

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*

REPLY APPLICATION RECORD

(Application Hearing, returnable November 19-21, 2025)

July 31, 2025

Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th Floor
Toronto ON M5V 3H1
Tel: 416.646.4300

Gordon Capern (LSO # 32169H)
Tel: 416.646.4311
Email: gordon.capern@paliareroland.com

Andrew Lokan (LSO # 31629Q)
Tel: 416.646.4324
Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj (LSO # 75291D)
Tel: 416.646.6317
Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken (LSO # 87903I)
Tel: 416.646.6357
Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant,
The Regional Municipality of Waterloo

-2-

TO: **Waterloo Region Community Legal Services**
450 Frederick Street, Unit 101
Kitchener, ON N2H 2P5

Ashley Schuitema (LSO # 68257G)

Tel: 519.743.0254 ext. 17
Email: ashley.schuitema@wrcls.clcj.ca

Joanna Mullen (LSO # 64535V)

Tel: 519.743.0254 ext. 15
Email: joanna.mullen@wrcls.clcj.ca

Shannon K. Down (LSO # 43894D)

Email: shannonkdown@gmail.com

Lawyer for the Respondents

AND TO: **Swadron Associates**
115 Berkeley Street
Toronto, ON M5A 2W8

Jen Danch (LSO # 74520I)

Tel: 416.362.1234
Email: jdanch@swadron.com

Karen A. Steward (LSO # 58758O)

Barrister & Solicitor

Tel: 416.270.0929
Email: karenannesteward@yahoo.ca

Perez, Procope, Leinveer LLP
55 University Avenue, Suite 1100,
Toronto, ON M5J 2H7

Mercedes Perez (LSO # 48381L)

Tel: 416.320.1914
Email: mperez@pbplawyers.com

Amicus Curiae

-3-

AND TO: **Ursel Phillips Fellows Hopkinson LLP**
555 Richmond St. W., Suite 1200
Toronto, Ontario M5V 3B1

Kristen Allen (LSO # 62789C)

Tel: 416.969.3502
Email: kallen@upfhlaw.ca

Simone Truemner-Caron (LSO # 82968M)

Tel: 416.642.4504
Email: struemnercaron@upfhlaw.ca

Lawyers for the Proposed Intervener,
The Canadian Civil Liberties Association

AND TO: **Falconers LLP**
10 Alcorn Avenue, Suite 204
Toronto ON M4V 3A9

Asha James (LSO # 56817K)

Email: ashaj@falconers.ca

Erin McMurray (LSO # 90874H)

Email: erinm@falconers.ca

Lawyers for the Proposed Intervener,
Aboriginal Legal Services

Aboriginal Legal Services

211 Yonge Street, Suite 500
Toronto ON M5B 1M4

Emily Hill (LSO # 46899Q)

Email: emily.hill@als.clcj.ca

Christa Big Canoe (LSO # 53203N)

Email: christa.bigcanoe@als.clcj.ca

AND TO: **Professor emerita Martha Jackman**
Faculty of Law, University of Ottawa
57 Louis Pasteur, Ottawa, ON K1N 6N5

Tel: 613.720.9233
Email: Martha.Jackman@uOttawa.ca

Lawyers for the Proposed Intervener,
The Charter Committee on Poverty Issues /
The National Right to Housing Network

-4-

AND TO: **Attorney General of Ontario**
Constitutional Law Branch
Civil Law Division
4th Floor, McMurtry-Scott Building
720 Bay Street
Toronto ON M7A 2S9

Andrea Bolieiro (LSO # 60034I)

Tel: 437.551.6263

Email: andrea.bolieiro@ontario.ca

Sara Badawi (LSO # 87480W)

Email: sara.badawi@ontario.ca

Lawyers for the Proposed Intervener,
Attorney General of Ontario

-5-

INDEX

Tab	Description
1	Affidavit of Brent Wood, affirmed June 26, 2025
2	2 nd Affidavit of Peter Sweeney, affirmed July 2, 2025
A	Exhibit A – FightBack Instagram Post, dated May 1, 2025
B	Exhibit B – Code of Use By-Law and Amendments
C	Exhibit C – Social Media Posts
D	Exhibit D – Counsel Email Exchange re Community Vehicle Parking, dated April 28-29, 2025
E	Exhibit E – WRCLS and Region Counsel Correspondence Exchange, dated May 2, 2025
3	3 rd Affidavit of Peter Sweeney, affirmed July 31, 2025
A	Exhibit A – “Homeless Encampments: Municipal Engagement Guidance” published by the National Working Group on Homeless Encampments

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

AFFIDAVIT OF BRENT WOOD

I, Brent Wood, of the City of Waterloo, in the Regional Municipality of Waterloo,
AFFIRM:

1. I am a paramedic with the Region of Waterloo Paramedic Services (the “**PSV**”). The PSV is the medical emergency response team of the Regional Municipality of Waterloo (the “**Region**”). As such, I have knowledge of the matters to which I depose below. Where my knowledge is based on information and belief, I indicate the source, and believe it to be true.
2. I have worked as a paramedic with the PSV since May 2024.
3. I was one of two responding PSV paramedics who attended a 911 call to 100 Victoria Street North, Kitchener (“**100 Vic**”), on May 1, 2025. There is an encampment of unhoused people at 100 Vic (the “**Encampment**”).

4. I was the attending paramedic on this call, meaning that I was in the passenger seat of our ambulance. My partner on the call – who was driving the ambulance – is another paramedic named Jake Maas.

5. We received the call from the Encampment at approximately 12:25 pm on May 1. At that time, Mr. Maas and I were located only a few minutes' drive from the Property.

6. We set out promptly to attend the call, and Mr. Maas and I arrived by ambulance at 100 Vic at or about 12:27 pm.

7. When we arrived, we pulled up to the curb at the edge of 100 Vic to park the ambulance. As the driver of the ambulance, Mr. Maas made the decision about where to park. His decision to park at the curb was not out of the ordinary or remarkable to me at the time.

8. On this occasion, there was a security vehicle at the front of the Encampment. We did not see any need to ask that the vehicle be moved, or to drive onto 100 Vic.

9. I understand from speaking to Mr. Maas, who has attended calls at the Encampment before, that on his previous calls the ambulance has been parked at the curb – regardless of whether a security vehicle was present. The Encampment is crowded with tents and people. Driving through the crowded Encampment could present a hazard, and one would need to drive very slowly to avoid risk. Potentially, it would also be necessary to turn the vehicle around or back out to transport a patient to urgent care. In approaching scenes, our general paramedic training has taught us to park to be prepared

for egress and transportation. The decision to park at the curb was based on this approach, and I do not believe that it cost us any time.

10. If I had been driving