, 2025. Are you familiar with
12 this report? Sorry, this is the agenda. But if we go
13 -- scroll down, there's a report attached to the
14 agenda. There we go.

15 So this is produced by Engineering
16 Environmental Services Facilities and Fleet
17 Management. Is that -- that group reports to you, is
18 that correct?

19 A. No, they do not.

20 102. Q. Oh, okay.

21 A. Yeah.

22 103. Q. Are you familiar with this report?

23 A. Could I ask Kelsey to just scan down to
24 the bottom, I want to see if I am a signee on it. I
25 mean, I would be -- I was in that meeting on October

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1 7th. Yeah, I had reviewed the report prior to
2 publishing, yeah.

3 104. Q. Okay. So you're familiar with this
4 report. I just want to go back up to -- so this was a
5 report that was produced for -- to provide an update.

6 So this group does not report to you. Who
7 do they report to?

8 A. Which group specifically?

9 105. Q. Sorry, this is Facilities and Fleet
10 Management.

11 A. Yeah. So Director, Aaron Moss, and he
12 reports right now to our CFO, Wayne Steffler. The
13 previous commissioner is no longer with the Region as
14 of about two months ago, so ...

15 106. Q. Okay. Okay, so how does -- how does
16 this -- the work that this group is doing relate to
17 the work that your group -- the group that you oversee
18 does?

19 A. So I am the client on this project and
20 I am the executive sponsor. So I, you know, without a
21 direct reporting line, I oversee and support the
22 project manager.

23 107. Q. Okay. Okay, so if we scroll down, I
24 just want to take a look at the top of Page 3. Yeah.
25 So it says that:

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1 "... Following signing of the MOU,
2 several additional agreements are being
3 developed that include a grade
4 separation agreement and lease
5 agreements ..."

6 Who are those agreements between?

7 A. Various parties on these ones, grade
8 separation agreement would be Metrolinx, may also
9 include the City of Kitchener. And then lease
10 agreements are for various parties for parcels of land
11 we need.

12 108. Q. Okay, and is that -- are those in
13 relation to Phase 1 of this project?

14 A. I don't know that.

15 109. Q. Okay, so you don't know what those
16 agreements like what the purpose of ---

17 A. Yeah, so there are two -- there is a
18 grade separation at King Street and a bridge that
19 needs to be built over that. I don't know if this is
20 referencing that or the Duke Street Tunnel which would
21 also be in a grade separation agreement. And so,
22 depending on which of those two projects, they could
23 fall into the Phase 1 or Phase 2.

24 110. Q. Okay, so if we scroll back up, Kelsey,
25 let's just look at the part -- I think this is talking

D. Spooner - (Cr-Ex) - 38

1 about the Kitchener transit. So it's just saying --
2 it seems to be talking about coordination between the
3 Region and Metrolinx.

4 And then if you scroll down, so it seems to
5 be in relation to the work that is being done between
6 the Region and -- well, I don't know. I guess I am
7 trying to understand what this means.

8 This is an update on the Kitchener Central
9 Transit Hub to -- or to this committee.

10 A. Right.

11 111. Q. So do you -- can you explain -- can you
12 give us a sense of what this is talking about?

13 A. So obviously, it's referencing an MOU
14 that needed to be signed and then referencing again,
15 there are a number of additional agreements beyond
16 grade separation and lease that we need to execute.

17 You know, as we move through a project, you
18 know, there's pieces of land that we will lease to
19 Metrolinx while they construct. They will give it
20 back to us at the end, vice versa. Grade separation
21 agreement, same thing.

22 We make sure that we've got all the
23 agreements in place to -- for them or for us to
24 undertake, you've got activities in the case of the
25 King Street Bridge that are happening adjacent to a

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1 rail corridor above a road.

2 And so those are agreements to make sure
3 that we've got everything in place for those to
4 happen. If there needs to be any -- any transfer of
5 property for those.

6 112. Q. Okay. But you don't know like whether
7 -- what the status of those agreements are right now?

8 A. Not -- no, I do not.

9 113. Q. Okay, so that might be. Is that
10 something -- to your knowledge, does that have to
11 happen before the Phase 1 work starts?

12 A. The grade separation agreement, if
13 we're talking about King Street, would be required for
14 us to start the King Street Bridge and then any of the
15 property agreements, obviously as we're starting those
16 phases of work. The Bridge is in Phase 1, the Bridge
17 (indiscernible) ---

18 114. Q. Would you normally be informed when
19 these agreements are signed or would you be involved
20 in getting them signed?

21 A. I would be involved if there was
22 problems with them, they weren't being signed or if we
23 needed to do some work with Metrolinx to solve
24 problems or get them signed. That's when I would be
25 involved. But if they were moving along as per usual,

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1 I would not.

2 115. Q. Okay. Can we get an undertaking just
3 to let us know whether that grade separation agreement
4 is being referenced in this document has been signed
5 or what the status is of that agreement?

6 MS. THAVARAJ: We can give that undertaking.

7 **UNDERTAKING**

8 MS. DOWN: As well as those lease
9 agreements. Maybe just the particulars
10 about what lease agreements are being
11 contemplated and whether they're -- they've
12 been -- what the status is of those lease
13 agreements.

14 MS. THAVARAJ: We will take that under
15 advisement.

16 **UNDER ADVISEMENT**

17 MS. DOWN: Okay, I am going to go back to
18 your affidavit now.

19 MS. MILLS: Sorry, for interrupting,
20 Shannon. Was this entered as Exhibit 1?

21 MS. DOWN: Sorry, we should enter it as
22 Exhibit 1, yeah, thanks. As it's not part
23 of your affidavit.

24
25 EXHIBIT NO. 1: Facilities and Fleet Management Report

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1 BY MS. DOWN:

2 116. Q. I am going to go back to your affidavit
3 now. I am going to look at Paragraph 18. So this is
4 -- documents some of the benefits for residents of the
5 region.

6 I just -- my question for you is that -- or
7 I am going to put it to you that this doesn't
8 necessarily have the same benefits to the residents
9 who are living at 100 Victoria Street that you're
10 mentioning. They may not be included in these
11 benefits. Is that your understanding?

12 A. No, I don't -- I haven't thought about
13 that, no.

14 117. Q. Okay. Just that it's if they can't
15 afford to use these transit services, then they're not
16 receiving any benefit from this. Is that fair to say?

17 A. Well, I don't know if they have the
18 ability to ride the service. We have a number of
19 programs and community partners that provide transit
20 fare so I -- I don't know.

21 118. Q. Okay, do you -- so those transit fares,
22 my understanding is that those programs are limited.
23 Like it's not -- not everybody gets a free transit
24 pass. Is that your understanding?

25 A. Yeah, so there's a number of programs

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1 through community services. There's two-ride cards
2 which are completely free provided to residents of the
3 region. There's the affordable transit program that
4 makes every fare 50 percent off.

5 So there are a number of programs. I do not
6 administer them. They're administered by the
7 Community Services Department. But I know we offer
8 those products.

9 119. Q. Okay, but if someone wasn't eligible
10 for it, they would have to pay the regular fare, is
11 that correct?

12 A. Yeah, as with any transit system, yeah.

13 120. Q. Okay. And that those programs are not
14 unlimited programs. They have a specific budget
15 attached to them and so that they serve -- like, for
16 example, there might be x-number of passes that are
17 provided. Once those have been provided, that program
18 is full for the year. Is that correct?

19 A. I am not as familiar with the two-ride
20 card program. I know on the portable transit program,
21 that's the 50 percent discount, there is no cap on
22 that. That is a -- the number of people who apply,
23 receive the product so I don't know if that is
24 mimicked in the two-ride card program.

25 121. Q. Okay. At Paragraph 19, you state that

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1 this project is going to dramatically improve transit
2 access. Is that something that's been modelled? Does
3 the region have empirical data to support that?

4 A. Not -- not that I've reviewed. I would
5 imagine that at the business stage we would have done
6 some work around travel times and reducing travel
7 times. I haven't reviewed that to date because I came
8 in to an approved project.

9 122. Q. Okay, so what -- I guess what I am
10 asking you is when you're saying this then, what are
11 you basing that statement on then?

12 A. Yeah, my experience in my time working
13 in transit. So, you know, you could imagine the walk
14 today from the ION Central Station to Kitchener
15 Central GO, you know, five to seven minutes, it's an
16 inconvenience for folks, it would limit the number of
17 people who chose that option.

18 So what I do know is that time-savings
19 through transit is a considerable contributor to
20 upticks in ridership.

21 123. Q. Okay, but in terms of saying like
22 "dramatically improve," that's just -- that's based on
23 your -- that's your gut instinct? Is that fair to
24 say?

25 A. No, I've worked on and designed

D. Spooner - (Cr-Ex) - 44

1 multiple GO Stations. I didn't do the design, as I
2 said, for Kitchener Central. But in other projects,
3 I've seen this for sure.

4 124. Q. Okay, seen it in terms of data that
5 shows the times are dramatically reduced?

6 A. Absolutely, yeah. We work on this
7 everyday. If I find a time-savings of one or two
8 minutes per second of a trip, I would say that's a
9 dramatic change that would result in four minutes for
10 that individual or the number of people who ride it,
11 you get into pretty significant time-savings for the
12 community very quickly.

13 125. Q. Okay, so you're saying a four-minute
14 time-savings would constitute a dramatically ---

15 A. Yeah, if you applied that across, you
16 know, 20,000 people who used it over a week or a
17 month, yes, absolutely it would be dramatic.

18 126. Q. Okay. So you're not basing this though
19 on this specific -- like any specific modeling or
20 empirical data that's been projected for this project?

21 A. Correct.

22 127. Q. Okay. If we look down at Paragraph 22,
23 you're talking about the potential to boost the
24 economic health of the surrounding Region of Waterloo
25 community significantly, including more businesses,

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1 investments, job opportunities. And then again, I
2 think there's talk about -- later on in your affidavit
3 -- about housing, supporting the housing development.

4 How does the -- how does the current
5 freeze on development, which is due to the water
6 shortage in the Region, how does that affect this --
7 this -- sort of these projected benefits?

8 A. So I am not an expert in the water
9 situation. My understanding is that is a -- a, you
10 know, in the world of development, a short-term
11 freeze, a number of years, but not that long-term.
12 The benefits that you get out of a central transit hub
13 would last long beyond that timeline.

14 So I don't believe the water issue will
15 impact on the benefits related to Kitchener Central.

16 128. Q. Okay, but it sounds like it might have
17 some short-term -- it might have some short-term
18 effect because, like, obviously, if there isn't the
19 ability to do any new development in the short-term,
20 that's -- some of these benefits are -- we're looking
21 at years down the road.

22 A. Yeah, and we're also looking at the
23 project timeline after 2030 so they, you know, when
24 the project is complete, we'll be -- again, I wouldn't
25 estimate when water permits again begin to be

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1 reissued. But ...

2 129. Q. Okay. If we can just take a five-
3 minute break, I'm going to just confer with my
4 colleagues and then we'll be back. So if everyone can
5 just take a break for a couple of minutes.

6 MS. THAVARAJ: No problem. Back at 9:55,
7 Shannon, or you want to do just until 10:00?

8 MS. DOWN: Let's say 10:00.

9 MS. THAVARAJ: Okay.

10 MS. DOWN: Take a short recess, thanks.

11 THE WITNESS: Thank you.

12
13 --- RECESS

14
15 MS. DOWN: I just have a couple of follow-up
16 questions, Doug, and then we should be done.

17
18 BY MS. DOWN:

19 130. Q. So just going back to the communication
20 that you had with Metrolinx around the tendering that
21 they're planning to put this out to tender at the end
22 of March. Just based on your experience, I guess,
23 working at Metrolinx, like what is your experience of
24 what that tendering process -- how long it takes for a
25 project this size?

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1 A. I don't have an estimate, Shannon. I
2 wasn't involved in the construction group, so ...

3 131. Q. Okay. So, sorry. When you worked at
4 Metrolinx, that wasn't part of your like project --
5 putting projects out to tender didn't -- you weren't
6 involved in that at all?

7 A. No. So I worked in the Stations
8 Planning Group. So we would do functional design,
9 business cases funding. Once they were funded, we
10 would hand them over to the Capital Projects Group.
11 And we did 30, 60, 90 percent design and tender. I
12 would be the client. But again, there was -- at that
13 time, I was overseeing 64 GO Stations and my team were
14 monitoring progress.

15 132. Q. Okay. And so have you had any
16 experience with tendering of large projects during
17 your career?

18 A. Yeah. Always on the client side and in
19 an oversight role, yes.

20 133. Q. Okay, so from the client side though,
21 are you not aware of what's happening with the
22 tendering -- like when it's being tendered, how long
23 it takes, what the timelines are?

24 A. Yes, but not for an estimate of a
25 current Metrolinx tender. I have no idea what their

D. Spooner - (Cr-Ex) - 48

1 process is right now.

2 134. Q. I'm just -- like based on your
3 experience in the past, like what have you seen ---

4 A. Like on a general construction project?

5 135. Q. Yeah, yeah.

6 A. Sure. You know you put it out for a
7 number of weeks, likely a month. Give enough time for
8 a response on a project of this complexity. And the
9 bid they're looking at, they're probably going to be
10 in market for two months.

11 And then it's as fast as they can move
12 through the review of that with their internal team
13 and approval, and then, obviously, into mobilization.
14 So ...

15 136. Q. So it could take four to six months, is
16 that -- would that be an average?

17 A. I don't know if that's an average at
18 Metrolinx. That's a safe estimate on a project.

19 137. Q. Okay. In your experience, that
20 wouldn't be out of the question?

21 A. No.

22 138. Q. Okay, could be longer though?

23 A. Could be, yeah, if they ran into
24 problems, if there was failed bids, there's a number
25 of reasons that, you know ...

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1 139. Q. Okay. And what are the kinds of
2 problems would there potentially be with a tendering
3 process that could delay things?

4 MS. THAVARAJ: Well, I am just going to say,
5 Shannon, Doug's not here as an expert on
6 construction, he's here to answer questions
7 on his affidavit on behalf of the region.
8 And just want to make sure that I put that
9 position on the record.

10 MS. DOWN: Yeah, it's just that the timeline
11 is sort of one of the really important parts
12 of his affidavit. So we're just trying to
13 ---

14 MS. THAVARAJ: And so ask him about this
15 tender or information he has from Metrolinx
16 with respect to the timing on this
17 particular ---

18 MS. DOWN: Yeah.

19 MS. THAVARAJ: --- tender or date. If
20 that's ---

21 MS. DOWN: I mean, I guess we can get a --
22 we could get an undertaking for you to make
23 the inquiries at Metrolinx to find out how
24 long they anticipate the tendering process
25 taking for this project.

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1 MS. THAVARAJ: Make inquiries of Metrolinx
2 how long they anticipate -- we can make
3 those inquiries. I'll take that under
4 advisement.

5 UNDER ADVISEMENT

6 MS. DOWN: Okay.

7
8 BY MS. DOWN:

9 140. Q. And in terms of the approvals that are
10 needed, we talked about the City of Kitchener's site
11 plan approval. But we also -- the Ministry of the
12 Environment, what does that approval process look like
13 and what's -- where is this project at to the best of
14 your knowledge?

15 A. So I know we've had some elements
16 reviewed because we've got chimney swifts that live on
17 the back side of the Rumpel Felt Building to be
18 demolished, and so we've got some work to do around
19 relocation of the birds.

20 I know when we -- we'll have to review site
21 condition; we've been doing bore holes and other
22 things now to see if there is any remediation
23 required. That would be an additional piece we would
24 submit to them.

25 But I am not aware of where we're at on that

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1 sufficient time to assess the remediation needs and
2 obviously complete it before handing over possession
3 to Metrolinx.

4 143. Q. Okay, and do you have a sense of what
5 is required for the remediation of the site?

6 A. Not at this point, no, we haven't been
7 able to do an assessment of the requirements of
8 remediation, so ...

9 144. Q. Okay, do you have sort of like minimum
10 and maximum estimates of what the Region thinks how
11 long it's going to take?

12 A. So, yeah, the timeline that my team
13 felt comfortable with is in and around three months.

14 145. Q. And that's an estimate, that could be
15 -- it could take less, it could take longer?

16 A. Correct.

17 146. Q. Okay. Subject to any redirect, those
18 are my questions.

19 MS. THAVARAJ: Mercedes?

20 MS. PEREZ: Yeah, thank you. I don't have
21 any questions for Mr. Spooner.

22 MS. THAVARAJ: All right, no redirect from
23 me.

24
25 --- ADJOURNED

D. Spooner - (Cr-Ex) - 53

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.

EXHIBIT “1”

Region of Waterloo**Engineering and Environmental Services****Facilities and Fleet Management**

To: Sustainability, Infrastructure, and Development Committee

Meeting Date: October 7, 2025

Report Title: Kitchener Central Transit Hub Update

1. Recommendation

For information.

2. Purpose / Issue:

The purpose of this report is to provide an update on the progress of the Kitchener Central Transit Hub (KCTH). As progress on this landmark project advances, it is timely to highlight project updates and upcoming project milestones. Council will start to receive these updates on a regular basis.

3. Strategic Plan:

The Region of Waterloo is on a journey of growth to an intentional and sustainable future. The Kitchener Central Transit Hub supports the Homes for All, Equitable Services and Opportunities and Climate Aligned Growth focus areas within the Region's 2023 – 2027 Strategic Plan.

Upon completion, the KCTH will enhance and integrate transit infrastructure, provide residential and commercial development opportunities and be a gateway for economic development for the Region and area municipalities.

4. Report Highlights:

- Staff are in the process of procuring a Construction Manager from a group of prequalified proponents to provide Preconstruction Services. The Construction Manager will provide insight on constructability, cost effectiveness, construction timelines and staging plans that are critical to the successful delivery of this project.
- The Rumpel Felt building located at 60 Victoria St. has been partially designated as heritage. The Region is intending to demolish the non-heritage component of this facility in late October 2025 to accommodate the bus entrance to the transit hub as well as incorporate a pick-up and drop off area.
- The Region continues to work with Metrolinx to finalize the design for the pedestrian Duke St. underpass. This pedestrian underpass will provide connectivity for the multi-use path to the north side of the rail corridor and will include a well lit tunnel with a designated area to integrate public art.

- The Region's Public Art Specialists are working with the Public Art Advisory Committee to advertise for a Call to Artists in early 2026. Several areas of the development are identified as preferred locations for a public art display that will showcase the convergence theme of the hub.
- Staff are exploring potential future uses for the retained portion of the Rumpel Felt building, including opportunities for its integration within a future mixed-use development that complements surrounding transit infrastructure.
- The KCTH project is an integrated project delivery with Metrolinx. As such, the Region has executed a Memorandum of Understanding (MOU) with Metrolinx that outlines the relationship between the two entities that will also guide future agreement. The MOU was fully executed in September 2025.
- The MOU provides the framework and determines the conditions under which the Region agrees to provide access to and use of identified lands on either side of the rail corridor to facilitate Metrolinx's construction program, including the parcel located at 100 Victoria Street.
- An application for funding through the Public Transit stream of the Investing in Canada Infrastructure Program (ICIP) was submitted in February 2023.

5. Background:

The Kitchener Central Transit Hub (KCTH) is a transformational project involving Metrolinx, Region of Waterloo, City of Kitchener and several other stakeholders focused on delivering an integrated transit network for the area.

Building off the success of ION light rail, KCTH is a project that will show Waterloo Region's commitment to sustainable transportation and spur economic development in the area.

KCTH will connect residents and visitors to the Toronto-Waterloo innovation corridor by providing access to Grand River Transit light rail and bus service, GO Transit rail and bus service, VIA rail and allow for inter-city bus service. The new transit hub will integrate active transportation options with separated cycling and pedestrian paths and include transit priority lanes.

The hub will lead to desirable opportunities for increased residential and commercial investments through better access to public transportation. It will also support sustainable transportation options for residents and visitors to Waterloo Region.

Project Updates

The Region will work collaboratively with Metrolinx to confirm the project schedule for construction. Design work for the KCTH building and other integrated projects is continuing and the projects are on schedule.

Work related to relocation of third party utility providers has been initiated and is expected to continue to 2026. Following the utility work, project construction is intending to be initiated in 2026 with completion by the end of 2030.

The Region and Metrolinx meet bi-weekly to review coordination items between parallel

October 7, 2025

Report: EES-FFM-25-002

designs. Following signing of the MOU, several additional agreements are being developed that include a Grade Separation Agreement and lease agreements.

The Region is concentrating their efforts on completion of the design by end of 2026 with the intention of obtaining all appropriate approvals in parallel.

Refer to Appendix A for renderings of the KCTH development.

Corresponding Projects

There are a couple key projects in the vicinity and in support of the transit hub that are noteworthy.

Rumpel Felt Partial Demolition

The Region has received approval to demolish the non-heritage building elements to accommodate the turning radius required for transit providers to enter and exit the bus loop off Duke St. and allow for a pick-up and drop-off for KCTH. The Region is currently procuring the services of a general contractor to complete this work and is targeting demolition to commence end of October 2025 with completion extending into 2026.

Staff are exploring potential future uses for the retained portion of the Rumpel Felt building, including opportunities for its integration within a future mixed-use development that complements surrounding transit infrastructure. As part of this review, staff are also considering how the building could best be incorporated into a larger phased redevelopment of the site in a way that aligns with future market conditions, community needs, and transit priorities.

70-84 Victoria Street North

The acquisition of 70-84 Victoria Street North (in March 2024) plays a pivotal role in the Kitchener Central Transit Hub lands project by expanding the site's footprint to enable comprehensive planning and development. This property is currently occupied with commercial tenants whose leases will be honoured. Ultimately, and once leases are completed, this additional land will enhance the project by providing opportunities for improved connectivity between future transit services and urban infrastructure, while also creating space for complementary uses such as mixed-use development and public amenities. This acquisition strengthens the vision of the hub as a regional anchor for sustainable, transit-oriented growth.

Victoria Street Modifications (King Street West to Weber Street West)

This project includes modifications to Victoria Street between King St. and Weber St. to provide multimodal links to KCTH. A preliminary design has been approved by Council through report TSD-TRP-24-019 which includes a reduction from four vehicle lanes to two vehicle lanes to allow for new transit priority lanes and active transportation infrastructure. The Victoria St. Modification design team is working closely with the KCTH team to align construction timelines and integrated elements. Coordination with utilities such as Enova Power, Bell, and Kitchener Utilities is also underway, with utility

Page 3 of 6

relocations projected for early 2026. A geotechnical drilling program will commence in November 2025 to determine a preferred pavement structure and soils management strategy. The Victoria St. Modification project is intending to have their design completed in early 2026, such that work can be tendered and commenced later that year.

Budgetary and Agreement Updates

The Region has an amended Transfer Payment Agreement (TPA) with the Ministry of Transportation that extends the \$33 million of funding promised in 2018 to the end of 2030. This funding agreement will support Phase 1 elements such as the pedestrian bridge, pedestrian ramp, bus loop, on and off-site parking as well as site stormwater improvements. By delivering the Phase 1 and 2 elements in one construction project, the Region is expecting there will be cost savings.

The Region submitted a request to Investing in Canada Infrastructure Program (ICIP) February 2023. This funding would support the construction of the hub facility, expansion to the bus loop and development of the pedestrian plaza at the corner of King and Victoria St.

6. Communication and Engagement with Area Municipalities and the Public

Area Municipalities:

City of Kitchener staff have been consulted on design components of the multi-use trail, ownerships of Duke Street and associated utilities. In addition, the Region has been working closely with the City of Kitchener to review stormwater management for the site and surrounding areas and will be discussing public art in the Duke Street underpass. As part of the design process, the Region will be submitting a pre-submission consultation package to the City of Kitchener for review and comment this year.

As part of the Rumpel Felt Partial Demolition, the Region provided a brief update to City of Kitchener Heritage Committee May 6, 2025. This presentation followed with unanimous approval for the demolition project to proceed in support of the redevelopment of this area.

The Region has engaged the Mississaugas of the Credit First Nation consultation manager and assistant to provide feedback on the development plans for KCTH. In August, the Mississaugas of the Credit First Nation received communication from the Region's Project Lead notifying them of the Region's intent to progress the KCTH project. The Region will remain open to concerns and comments from the indigenous nation.

Public:

In April 2025, project updates were made to the EngageWR page. The Region provided an update to the Active Transportation Advisory Committee members on May 20th, 2025. Committee members were given an opportunity to provide feedback on cycling infrastructure of which they noted their request for secure bike storage. The

Region's design team has incorporated this element into the project and will continue to provide feedback to the Committee at appropriate intervals.

The Region presented to the Public Art Advisory Committee July 21, 2025, providing them with an update on the facility and pedestrian plaza with hopes of identifying the preferred location for public art. The Region's Public Art and Cultural Specialists will be advancing a call for artists in 2026 with the feedback from the committee members.

Staff are working on enhancing communications throughout construction activity related to KCTH. The Region has initiated quarterly communications meetings with Metrolinx staff to ensure information is being received and communicated to residents. Issues impacting residents will be communicated in advance through the project page on EngageWR and through the Region's communication channels.

7. Financial Implications:

	Current Year	Future Year(s)
Budget Impact?	N/A	N/A
Capital Plan Impact?	No new impact	No new impact

The 2024-2033 Facilities and Fleet Capital Program includes a budget of \$35 million for the Kitchener Central Transit Hub Project; of which \$2.53 million is allocated to 2025. Project is funded \$33 million from the Province (MTO) and regionally through RDC debenture. Of the \$33 million, \$4.9 million has been consumed to date.

8. Conclusion / Next Steps:

Coordination efforts with Metrolinx are ongoing to align both party's project plans. At the end of 2026, the Region anticipates having a complete design package, as well as tendering and constructing the Victoria St. Modification elements.

Staff will continue to work with Metrolinx to finalize agreements to facilitate the work being carried out.

9. Attachments:

Appendix A: Rendering of Kitchener Central Transit Hub

Appendix B: Scope of Work for Kitchener Central

Prepared By: Christa De Wys, Senior Project Manager (Facilities – Large Capital),
Engineering and Environmental Services

Reviewed By: Aaron Moss, Director, Facilities and Fleet Management, Engineering and Environmental Services

Matthew Chandy, Director, Build Waterloo Region, Planning, Development and Legislative Services

Frank Kosa, Director, Design and Construction, Engineering and Environmental Services

Approved By: Jennifer Rose, Commissioner, Engineering and Environmental Services

Doug Spooner, Acting Commissioner, Transportation Services

Rod Regier, Commissioner, Planning, Development and Legislative Services

TAB 26

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 **Peter Sweeney** on his affidavit dated February 27, 2026, taken via Zoom videoconference on consent of the parties on March 6, 2026.

APPEARANCES:

ANDREW LOKAN, Mr. Counsel for the Applicant
GRETA HOAKEN, Ms.

ASHLEY SCHUITEMA, Ms. Counsel for the Respondent
JOANNA MULLEN, Ms.

MERCEDES PEREZ, Ms. Amicus Curiae

(i)

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2.	One Roof, confirm whether operates 24/7	5
3.	Safe Haven, confirm age range for youth, ages 12 to 17	7
4.	Confirm the date Bridge Care had intakes pause	10
5.	Confirm Bridge Care current status for new intakes	11

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6.	If and when intake was paused re transitional housing program at 84 Frederick and are they waiting for occupancy permits	15
7.	Confirm hours of operation at Porch Light and Thresholds	20
8.	Review Working Centre over-capacity numbers since Jan. 26/2026	22
9.	Verify the actual number of reported homelessness in the Region and as correction undertaking re Council minutes and report back	25
10.	Provide number of known encampments across the region on a quarterly basis from Dec. 2024 forward	30
11.	Items provided in winter warming packages by funded partners in 2025/2026 and were there any changed or new constraints	34
12.	Have unsheltered workers been trained in unsafe fire behaviours at the encampment	37
13.	Has Region distributed written fire safety guidance to encampment residents	38
14.	Has Region distributed hot water bottles or similar safe warming devices	39
15.	Has Region distributed fire extinguishers to encampment residents	40

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16.	Has Region installed communal fire extinguishers on encampment site	40
17.	Did a meeting take place with fire departments and regional staff on Jan. 31/2024, was mitigation discussed, provide minutes if any	41
18.	How many designated senior sites are considered affordable units and provide average cost of a one-bedroom unit	46
19.	Does a formal fire risk mitigation plan exist for the encampment, if so, provide copy	53
20.	Does a policy or similar exist when someone is inactive w/a worker before not being counted in HIFIS	57
21.	Does HIFIS take count of those staying in hospital	57
22.	Does HIFIS take count of those incarcerated	58

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1 MARCH 6, 2026

2
3 PETER SWEENEY, AFFIRMED

4 CROSS-EXAMINATION BY MS. SCHUITEMA:

5 1. Q. So, Peter, we're going to be looking at
6 your affidavit, your fifth affidavit, which was
7 affirmed February 27, 2026.

8 A. Yeah.

9 2. Q. Yes? Okay. And do you have a copy in
10 front of you?

11 A. Right here.

12 3. Q. Okay. And do you have anything else in
13 front of you?

14 A. No.

15 4. Q. No, and is there anyone in the room ---

16 A. (Indiscernible) we're fine.

17 5. Q. And is there anyone in the room with
18 you?

19 A. No.

20 6. Q. Okay, great. I am not going to go over
21 the basics because we know you're a pro at this by
22 this point, so I'll just get into the questions.
23 Okay?

24 A. Yeah.

25 7. Q. I am going to look at Paragraph 10 of

P. Sweeney - (Cr-Ex) - 3 -

1 your affidavit which has a chart of the emergency
2 shelter ---

3 A. Yeah.

4 8. Q. --- system. And I am going to go
5 through each one and ask you some questions about each
6 specific shelter. So starting with the No. 1, which
7 is the Cambridge Shelter Corp. Can ---

8 A. Correct.

9 9. Q. Can you confirm that that operates
10 24/7?

11 A. It does.

12 10. Q. Okay. And it serves men only?

13 A. Correct.

14 11. Q. And they have to be 18 years of age or
15 older?

16 A. Yes.

17 12. Q. Okay.

18 A. That's my understanding.

19 13. Q. Okay. The YWCA Cambridge which is
20 underneath it, operates 24/7?

21 A. Correct.

22 14. Q. And it serves women and gender-diverse
23 people only?

24 A. Correct.

25 15. Q. They have to be 25 years of age or

P. Sweeney - (Cr-Ex) - 4 -

1 older?

2 A. I believe that's also the case, too.

3 Yes, my understanding.

4 16. Q. Okay. For anything that you're not
5 certain, can we ask for an undertaking? So I just
6 want to be clear, like if you're certain, you can give
7 it to me. And if not, we'll have to get an
8 undertaking.

9 A. Yeah, fair enough. Fair enough.

10 17. Q. Okay.

11 MR. LOKAN: Perhaps, Ashley, we can simply
12 undertake to advise if any corrections are
13 needed to this portion of the transcript?

14 MS. SCHUIITEMA: Sure. That's easy, thanks.

15 THE WITNESS: Okay.

16 **UNDERTAKING**

17
18 BY MS. SCHUIITEMA:

19 18. Q. House of Friendship operates 24/7?

20 A. Yes.

21 19. Q. It serves only men?

22 A. Correct.

23 20. Q. You have to be 25 years of age or
24 older?

25 A. Samet thing.

P. Sweeney - (Cr-Ex) - 5 -

1 21. Q. Same, okay. One Roof does not operate
2 24/7?

3 A. Yes, it's 24/7. Okay, I am going to
4 have to look at that one, too, Ashley. I'm -- you're
5 catching me off-guard. I don't know why it wouldn't
6 but ---

7 22. Q. Okay. And my understanding of it, it
8 does not operate 24/7. So maybe we can undertake to
9 confirm that?

10 A. Okay, yeah.

11 **UNDERTAKING**

12 23. Q. And it serves all genders?

13 A. Yes.

14 24. Q. Yes. And it's only for youth that are
15 between the ages of 16 and 25?

16 A. Correct.

17 25. Q. Okay. So SHIP with Edith Mac ---

18 A. Yes.

19 26. Q. --- this also does not operate 24/7?

20 A. It -- yes, this is an overnight. So ...

21 27. Q. Okay. All right. And it's for men
22 only?

23 A. Correct.

24 28. Q. And 18 years of age or older?

25 A. My understanding, yes.

P. Sweeney - (Cr-Ex) - 6 -

1 29. Q. Okay, for SHIP, 84 Frederick, they also
2 do not operate 24/7.

3 A. Correct.

4 30. Q. Okay, that's for women and gender-
5 diverse people only?

6 A. Yes.

7 31. Q. And 25 years of age or older?

8 A. Okay.

9 32. Q. Okay. Erbs Road, does operate 24/7.

10 A. Yes.

11 33. Q. It's available for all genders?

12 A. Yes.

13 34. Q. Okay, but you can't access Erbs Road
14 through First Connect? Do you agree that they have a
15 different intake system?

16 A. Yes, it goes through the Unsheltered
17 Workers and the Working Centre, so, yes, I believe
18 it's not something you can call First Connect and end
19 up there. That's my understanding as well.

20 35. Q. Okay. Thank you. So Safe Haven
21 operates 24 -- it does operate 24/7?

22 A. Yes.

23 36. Q. And it serves all genders?

24 A. My understanding, yes.

25 37. Q. But it's only available for youth

P. Sweeney - (Cr-Ex) - 7 -

1 between the ages of 12 and 17?

2 A. I'd need to confirm that, Ashley.

3 38. Q. Okay, we'll take that as an
4 undertaking, thank you.

5 **UNDERTAKING**

6 Okay, and we're at the last one, No. 9 which
7 is Bridge Care, it does operate 24/7? Yes?

8 A. Yes.

9 39. Q. Yes, thank you. Thanks. And it serves
10 all genders?

11 A. Yes.

12 40. Q. You have to be 18-plus?

13 A. My understanding, yes.

14 41. Q. Okay. And this is for people who have
15 medical needs that can't be supported in a traditional
16 emergency shelter?

17 A. Primarily, correct, yes.

18 42. Q. Primarily. Okay, perfect. All right
19 THE WITNESS: Ashley, can you remind me,
20 what was the one that I wasn't sure about
21 24/7 versus not?

22 MS. SCHUIITEMA: One Roof.

23 THE WITNESS: Okay.

24 MS. SCHUIITEMA: Yeah.

25 THE WITNESS: Great.

P. Sweeney - (Cr-Ex) - 8 -

MS. SCHUIITEMA: Thanks.

BY MS. SCHUIITEMA:

43. Q. Okay, so at Paragraph 11 of your affidavit, you attached an Exhibit F. So I want to take you to that.

A. Yeah.

44. Q. Let me know when you're there.

A. Sorry, I thought you were going to put it on the screen. I can get it.

45. Q. Oh.

A. No, no, I can ---

46. Q. We'll put it on the screen.

A. No, no, that's okay.

47. Q. Okay.

A. That would actually be easier, if you don't mind.

48. Q. We'll put it on the screen because everyone is on the ---

A. Yeah, okay.

49. Q. Looking at the same ---

A. Yeah, go ahead.

--- SCREENSHARE

P. Sweeney - (Cr-Ex) - 9 -

1 50. Q. Thanks. So are you familiar with this
2 chart?

3 A. I am.

4 51. Q. Okay. And the column on the right-hand
5 side provides a five-day occupancy average. Is that
6 correct.

7 A. That is.

8 52. Q. Okay, and you would agree that if
9 you're looking at these numbers, it looks like there
10 is some space in the emergency shelter system. Like
11 some occupancy space?

12 A. For that period, yes.

13 53. Q. For the period, okay. So can we got to
14 -- so I've made numbers down the side for myself. But
15 I want to look at Row 11 which is called, it says
16 here, "ES-CSC Bridge Care." Do you see that there?

17 A. Yeah.

18 54. Q. Okay, and that stands for Cambridge
19 Shelter Corporation Bridge Care Program?

20 A. Correct.

21 55. Q. Okay. And I think this was mentioned
22 in your other paragraph. I'll take you back there but
23 it looks like there's capacity -- it shows capacity
24 there for 20. Is that correct?

25 A. That's correct.

P. Sweeney - (Cr-Ex) - 10 -

1 56. Q. Okay. If you go along, it looks like
2 they are showing there's a five-day average; the
3 occupancy is 45 percent. And are you aware that this
4 shelter like moved physical locations in December of
5 2016 -- or, sorry, December 16th?

6 A. I am.

7 57. Q. Okay. And would you agree that this
8 program actually stopped accepting new clients in
9 September of 2025?

10 A. I'd have to look into that. I knew
11 that in the transitional period, there was a -- an
12 intake pause to ensure that we -- while we were --
13 while they were looking for a new location. So that
14 may be the date. I don't -- I don't have it handy. I
15 can get that for you.

16 58. Q. Okay, we'll take an undertaking for you
17 to confirm the date.

18 A. Okay.

19 **UNDERTAKING**

20 59. Q. But you agree that you knew that there
21 was a pause on intakes?

22 A. There was a -- my understanding is
23 there was a pause on intakes while they were -- Bridge
24 Shelter Corp. was confirming a new location.

25 60. Q. Okay. Are you aware that their new

P. Sweeney - (Cr-Ex) - 11 -

1 space required renovations?

2 A. I am.

3 61. Q. Okay. And you are aware that they
4 haven't like fully opened as of yet?

5 A. Yeah. I am aware -- I am aware vaguely
6 as you say that, that they haven't ramped-up fully yet
7 in their new space.

8 62. Q. So would you agree that they're still
9 not taking on any new clients?

10 A. That I don't know, Ashley. I would
11 have to confirm.

12 63. Q. Okay, so again, an undertaking for you
13 to confirm.

14 A. Okay.

15 **UNDERTAKING**

16 64. Q. But would you agree then that the
17 listing of -- so you were aware that there was a
18 pause. So listing the occupancy as 45 percent, might
19 not be actually accurate. Like they're not taking on
20 new people, they don't really have the capacity to
21 host the full 20?

22 A. Yeah, so the capacity number that we
23 post there is the -- sort of the regular-funded
24 capacity. So they -- we have funding for them in our
25 budget for 20 beds. So that's where that number comes

P. Sweeney - (Cr-Ex) - 12 -

1 from.

2 65. Q. Okay. So I am going to ask you a
3 couple of questions about a different part of this in
4 just ---

5 A. Sure.

6 66. Q. --- a second. I want to ask you some
7 similar questions about 84 Frederick which is just
8 like two down from Bridge Care there on that chart.
9 So it says, "TH-SHIP 84 Frederick," and that stands
10 for Transitional Housing?

11 A. That's correct.

12 67. Q. Okay. And, sorry, to flip back and
13 forth, Kelsey, but do you mind going back to page --
14 Paragraph 10 of Peter's affidavit?

15 I just want to confirm here. So you say
16 that number when you are referring to the number of
17 total emergency shelter system -- in the system,
18 doesn't include:

19 "... Motels, A Better Tent City or the
20 120 transitional housing beds operated
21 by SHIP ..."

22 So when you refer to 120 housing beds
23 there, you're talking about these 40 that exist at 84
24 Frederick, is that correct, that's in that number?

25 A. The 40 there at 84 Frederick, Ashley,

P. Sweeney - (Cr-Ex) - 13 -

1 and the 80 at UA.

2 68. Q. Okay. Sorry, Kelsey, do you mind going
3 back to the Exhibit F? Thanks.

4 MR. LOKAN: Ashley, you may already have
5 this and maybe it's my confusion. But
6 there's a 22 listed for 84 Frederick. I am
7 just wondering if it's the same thing as the
8 40 that transitional you just asked about?

9 MS. SCHUIITEMA: So my ---
10

11 BY MS. SCHUIITEMA:

12 69. Q. So, Peter, my understanding is, is that
13 those are two separate categories. There's 22 for
14 their emergency shelter that you're listing as
15 capacity and you're listing 40 as transitional housing
16 capacity. Those are two separate things, is that
17 correct?

18 A. In the same -- in the same building,
19 correct.

20 70. Q. And the 40 number that you have here
21 would have been included in that 120 ---

22 A. Yeah.

23 71. Q. --- that you mentioned in your
24 Paragraph 10?

25 A. Correct.

P. Sweeney - (Cr-Ex) - 14 -

1 72. Q. Okay, and so if we're looking back here
2 when we're looking at the transitional housing, TH
3 category, that's showing -- if you go over to the
4 occupancy, it's showing 50 percent occupancy. Do you
5 agree?

6 A. I agree.

7 73. Q. Okay. Are you aware that this program
8 had to stop intake for their transitional program?

9 A. In what regard? Stop intake?

10 74. Q. Yes, stop.

11 A. At what time, what period of time are
12 you referring to?

13 75. Q. So my understanding is that they paused
14 intake because they were having problems in their
15 building. So have you heard of anything about
16 building deficiencies or plumbing issues?

17 A. I have not.

18 76. Q. Okay, so maybe can we undertake for you
19 to find out when they paused the intake for their
20 transitional program?

21 A. Can you tell me when you've heard that
22 that happened? Of if that's something that I need to
23 look at? I'm just -- I'm generally curious.

24 77. Q. My understanding is it happened as soon
25 as it -- it rolled out. So maybe you can confirm ---

P. Sweeney - (Cr-Ex) - 15 -

1 A. Right.

2 78. Q. --- that for us?

3 A. Okay.

4 79. Q. Yeah. And maybe you don't know this,
5 so this would may be another undertaking? But do you
6 -- would you agree that they're waiting for occupancy
7 permits?

8 A. No, I am not aware of that.

9 80. Q. Okay, so can you undertake to look into
10 that and get back to us ---

11 A. Yes.

12 81. Q. --- if and when they paused their
13 intake program.

14 A. Yeah.

15 82. Q. And if they're waiting for occupancy
16 permits to get up to the occupancy of 40.

17

18 **UNDERTAKING**

19 A. Okay.

20 83. Q. So, I mean, let's just say the
21 information I have is correct, and they're not
22 actually able to bring on more than 20, if that's the
23 case, would you agree that the occupancy that's listed
24 here as 50 percent is not accurate?

25 A. Again, I'll just point out that the

P. Sweeney - (Cr-Ex) - 16 -

1 intention of this chart is the consistency on funded
2 capacity. So funded capacity within our budget is 40
3 for that program.

4 84. Q. Okay.

5 A. So if there -- if there is a different
6 practical capacity for whatever reason, then, yes, I
7 guess that -- those numbers -- the percentage-wise
8 would -- would require some adjustment.

9 85. Q. Okay, and it doesn't explain in your
10 affidavit that these numbers are based on funding and
11 not immediate -- not actual occupancy.

12 A. Okay.

13 86. Q. You agree?

14 A. It does not specifically say that in
15 the affidavit, I agree.

16 87. Q. Okay. If you turn to page -- so this
17 is still Exhibit F but it's the third page of that.
18 And it's -- the top heading says "Key Insights."

19 Are you there?

20 A. Yeah.

21 88. Q. Okay. And if you go down like, one,
22 two, three subheadings under -- there's a subheading
23 called, "Available Capacity." Do you see that?

24 A. I do.

25 89. Q. Okay, so underneath that heading it

P. Sweeney - (Cr-Ex) - 17 -

1 says:

2 "... A number of shelters continue to
3 operate under full capacity, offering
4 space for referrals ..."

5 And then it lists Bridge Care and it
6 lists a temporary housing SHIP, 84 Frederick. So you
7 would agree that the context that we just discussed in
8 terms of the pausing of intakes, none of that's like
9 listed here?

10 A. Yes, I agree.

11 90. Q. Okay. And would you agree that if
12 someone didn't have that context and they were just
13 looking at this, they would think that there is
14 capacity or occupancy space in the system?

15 A. I would -- yeah, I would agree that
16 that's possible that somebody could hold that view,
17 yes. Given the way it's presented.

18 91. Q. Okay, and again, there's none of that
19 context or explanations included in your affidavit?

20 A. Outside of the -- what we have here in
21 -- in the appendix, I would say that this is all
22 that's in the affidavit.

23 92. Q. Okay. So for youth shelters, similarly
24 here, it's showing that there's -- it's operating
25 under full capacity. But you would agree that for

P. Sweeney - (Cr-Ex) - 18 -

1 Safe Haven, for example, that's, let's say, that's
2 only operating at 50 percent, an adult at the
3 encampment can't access that space.

4 A. That would be correct.

5 93. Q. Okay, and similarly for One Roof, which
6 is listed here being one that has available capacity.
7 Again, someone over the age of 26 can't access that
8 space?

9 A. That's correct.

10 94. Q. Okay. Okay, let's look at the warming
11 centres, too. So this is the second page of Exhibit
12 F.

13 A. Hang on, that's -- yeah, go ahead,
14 okay. I don't ---

15 95. Q. Okay.

16 A. Maybe you didn't print that. Anyway,
17 okay, yeah, go ahead.

18 96. Q. So the subheading says, "Seasonal
19 Winter Programs."

20 A. Yes.

21 97. Q. Can you explain the purpose of these
22 programs, the season winter program? What's the
23 purpose?

24 A. So the purpose of these seasonal winter
25 programs are to provide a number of spaces for

P. Sweeney - (Cr-Ex) - 19 -

1 overnight, a respite from cold weather from December
2 the 1st until March 31st.

3 The first two, one in Cambridge, one in
4 Kitchener, are part of our existing 2026 -- 2025 and
5 2026 operating budget. And they're intended for drop-
6 in spaces overnight during the winter during those
7 times.

8 98. Q. And who accesses those winter warming
9 spaces?

10 A. Well, they're open for folks to come in
11 from out of the cold. And, you know, the assumption
12 that I generally make is the majority of those
13 individuals are coming in because they have nowhere
14 else to go that specific evening.

15 99. Q. Okay. So, I mean, looking at these
16 numbers, looking at the five-day average, I -- you
17 would agree that Porch Light based in Cambridge, and
18 Thresholds, they're operating over capacity.

19 A. Over the funded capacity, yes.

20 100. Q. Okay. And Porch Light's available for
21 men only?

22 A. Yes.

23 101. Q. And it closes at 7:00 a.m.?

24 A. I'd have to check that. It's usually
25 -- it's between 7:00 and 8:00. That's my

P. Sweeney - (Cr-Ex) - 20 -

1 understanding.

2 102. Q. Okay, so maybe we'll undertake ---

3 A. Yeah.

4 103. Q. --- to get confirmation on that.

5 A. Confirmation of hours we can do that.

6 104. Q. And Thresholds is available for all
7 genders?

8 A. Correct.

9 105. Q. And it also closes at 7:00 a.m.?

10 A. Same thing, I'll confirm whether it's
11 between 7:00 and 8:00.

12 **UNDERTAKING**

13 106. Q. Okay. And both of these programs are
14 funded until the end of March and set to close at that
15 time?

16 A. Correct.

17 107. Q. Okay. The third row down, "Warming
18 Space, the Working Centre SJK" is that the St. John's
19 Kitchen?

20 A. Correct. Okay, and that's right across
21 from the encampment?

22 A. Correct.

23 108. Q. Okay, would you agree that it opened in
24 January 26th of 2026?

25 A. That sounds correct.

P. Sweeney - (Cr-Ex) - 21 -

1 109. Q. Okay. If you're not sure you can --
2 you could undertake to find that out.

3 A. That sounds correct, Ashley, I don't
4 have the exact date here in front of me but ...

5 110. Q. Okay. And these numbers here for this
6 five-day average, look like they're operating slightly
7 under capacity. But would you agree that there's been
8 nights where this service has operated over-capacity
9 since January?

10 A. So my understanding of the -- the
11 numbers here, they're self-report -- so this is an
12 independent program started and funded solely by the
13 Working Centre. And my understanding is these numbers
14 come from self-reporting from the Working Centre.

15 So I don't have -- without having looked at
16 all of the numbers, I -- I don't know. I can see the
17 fifth day is over-capacity but I don't -- without
18 seeing the whole -- the whole reporting schedule, I
19 don't have an answer for that.

20 111. Q. Okay, so can you undertake to look at
21 the numbers and answer whether or not they have gone
22 over-capacity since -- in this period.

23 A. Certainly.

24 MR. LOKAN: Are we talking just Working
25 Centre?

P. Sweeney - (Cr-Ex) - 22 -

MS. SCHUIITEMA: Well, yes.

MR. LOKAN: Okay.

UNDERTAKING

BY MS. SCHUIITEMA:

112. Q. And this, the Working Centre warming space is also set to close on March 31st?

A. Again, that's -- that is not within my operational purview. They are -- they are running that independent from the regional budget.

113. Q. But they are receiving some money from the region from this program, correct?

A. They -- we have offered to the Working Centre that they can access some funding for materials and supplies. Much like Porch Light and Thresholds and other shelter providers, so blankets, food, things like that.

But they are not receiving operating funding for this program this year.

114. Q. Are they receiving any funding for wages?

A. No.

115. Q. Okay.

A. They can submit -- we've told them they can submit as if they were operating within the system for those surge -- surge supplies as required up to a

P. Sweeney - (Cr-Ex) - 23 -

1 certain limit per month. That's the extent of the
2 financials, what we were able to offer them.

3 116. Q. And is there an end date to when they
4 can submit those receipts?

5 A. That would be also to the end of March
6 as it would be for the other organizations as well.

7 117. Q. Okay. And you would agree that these
8 warming centres, all three of them, folks don't have a
9 bed?

10 A. Correct.

11 118. Q. Okay. So, Peter, even with these
12 additional warming spots, I am sure you would agree
13 with this. The number of homelessness in the region
14 still vastly exceeds the numbers of available shelter
15 spots?

16 A. The last number I have -- that we
17 reported publicly, I would have to do the undertaking.
18 So we pulled it out of HIFIS and there were more
19 people that were reporting unsheltered outside of the
20 housing system. I just don't know what that number is
21 right now. I'd have to get that on a specific date.

22 119. Q. Okay. I mean, I have -- so maybe we
23 can maybe this -- I don't know if this is the same
24 number that you're talking about. But we have the
25 minutes from the Special Council meeting.

P. Sweeney - (Cr-Ex) - 24 -

1 A. Yeah.

2 120. Q. So ---

3 A. That's what I'm thinking of.

4 121. Q. Okay, so maybe, Kelsey, can we put up
5 the -- those minutes, thanks.

6 So are you -- are you familiar with these
7 minutes?

8 --- SCREENSHARE

9 A. I don't always read the minutes,
10 Ashley.

11 122. Q. Okay. But ---

12 A. But I'm familiar with my part in them,
13 yes.

14 123. Q. Okay, so you attended the meeting?

15 A. Yes.

16 124. Q. Okay. I'd like to make this as Exhibit
17 1, I think that's the system we're using, Andrew?

18 MR. LOKAN: Yes, that's fine.

19 MS. SCHUIITEMA: Okay.

20

21 EXHIBIT NO. 1: Minutes, Special Council Meeting

22

23 BY MS. SCHUIITEMA:

24 125. Q. And if you scroll down at Page 2 of the
25 minutes -- oh, can you scroll back up a little bit,

thanks, there. So in response to the Council:

Do you remember saying that?

MR. LOKAN: So I think, Ashley, if we can include that within a sort of corrections undertaking. That is to say if Peter goes to check what the actual number is and then reports back with that.

UNDERTAKING

P. Sweeney - (Cr-Ex) - 26 -

1 BY MS. SCHUITEMA:

2 126. Q. So, Peter, I'm confused about the
3 number from the Point in Time count and where you're
4 getting this, like, smaller number.

5 A. Yeah. So there was a Point in Time
6 count back in November of 2024, as you know. It is
7 exactly that, a Point in Time count.

8 I reported a number to Council on this day
9 that was pulled from the HIFIS which enumerates the
10 number of people within that we have in HIFIS that are
11 not currently, as of that day that we pulled the data,
12 registered in a shelter or any other part of the
13 Housing Stability System.

14 And showing to be -- to be currently
15 experiencing homelessness. That's the number. It was
16 in the three-hundreds. It's not 3,000. I --
17 obviously, thank you for pointing this out. I need to
18 go and ask the clerks to correct that.

19 And again, I am happy to do the undertaking,
20 I just don't want to give you a number that's not
21 accurate in this context.

22 127. Q. Okay, so I guess my question then is,
23 is you'd agree that it's possible that the number in
24 HIFIS also is inaccurate?

25 A. Well, it's accurate for the data that

P. Sweeney - (Cr-Ex) - 27 -

1 is put into it which is the responsibility of the
2 Region and all of our funded partners.

3 128. Q. Sure, but the point of the Point in
4 Time count is to do targeted outreach to capture
5 people who may be aren't necessarily captured in
6 HIFIS. Would you agree with that?

7 A. That is the stated intent of the Point
8 in Time Count. And I guess I will just also add that
9 that was in -- that was a year and a half ago.

10 129. Q. And do you have any -- any reason to
11 suspect that the process undertaken was not done
12 correctly?

13 A. During the Point in Time count?

14 130. Q. Yes.

15 A. No.

16 131. Q. Okay. You don't have any reason to
17 doubt the Point in Time count numbers?

18 A. I have no reason to doubt the Point in
19 Time count numbers from November of 2024.

20 132. Q. And you agree that the Point in Time
21 count captures things that may not be reflected in
22 HIFIS?

23 A. I believe that -- my understanding is
24 that's -- with the outreach involved, that that's
25 possible, yes.

P. Sweeney - (Cr-Ex) - 28 -

1 133. Q. Okay. Okay, and it looks like you'd
2 agree also that there's been an increase in the number
3 of encampments across the Region?

4 A. I never said that.

5 134. Q. Oh, sorry. I am going off the fact
6 that it says there's 24 known encampments in the
7 Region.

8 A. Yes.

9 135. Q. Okay, is that an increase?

10 A. That was how many we had at the time
11 that I asked my staff to pull that information on that
12 day. I don't have information to tell you whether
13 that's -- you'd have to ask me about a specific period
14 of time which I don't have access to.

15 136. Q. Okay, when was the last time you
16 reported to council on these numbers?

17 A. I don't recall.

18 137. Q. Have you reported in the last -- is
19 that something you would have reported on in the last
20 year?

21 A. The number of encampments?

22 138. Q. Yeah.

23 A. I don't recall.

24 139. Q. Okay. So if I said to you that the
25 number of encampments across the Region are

P. Sweeney - (Cr-Ex) - 29 -

1 increasing, what would you say?

2 A. I would say I would want to check the
3 data that I have available and look at the period of
4 time that you're interested in.

5 140. Q. Okay, so why don't we do -- why don't
6 we ask for you to check the data and tell us if it's
7 gone up since December 1st of 2024?

8 A. Okay.

9 MR. LOKAN: So can we -- just to stop this
10 from getting too burdensome, can we make it
11 as reported to council? Because then we
12 only need to look at the minutes of the
13 council meetings?

14 MS. SCHUIITEMA: No, I'd like to know if the
15 numbers have gone up.

16
17 BY MS. SCHUIITEMA:

18 141. Q. I am sure that like you're tracking
19 this information, Peter, you have tabled council --
20 not council, sorry. You have committees and reports
21 from folks and you track these numbers.

22 A. In the effort to be helpful and despite
23 my legal counsel, this isn't a number that we report
24 on through -- on a regular basis through to council.
25 So to get the information that you're looking for

P. Sweeney - (Cr-Ex) - 30 -

1 would require my staff to go and look at whatever data
2 we have available internally.

3 MR. LOKAN: I mean, can we keep it to sort
4 of one reading for three months or
5 something. Or would that work for you,
6 Ashley?

7 MS. SCHUIITEMA: Like every three months, is
8 that what you mean?

9 MR. LOKAN: Yes. Just see if we can find a
10 figure for each quarter from the quarter
11 that had December -- the Point in Time Count
12 through to a quarter (indiscernible).

13 MS. SCHUIITEMA: Sure. So each quarter from
14 December 2024?

15 MR. LOKAN: Yeah.

16 MS. SCHUIITEMA: Yeah, that's fine, thanks.

17
18 **UNDERTAKING**

19 BY MS. SCHUIITEMA:

20 142. Q. Okay, Peter, would you that there is
21 people in the region every day that have to survive
22 outdoors?

23 A. In our current context, yes, Ashley, I
24 believe that's true.

25 143. Q. Okay. I'm going to go back to your

P. Sweeney - (Cr-Ex) - 31 -

1 affidavit now.

2 A. Okay.

3 144. Q. We're going to look at starting at
4 Paragraph 8.

5 A. Sorry, I'm not bored. Yeah.

6 145. Q. We've got it up on the screen, too.
7 I'm just going to ask you some general questions.

8 A. Okay.

9 146. Q. So you stated that fires are an ongoing
10 issue at the encampment, correct?

11 A. Yeah, but I don't think that's No. 8.

12 147. Q. Oh, I'm sorry. Yeah, you're right.

13 A. That's fine (indiscernible). So No. 3.

14 148. Q. No. 3. Okay, right.

15 A. Go ahead.

16 149. Q. So you agree that they are an ongoing
17 issue?

18 A. I do.

19 150. Q. Okay. And the Region's aware that
20 residents use fire primarily to stay warm in the
21 winter. Is that correct?

22 A. That's correct.

23 151. Q. Okay. And, you know, I'm sure you'd
24 agree that temperatures in the winter are routinely
25 below freezing?

P. Sweeney - (Cr-Ex) - 32 -

1 A. I do.

2 152. Q. Okay. And that people that are living
3 in tents need a way to stay warm overnight?

4 A. I do.

5 153. Q. Okay. In your previous cross-
6 examination, we had an undertaking related to what was
7 provided in the winter warming packages.

8 A. Okay.

9 154. Q. That are distributed by the regional
10 partners. (Indiscernible) didn't receive that
11 undertaking that you were going to look into what was
12 provided as part of the 2025 winter warming packages.

13 A. So ---

14 155. Q. I guess we'll just reiterate that
15 undertaking ---

16 A. Okay.

17 156. Q. --- for 2026.

18 A. If I can just provide clarity, however.
19 We provide the funding to the agencies.

20 157. Q. Yeah.

21 A. They purchase whatever they purchase.

22 158. Q. Okay, and so if I -- like would you
23 agree that candles may be part of that package?

24 A. No, I wouldn't agree with -- that
25 candles are -- or anything are part of that package.

P. Sweeney - (Cr-Ex) - 33 -

1 What I think the undertaking was -- and Andrew, I will
2 ask you to correct me if I am wrong -- was what
3 parameters, if anything, did we put on the funding.
4 That was ---

5 159. Q. That wasn't the undertaking that I
6 understood. I thought the undertaking was that you
7 were going to provide a list of what was provided as
8 part of the winter warming packages ---

9 A. We don't ---

10 160. Q. --- at that time.

11 A. We don't provide them. We provide the
12 funding; the agencies then provide -- they actually go
13 and purchase whatever it is they feel they can. And I
14 was -- my understanding is the undertaking was, was
15 there any -- were there any guidelines on what was and
16 was not eligible. I thought that was the undertaking.

17 161. Q. Oh, okay. I don't know if I agree with
18 that but I guess, did they report back to you on what
19 they've purchased?

20 A. I don't know, but I can find out.

21 162. Q. Okay. So we'll ask -- what I want to
22 know is what's been provided as part of the winter
23 warming packages by your funded partners in 2026.

24 A. Okay.

25 MR. LOKAN: How many funded partners are

P. Sweeney - (Cr-Ex) - 35 -

1 included as part of that package?

2 A. I don't set the parameters of what
3 those should be so I don't really have comment --
4 commentary or opinion on any of the things that are
5 provided.

6 The idea is that the agencies that are
7 closest to the people who are looking for support are
8 empowered to provide them whatever they can to help
9 under the circumstances.

10 164. Q. Okay, and so if those agencies that
11 were empowered chose to provide candles, is that
12 something that would surprise you?

13 A. I don't know if I have an answer to
14 that. I don't -- you're asking me for a feeling. I'm
15 just trying to say that we have this program that's
16 intended and based on feedback from the providers and
17 the operators to say give us some flexibility, the
18 resources to do it and let us -- leave it to us to
19 provide people what they need.

20 I trust our operators to make -- and our
21 outreach staff whether they belong in the region or
22 funded operators to make the best judgments they make
23 in those moments. And I don't -- it's not for me to
24 kind of to judge those decisions that good people are
25 making in hard situations.

P. Sweeney - (Cr-Ex) - 36 -

1 165. Q. Okay, and as far as you know there is
2 no parameters saying "no candles?"

3 A. Not that I am aware of, no.

4 166. Q. Okay. And you would agree that fires
5 -- or is there an issue that the Region has been aware
6 of like since this encampment started?

7 A. Correct.

8 167. Q. Okay. I am going to suggest that the
9 Region hasn't provided any training to encampment
10 residents on safer ways to heat their tents. You
11 agree?

12 A. So through our various outreach
13 channels, both through our regional staff and our
14 partners at Kitchener Fire, I obviously can't legally
15 speak on behalf of Kitchener Fire.

16 But I have been informed on multiple
17 occasions that both our regional staff and members of
18 Kitchener Fire have endeavoured to have safe fire
19 handling, safe fire conversations with residents over
20 the past four years, on what is and isn't safe.

21 168. Q. Okay, could you tell me like what those
22 conversations with regional -- like how frequently
23 would the regional staff be having those
24 conversations?

25 A. So certainly our staff and I know again

P. Sweeney - (Cr-Ex) - 37 -

1 through conversations with Kitchener Fire when they
2 are on-site, if they see anything that is risky, they
3 point it out. And so it happens as necessary.

4 169. Q. Okay, but that's not the Region. I am
5 asking about the regional staff, not the fire -- not
6 the Kitchener Fire. I want to know about the regional
7 staff.

8 A. Yeah. So I would say I have full
9 confidence that any of our regional staff who are on-
10 site and engaging with residents or anybody who is
11 there, that is engaging or about to engage or has
12 engaged in behaviour that is risky from a fire
13 perspective, will have -- use that opportunity to have
14 a conversation to point out what is not safe.

15 170. Q. So have the unsheltered workers been
16 trained in unsafe fire behaviours?

17 A. I don't know, I'd have to ask that
18 specifically.

19 171. Q. So we'll take -- we'll ask for an
20 undertaking to find out if the unsheltered workers
21 have been trained unsafe fire behaviours at the
22 encampment.

23 A. Okay.

24 **UNDERTAKING**

25 172. Q. The Region hasn't organized any like

P. Sweeney - (Cr-Ex) - 38 -

1 formal fire safety education sessions for the
2 residents, have they?

3 A. Not that I am aware of.

4 173. Q. Okay. And the Region hasn't
5 distributed any written fire safety guidelines to
6 encampment residents?

7 MR. LOKAN: (Indiscernible).

8 MS. SCHUIITEMA: Pardon me?

9 MR. LOKAN: (Indiscernible).

10 THE WITNESS: I don't know.

11 MR. LOKAN: I am sorry, I shouldn't have
12 interrupted.

13 MS. SCHUIITEMA: The region ---

14 THE WITNESS: I'd have to find out, Ashley.

15 MS. SCHUIITEMA: Okay, so let's -- we'll do
16 an undertaking for that as well.

17 THE WITNESS: Okay.

18 MS. SCHUIITEMA: That's if the region has
19 distributed any written fire safety guidance
20 to encampment residents.

21 MR. LOKAN: Okay.

22 **UNDERTAKING**

23 BY MS. SCHUIITEMA:

24 174. Q. The Region hasn't provided access to
25 any electrical hook-ups for residents at the

P. Sweeney - (Cr-Ex) - 39 -

1 encampment?

2 A. That is correct.

3 175. Q. Okay.

4 A. It's my understanding.

5 176. Q. Okay, the region hasn't provided the
6 residents with any like electric heaters?

7 A. No.

8 177. Q. Yes, okay. The region hasn't provided
9 residents with any diesel heaters?

10 A. No.

11 178. Q. Any electric blankets?

12 A. The region has not directly, no.

13 179. Q. Okay, the region hasn't distributed any
14 hot water bottles or any other like safer warming
15 devices?

16 A. I don't know the answer to that. The
17 unsheltered workers may or may have not, I don't know.

18 180. Q. Okay, so we'll take an undertaking for
19 that, to determine whether the region has distributed
20 any hot water bottles or similar safe warming devices.

21 A. Okay.

22 **UNDERTAKING**

23 BY MS. SCHUIITEMA:

24 181. Q. The region hasn't distributed any fire
25 extinguishers to encampment residents?

P. Sweeney - (Cr-Ex) - 40 -

1 A. I don't know.

2 182. Q. Okay. We'll get an undertaking for
3 that one as well.

4 UNDERTAKING

5 183. Q. Similarly the Region hasn't installed
6 any communal fire extinguishers anywhere on the
7 encampment?

8 A. I don't know, I'd have to check.

9 184. Q. Okay. I'd like an undertaking for that
10 as well, please.

11 A. That's fine.

12 UNDERTAKING

13 185. Q. The Region has met with local fire
14 departments. So you talked about Kitchener Fire.

15 A. Correct.

16 186. Q. And you've had discussions with
17 Kitchener Fire Department about these issues?

18 A. Correct.

19 187. Q. Okay. Are you aware of a meeting that
20 took place, a specific meeting on January 31st of 2024
21 with regional staff and various fire departments?

22 A. Various fire departments?

23 188. Q. My understanding is that Kitchener,
24 Cambridge and Waterloo were all at that meeting.

25 A. No, I don't know -- I am not aware of

P. Sweeney - (Cr-Ex) - 42 -

1 191. Q. Okay. But despite, you know, the
2 willingness of Kitchener Fire, the Region hasn't
3 implemented the various types of mitigation measures
4 that we just discussed?

5 A. The list you just went through?

6 192. Q. Mm-hmm.

7 A. With the exception of the ones I have
8 taken undertaking?

9 193. Q. Yeah.

10 A. Yes, I affirm what I just said earlier.

11 194. Q. So you're agreeing that they have ---

12 A. (Indiscernible).

13 195. Q. Agreeing with the list.

14 A. I am agreeing to the list that's on the
15 transcript of this where I have confirmed yes or no.
16 Otherwise the undertaking will help me answer that
17 question for you.

18 196. Q. Okay. And so the undertaking shows,
19 you know, no hot water bottles ---

20 MR. LOKAN: I think the undertaking was to
21 check, Ashley.

22 MS. SCHUITEMA: Right. But only -- but
23 Peter said no to a number of them. The only
24 -- the undertaking was around hot water
25 bottles or other safe warming devices.

P. Sweeney - (Cr-Ex) - 43 -

1 BY MS. SCHUIITEMA:

2 197. Q. So if the answer to that is, "no," then
3 you would agree that the region hasn't done the
4 mitigation efforts that were required?

5 MR. LOKAN: So wait a minute. That would
6 require. Okay, let's unpack and do it step-
7 by-step. First one was, I think you got a
8 "no" to there being any electrical service.
9 So I think it would follow from that that
10 there are no electric blankets unless we're
11 talking battery-powered electric blankets.
12 And I'm not sure that I've ever seen those.
13 Undertaking to check ---

14 MS. SCHUIITEMA: And he said, "no" to
15 electric blankets. He said, "no" to
16 electric heaters, diesel heaters.

17 MR. LOKAN: Okay, so hot water bottles and
18 wait a minute. The question that you just
19 asked was you would agree that there were
20 none of these required mitigation measure
21 ---

22 MS. SCHUIITEMA: Sorry, discussed, discussed.

23 MR. LOKAN: The ones that you just discussed
24 with Mr. Sweeney, you mean?

25 MS. SCHUIITEMA: No, the ones that were

P. Sweeney - (Cr-Ex) - 44 -

1 discussed by Kitchener Fire during the
2 meeting with the region.

3 MR. LOKAN: But we don't know they were
4 discussed.

5 MS. SCHUIITEMA: Okay.

6
7 BY MS. SCHUIITEMA:

8 198. Q. So you undertake to find out what
9 happened at that meeting and what was discussed.
10 You've agreed that a number of mitigation efforts
11 haven't been provided, as far you know, and there's
12 other ones you're looking into. Is that fair?

13 A. I agree that you asked me if there were
14 a number of things that had been provided and where I
15 was certain that they were not, I've answered that.
16 And where I am not, I said I will go and find out.

17 199. Q. Okay. Would you agree that the region
18 doesn't have a formal fire risk mitigation plan for
19 the encampment?

20 A. I am not aware of a document by that
21 title.

22 200. Q. If that existed, would you be aware of
23 it, based on your role?

24 A. Yeah, probably.

25 201. Q. And the region hasn't developed any

P. Sweeney - (Cr-Ex) - 45 -

1 written fire safety protocols specific for the
2 encampment?

3 A. Not that I am aware of.

4 202. Q. And again, given your role, if those
5 existed, you would be aware?

6 A. It's likely.

7 203. Q. Yeah. All right. Paragraph 14 of your
8 affidavit, I am going to ask you some questions about
9 the dedicated senior space.

10 A. Sure.

11 204. Q. Okay, so you're disagreeing with Sara
12 Escobar and you're stating that there's 46 dedicated
13 senior sites in the region. Are you referring to
14 long-term care homes?

15 A. No.

16 205. Q. Okay, can you explain what you mean by
17 "dedicated senior sites?"

18 A. So housing for -- oh, sorry. I thought
19 that was me. Housing that is provided to and specific
20 for seniors across Waterloo Region. This is not long-
21 term care beds.

22 206. Q. Okay, and how many of those units are
23 what the Region deems to be affordable units?

24 A. I would have to take an undertaking on
25 that.

P. Sweeney - (Cr-Ex) - 46 -

1 207. Q. Okay, so we'd like an undertaking on
2 that, please.

3 A. Okay.

4 208. Q. And I'd also want to know what the
5 average cost of a one-bedroom unit is in those 46
6 dedicated sites.

7 A. Okay.

8 **UNDERTAKING**

9 209. Q. Okay. Paragraph 16, I am looking at
10 the second half of the paragraph that's on Page 5. So
11 you say, "Individuals and fixed site supporting" -- I
12 think you're supposed to say "supportive housing"
13 there:

14 "... Receive ongoing support for as long
15 as they're living in the unit and
16 engage with the staff team of the
17 building they're in ..."

18 You would agree that that support
19 they're receiving, that's not from the unsheltered
20 workers, that's from the staff that are part of the
21 supportive housing?

22 A. Yes, correct. The provision of support
23 from either regional staff or staff within the funded
24 system that -- that I am responsible for.

25 210. Q. Okay. But, for example, if someone was

P. Sweeney - (Cr-Ex) - 47 -

1 staying at like the SHIP transitional housing,
2 University Ave space, that while they're living there,
3 they're getting support from the SHIP's staff team?

4 A. Yeah, in that particular case. It's
5 not to say that we wouldn't have other providers on a
6 case-by-case basis also go to UA in that example, to
7 provide support. The point is, is that the support is
8 there through either regional staff or partner staff
9 that are funded.

10 211. Q. Okay. If someone loses their
11 placement, someone is evicted from University Ave, for
12 example ---

13 A. Yeah.

14 212. Q. --- you would agree there's no --
15 there's no guarantee that they're going to be
16 reconnected with their unsheltered worker?

17 A. No, there's no guarantee depending on
18 the circumstances in that individual case where that
19 person ends up going, staying in the community,
20 engaging with unsheltered workers.

21 213. Q. Is there any like program or policy
22 that exists where unsheltered workers are to be
23 notified of evictions from region-funded partners?

24 A. I don't know if we have a notification
25 policy. I will happily look into that.

P. Sweeney - (Cr-Ex) - 48 -

1 214. Q. If a policy like that existed, you
2 would know, do you agree?

3 A. You give me a lot of credit, Ashley, to
4 know all the policies that exist. The idea is that the
5 unsheltered workers, it would be expected that if
6 folks for whatever reason come out of region-funded
7 buildings and end up unsheltered again, that they
8 would fall somewhere into the casework, caseload of
9 our unsheltered workers to the degree that that's
10 possible.

11 215. Q. All right. And you'd agree that --
12 like it makes it easier to find those folks if they're
13 at somewhere like 100 Vic for your unsheltered
14 workers?

15 A. No, I would say my unsheltered workers
16 have not told me that having 100 Vic makes their job
17 any easier.

18 216. Q. That wasn't my question, though.

19 A. (Indiscernible).

20 217. Q. Their job wouldn't be easy with 100
21 Vic, no, of course, 100 Vic makes their job much more
22 complicated. But my question is if someone is being
23 evicted from University Ave, you don't have any sort
24 of policy that requires a connection back with
25 unsheltered workers.

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1 Wouldn't you agree that if people have
2 dedicated encampment sites to go to, that would make
3 it easier for the unsheltered workers to find them and
4 be reconnected for service?

5 MR. LOKAN: I think this was ---

6 THE WITNESS: There's a lot -- there's a lot
7 there.

8 MR. LOKAN: Sorry, can I just interrupt for
9 a moment.

10 THE WITNESS: Of course.

11 MR. LOKAN: This was dealt with in a
12 previous affidavit and I believe cross-
13 examined on previously.

14 MS. SCHUIITEMA: Okay. I'll move on. I
15 didn't -- I don't know if I am going to get
16 the answer I want anyways. So we'll move
17 on. Kelsey, if you don't mind putting back
18 up the minutes and I think we made this
19 Exhibit 1.

20
21 --- SCREENSHARE

22
23 BY MS. SCHUIITEMA:

24 218. Q. You would agree that at this meeting,
25 Council discussed safe tenting protocols. Is that

P. Sweeney - (Cr-Ex) - 50 -

1 correct?

2 A. They did.

3 219. Q. Okay. And there was a motion that was
4 brought by one of the councillors to have staff report
5 back by March 2026 on a safe tenting protocol?

6 A. Yeah.

7 220. Q. Okay. And the ultimate outcome of that
8 was that it was a tied motion and it was defeated, is
9 that right?

10 A. That's correct.

11 221. Q. Okay. I think those are my questions
12 but I want just a few minutes to like consult with my
13 colleagues. So if you can just give me a couple of
14 minutes.

15 A. Of course.

16 222. Q. Okay, thanks. Maybe can we just come
17 back at 2:00?

18 A. Do you want me to log off, is that
19 easier for you?

20 223. Q. Well, you don't -- no, no, you don't
21 have to log off but we'll just maybe mute it and come
22 back at 2:00, is that okay with everyone?

23 A. Of course.

24 224. Q. Okay, thanks.

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1 --- BRIEF RECESS

2
3 MS. PEREZ: Hi, Andrew and Peter. I just
4 wanted to let you know that -- my
5 understanding is that Ashley is going to
6 actually need a bit more time. So until
7 2:15, if that's okay?

8 THE WITNESS: Sure.

9 MS. PEREZ: Okay, thanks so much. So maybe
10 if we could all come back at 2:15.

11 MR. LOKAN: Sounds good, thanks.

12 MS. PEREZ: Okay, great, thanks so much.

13
14 --- BRIEF RECESS

15
16 BY MS. SCHUIITEMA:

17 225. Q. So, Peter, did you speak to anyone
18 during our break?

19 A. I did not.

20 226. Q. Okay. Great. So I want to just
21 confirm one of the undertakings. The one I was asking
22 about the meeting with Regional Council, I want to
23 clarify what I'm looking for in that undertaking.

24 So I want to know -- sorry, the Social
25 Development Centre, Fire Department -- so did that

P. Sweeney - (Cr-Ex) - 52 -

1 meeting take place? Did the Region attend? Sorry,
2 just one second. What was the discussion around
3 suggested mitigation efforts. Were there minutes of
4 this meeting and if there were, we'd like to get a
5 copy. Okay, Andrew?

6 MR. LOKAN: I'm just -- what discussion, if
7 any, around mitigation ...

8 MS. SCHUIITEMA: Were there minutes?

9 MR. LOKAN: And for -- produce minutes, if
10 any.

11 MS. SCHUIITEMA: Yes, thank you.

12 And then the other undertaking which I
13 don't know if I was clear on is I asked
14 whether the region had a formal fire risk
15 mitigation plan. So I'd like an undertaking
16 to confirm whether that exists or not.

17 MR. LOKAN: Formal fire risk mitigation
18 program.

19 MS. SCHUIITEMA: Plan.

20 MR. LOKAN: (Indiscernible)?

21 MS. SCHUIITEMA: For the, sorry, for the
22 encampment.

23 MR. LOKAN: And if so, copy, is that what
24 you said?

25 MS. SCHUIITEMA: Yes, please.

P. Sweeney - (Cr-Ex) - 53 -

1 MR. LOKAN: Yeah.

2 **UNDERTAKING**

3 MS. SCHUIITEMA: So I am wondering about,
4 just asking an undertaking to get a
5 transcript of that Special Council meeting.
6 I think that's something that could be
7 helpful for us, both -- everybody to have a
8 copy of that for clarity.

9 MR. LOKAN: Are we talking about the January
10 9th?

11 MS. SCHUIITEMA: Yes.

12 MR. LOKAN: Special Council? Do they do
13 transcripts?

14 MS. SCHUIITEMA: I think it's something we'd
15 have to order.

16 THE WITNESS: They -- so there's minutes
17 which you've pointed out one spot wrong.
18 And they do -- they record them on YouTube.
19 I don't know if there's a transcript
20 automatically made. So, Andrew, we can
21 check with you and clerks. I don't know.

22 MR. LOKAN: Well, we don't need to create
23 documents that don't exist. So we don't
24 need to go and get a transcript if there's
25 not a transcript already in existence.

P. Sweeney - (Cr-Ex) - 54 -

1 MS. SCHUIITEMA: So I am just suggesting that
2 maybe we should, if there is a discrepancy
3 on what's in the minutes.

4 MR. LOKAN: So what I think we can do is
5 give an undertaking to review the minutes
6 and if we're aware of any other errors or
7 discrepancies, to bring them to your
8 attention.

9 MS. SCHUIITEMA: Okay, so if I am going to
10 read -- I am going to read to Peter what we
11 have as notes from that meeting. And maybe
12 this will help. Maybe we don't need it if
13 you agree with this statement.

14
15 BY MS. SCHUIITEMA:

16 227. Q. So what we have is this, is a statement
17 from you around this number:

18 "... As of this week, in our HIFIS
19 system, our by-name system, here we
20 have direct contact with individuals,
21 have a sense of where they are within
22 our Housing Stability system. We have
23 approximately 366 individuals
24 experiencing unsheltered homelessness
25 who are actively being supported by our

P. Sweeney - (Cr-Ex) - 55 -

1 Housing Stability system within

2 Waterloo Region ..."

3 Does that sound like the number that you
4 recall saying?

5 A. Yes.

6 228. Q. Okay, so this is talking about
7 unsheltered homeless that are being actively supported
8 by the Region?

9 A. Correct.

10 229. Q. Okay. And so, I want to ask some
11 questions about HIFIS. So, I guess, would you agree
12 that there's clients -- there's folks that might
13 decline to give consent to HIFIS.

14 A. That's possible, yes.

15 230. Q. Okay. And there's folks who may not
16 have had recent, like, interactions with staff who may
17 not be included in HIFIS?

18 A. I am not following, sorry. Can you say
19 that again?

20 231. Q. Yeah. There's people who may have not
21 had an interaction with somebody in the last x-number
22 of days who may not be included in HIFIS?

23 A. That's also possible.

24 232. Q. Okay. So can we get an undertaking to
25 determine what that period of time is? Like how long

P. Sweeney - (Cr-Ex) - 56 -

1 do you have to be out of touch before you're no longer
2 included in HIFIS?

3 A. I just want to -- yeah, we can -- yes
4 ---

5 MR. LOKAN: Yes, I think I might have ---

6 THE WITNESS: (Indiscernible).

7 MR. LOKAN: --- to have a clarification
8 there. Just, Ashley, because the question
9 and answer was, is it possible that there
10 are people who have not been in contact for
11 some period of time, and then are no longer
12 recorded. And the answer was "Yes, that's
13 possible."

14 MS. SCHUIITEMA: Okay, so my question is like
15 what's the period of inactivity that you
16 would - you would be no longer included?

17 MR. LOKAN: Yeah, I mean, that assumes for a
18 possible - the answer "possible," that it's
19 a certainty and that there's some consistent
20 practice or consistent answer. I - it ---

21 MS. SCHUIITEMA: Well, I suspect there
22 probably is.

23
24 BY MS. SCHUIITEMA:

25 233. Q. Is there - Peter, is there a policy

P. Sweeney - (Cr-Ex) - 57 -

1 around this or a protocol or program?

2 A. Again, I want to just be like really
3 clear what it is that you're looking for.

4 234. Q. I want to know like how long you have
5 to be inactive with a worker before you'd be not
6 counted in HIFIS?

7 A. That to me sounds like a very clear
8 undertaking.

9 MR. LOKAN: Okay. If we know we can get the
10 answer to that, and it's clear, then that's
11 fine. We'll give that undertaking.

12 MS. SCHUIITEMA: Okay.

13 **UNDERTAKING**

14
15 BY MS. SCHUIITEMA:

16 235. Q. Would you agree that HIFIS doesn't
17 count folks that are staying in hospital?

18 A. I don't know the answer to that.

19 236. Q. Okay. So I think we need an
20 undertaking for that.

21 **UNDERTAKING**

22 237. Q. Would you agree that HIFIS doesn't
23 count folks that are incarcerated?

24 A. Again, I can't confirm that. I would
25 have to undertake that.

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UNDERTAKING

238. Q. Okay. What about people that are sleeping in their vehicles, would they be counted in HIFIS?

A. They could be.

239. Q. It's possible that there's people sleeping in their vehicles that are not counted in HIFIS?

A. It's possible.

240. Q. What about people that are couch-surfing, is it possible that they're not counted in HIFIS?

A. It's possible.

241. Q. What about people that are in an abusive relationship, is it possible they're not counted in HIFIS and they're staying with an abusive partner?

A. It's also possible.

242. Q. Okay, what about people who are like transient, that just move around a lot, is it possible they're not counted?

A. It's possible.

243. Q. Okay. The winter warming centre through the Working Centre at St. John's, you said they're an independent program. Is it possible that

P. Sweeney - (Cr-Ex) - 59 -

1 those folks are not counted in HIFIS?

2 A. It's possible. Sorry, I would like to
3 clarify that. It's possible but there are people who
4 attend St. John's, the Working Centre's warming centre
5 that are not in HIFIS.

6 244. Q. So this number that you mentioned ---

7 A. Three-hundred sixty-six?

8 245. Q. Mm-hmm.

9 A. Yeah.

10 246. Q. Are these people in emergency shelter?

11 A. These are people who are being actively
12 supported and at that time, my understanding is that
13 they are not in an emergency shelter.

14 247. Q. So the people that are in emergency
15 shelter and transitional shelter are not counted in
16 this number that you're counting?

17 A. Correct.

18 248. Q. Okay. Okay, so and just to clarify,
19 when you say 366, is that number being pulled from
20 HIFIS?

21 A. Correct.

22 249. Q. Okay. So you would agree that there's
23 -- it's possible that there's people who are
24 experiencing unsheltered homelessness in the region
25 that aren't captured in that number?

P. Sweeney - (Cr-Ex) - 60 -

1 A. I agree.

2 250. Q. Okay. So I don't know if Amicus wants
3 to ask you any questions.

4
5 CROSS-EXAMINATION BY MS. PEREZ:

6 251. Q. I am just wondering, I mean, generally
7 about what seems to be a discrepancy between all of
8 sudden, you know, you seemed to suggest earlier that
9 now there is only 366 unsheltered homeless people in
10 the Region. And that number seems quite different
11 from the numbers that we've talked about in the past.

12 So, I guess, I mean, there must be a reason
13 why Point in Time counts are done even when a region
14 has numbers from a database like HIFIS. Is there not?

15 Like is there -- like what's the utility,
16 what's the rationale? Why do we even bother doing
17 Point in Time counts?

18 A. We're federally-mandated to run a
19 comprehensive Point in Time count in every community
20 across the country, every two years. And it is
21 exactly that and the work that we -- so it's
22 informative at that time, obviously. And we report on
23 it, transparently.

24 And when I am reporting to council, I try to
25 use datasets that are as close to real time as

P. Sweeney - (Cr-Ex) - 61 -

1 possible. And HIFIS provides us that. The Point in
2 Time count does not.

3 252. Q. All right, but HIFIS -- I guess just --
4 I mean, there were questions you were asked by Ashley
5 where you've undertaken to essentially look into who
6 is included in HIFIS and who might not be.

7 But it appears anyway -- just correct me if
8 I am wrong -- that HIFIS numbers really capture those
9 people that are in some way connected to supports that
10 are offered by the region within a certain period of
11 time. Is that fair?

12 A. HIFIS is our most real time database to
13 give us -- to enumerate the number of people and their
14 situations that are currently interacting with our
15 (indiscernible) for which we are responsible to
16 administer across Waterloo Region.

17 253. Q. Right, so interaction is the key -- is
18 the key kind of criteria for being captured in that
19 HIFIS system, is that fair?

20 A. Well, it requires consent, so, yes.

21 254. Q. Right. Okay.

22 A. As the Point in Time count also
23 requires consent to be counted.

24 255. Q. Okay. And so problems with hidden
25 homelessness would probably not be captured by HIFIS,

P. Sweeney - (Cr-Ex) - 62 -

1 would that be fair?

2 MR. LOKAN: Can you -- I'm sorry, that's a
3 very open-ended question. What kind of
4 problems? Problems within homelessness?

5 MS. PEREZ: Well, hidden homelessness, I
6 mean, it -- I didn't define it because it
7 does seem to come up in a lot of the
8 documents. I mean, we can -- is that a term
9 that is not understood by Peter?

10 MR. LOKAN: Which term, hidden homelessness?

11 MS. PEREZ: Yeah.

12 MR. LOKAN: Or problems with homelessness?

13 MS. PEREZ: No, I said hidden homelessness.

14 MR. LOKAN: Okay.

15 THE WITNESS: So I know what hidden
16 homelessness is.

17 MS. PEREZ: Okay. I thought you did.

18 THE WITNESS: I think the question was
19 around being specific about what problems
20 you were referring to.

21
22 BY MS. PEREZ:

23 256. Q. Right, and so the problem -- the use of
24 the word "problems" was probably confusing. I am just
25 -- hidden homelessness would not be captured by HIFIS.

P. Sweeney - (Re-Ex) - 63

1 Like there's a good chance that it's not?

2 A. Again, HIFIS is a database that
3 enumerates the number of people as much -- including
4 by name that are currently interacting with our
5 Housing Stability system in one way, shape or form.

6 257. Q. Okay.

7 A. If the individual has not provided
8 consent to be part of that system, then they would
9 know show up in HIFIS.

10 258. Q. I don't think I have any other
11 questions, thanks.

12 A. Thanks, Mercedes.

13 MR. LOKAN: I've got at little bit on re-
14 exam.

15

16 RE-EXAMINATION BY MR. LOKAN:

17 259. Q. Peter, you were asked some questions
18 about the closing date of winter warming centres. You
19 said they're open December 1 to March 31 which are
20 warming centres.

21 When did the winter warming centres close in
22 2025?

23 A. We extended them by one month.

24 260. Q. So is that something that can happen
25 from year to year?

P. Sweeney - (Re-Ex) - 64

1 A. With direction from council or
2 additional funding that would require -- that would
3 require both of those things.

4 261. Q. And what goes into the decision whether
5 to extend?

6 A. That last year was a -- the first time
7 that I recall them being extended. So right now, at
8 this point, we have budget and approval from council
9 to run them until March 31st and so that is the plan.

10 262. Q. Okay. Was weather a factor last year?

11 A. I believe weather was a factor.

12 263. Q. Okay.

13 A. I'd have to go back and check my notes,
14 Andrew.

15 264. Q. I have no further questions.

16 A. Okay.

17 MS. SCHUIITEMA: Thanks, Peter.

18 MR. LOKAN: We're done.

19
20
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.

BarPollard

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.

EXHIBIT “1”

Regional Municipality of Waterloo
Special Council
Minutes



January 9, 2026, 9:00 a.m.
Council Chambers

Members Present: K. Redman, D. Craig, J. Erb, S. Foxton, J. Gowing, M. Harris, C. Huinink, C. James, J. Liggett, D. McCabe, J. Nowak, M. Rodrigues, N. Salonen, S. Shantz, B. Vrbancovic, P. Wolf

Should you require an alternative format or a copy of the official minutes please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

1. Call to Order

Regional Chair K. Redman called the meeting to order at 9:00 a.m.

She stated that the purpose of this meeting is to consider a By-law to Amend By-Law 25-021, A By-law Respecting the Use of 100 Victoria Street North, Kitchener and to consider a motion to appoint a SWIFT representative.

2. Land Acknowledgement

Regional Chair K. Redman provided a land acknowledgement.

3. Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”

None declared.

4. Reports

4.1 PDL-LEG-26-001, 100 Victoria Street North, Kitchener – Amendment to the 100 Victoria Street Code of Use By-law (By-law 25-021)

Fiona McCrea, Regional Solicitor, provided an overview of the proposed by-law that would amend the 100 Victoria Street Code of Use By-law (By-

law 25-021). She highlighted that the intent of the proposed by-law amendment is to confirm that the Region seeks to obtain vacant possession of the 100 Victoria Street North site in a fair manner that will include alternative housing and that will not penalize occupants in a monetary form. She specified that staff are recommending three amendments: defer the possession date to April 1, 2026, remove the offense penalty provision of the by-law, and to codify the transition plan including a mandatory written offer to persons who occupied the property as of April 16, 2025.

In response to the Council, Peter Sweeney, Commissioner of Community Services, clarified that all individuals requiring emergency shelters will be treated equally throughout the Region. He further clarified that tenting protocols differ widely across the province and there are 24 known encampments in the Region. He noted that there are approximately 3000 individuals experiencing homelessness in the Region.

Council discussed and debated the passing of the by-law with consideration for public input, specifically with the request for a safe tenting by-law on Regional land.

Responding to Council, F. McCrea explained that staff have referenced previous legal precedents in preparing their arguments for the current court case. P. Sweeney further explained that his understanding of the Region of Peel tenting protocol was established through a collaboration with their area municipalities with cost sharing and agreement with all municipalities.

Council acknowledged the good work of staff and of community partners as well as the need for continued empathy for community needs.

In response to Council, P. Sweeney confirmed that community services staff have continued outreach as there continues to be a crisis of unsheltered homelessness and he confirmed that emergency shelter options and access to housing support services will continue to be offered regardless of delays with ongoing judicial proceedings. He further confirmed that staff are striving to offer various shelter alternatives to all the occupants of the 100 Victoria St. N encampment site. He noted that the occupant count at the site is approximately five or six individuals sheltering nightly and another five or six that commonly stay, but not on a consistent basis. P. Sweeney further confirmed that the total number of beds is 512 and there are an additional 60 beds in the Kitchener and Cambridge warming centers. Ryan Pettipiere, Director of Housing

Services, confirmed that staff are currently working towards an encampment protocol as a 2026 priority in the Plan to End Chronic Homelessness.

Responding to Council concerns related to public feedback on how the notice that was provided, F. McCrea confirmed that the notice was posted with a plastic sleeve and adhered to all legal requirements.

Council suggested that there be additional steps to demonstrate how notice was provided such as photographic evidence.

F. McCrea explained that the court order will impact next steps and that the approach can be adjusted within the parameters set out by the courts. She further explained that the original by-law would be presented to the court as it stands if the amendment is not passed.

Council discussed a safe tenting protocol including both the benefits and negatives of implementation and requested that staff provide information on feasibility of creating a protocol and comparable municipal and jurisdictional protocols. Council further discussed the feasibility for staff to complete the work related to protocol.

M. Harris left the meeting at 9:54 am.

M. Harris joined the meeting at 10:03 am.

Moved by P. Wolf

Seconded by C. James

That the Regional Municipality of Waterloo waive notice of motion as per section 70 of By-law 22-051, A By-law to Provide Rules for Governing the Proceedings of Council and its Committees, and to repeal By-Law 00-031, as amended.

In Favor (11): D. Craig, J. Erb, S. Foxton, J. Gowing, C. Huinink, C. James, J. Nowak, M. Rodrigues, S. Shantz, B. Vrbanovic, and P. Wolf

Opposed (4): K. Redman, J. Liggett, D. McCabe, and N. Salonen

Carried (11 to 4)

Moved by P. Wolf

Seconded by C. James

That the Regional Municipality of Waterloo direct staff to report back on a safe tenting protocol by March 2026.

In Favor (8): S. Foxton, J. Gowing, C. Huinink, C. James, J. Nowak, M. Rodrigues, S. Shantz, and P. Wolf

Opposed (8): K. Redman, D. Craig, J. Erb, M. Harris, J. Liggett, D. McCabe, N. Salonen, and B. Vrbanovic

Defeated (8 to 8)

Moved by J. Erb

Seconded by J. Nowak

That the Regional Municipality of Waterloo pass a by-law in the form attached as Appendix 'A' to this Report, being a by-law to amend the 100 Victoria Street Code of Use By-law (By-Law 25-021), pursuant to Report PDL-LEG-26-001, dated January 9, 2026.

In Favor (11): K. Redman, J. Erb, S. Foxton, C. Huinink, C. James, J. Liggett, D. McCabe, J. Nowak, N. Salonen, S. Shantz, and B. Vrbanovic

Opposed (4): D. Craig, J. Gowing, M. Rodrigues, and P. Wolf

Carried (11 to 4)

5. 2026 SWIFT Board Member Representation

C. Huinink left the meeting at 10:22 am.

Moved by J. Gowing

Seconded by J. Nowak

That the Regional Municipality of Waterloo reappoint Councillor Sue Foxton for the Southwestern Integrated Fibre Technology (SWIFT) Board of Directors.

In Favor (15): K. Redman, D. Craig, J. Erb, S. Foxton, J. Gowing, M. Harris, C. James, J. Liggett, D. McCabe, J. Nowak, M. Rodrigues, N. Salonen, S. Shantz, B. Vrbanovic, and P. Wolf

Carried (15 to 0)

6. Correspondence

6.1 Donald Johnston, Kitchener

Received for information.

7. Enactment Of By-laws – First, Second & Third Readings

Moved by J. Liggett
Seconded by S. Foxton

That the following by-laws be approved.

In Favor (14): K. Redman, D. Craig, J. Erb, S. Foxton, M. Harris, C. James, J. Liggett, D. McCabe, J. Nowak, M. Rodrigues, N. Salonen, S. Shantz, B. Vrbanovic, and P. Wolf

Opposed (1): J. Gowing

Carried (14 to 1)

7.1 By-law 26-001

Moved by J. Liggett
Seconded by S. Foxton

That a By-law to Amend By-Law 25-021, 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, be read a first, second and third time, finally passed and numbered 26-001, be signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

Carried

7.2 By-law 26-002

Moved by J. Liggett
Seconded by S. Foxton

That a By-law to Confirm the Proceedings of the Council of the Regional Municipality of Waterloo at this Meeting Held on January 9, 2026, be read a first, second and third time, finally passed and numbered 26-002, be signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

Carried

8. Adjourn

Moved by M. Harris
Seconded by M. Rodrigues

That the meeting adjourn at 10:23 a.m.

In Favor (15): K. Redman, D. Craig, J. Erb, S. Foxton, J. Gowing, M. Harris, C. James, J. Liggett, D. McCabe, J. Nowak, M. Rodrigues, N. Salonen, S. Shantz, B. Vrbanovic, and P. Wolf

Carried (15 to 0)

Regional Clerk

Regional Chair

THE REGIONAL MUNICIPALITY OF WATERLOO
Applicant

-and-

Court File No. CV-25-00000750-0000
PERSONS UNKNOWN AND TO BE ASCERTAINED
Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
WATERLOO REGION

JOINT TRANSCRIPT BRIEF (VOLUME 5 OF 5)

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The Regional Municipality of Waterloo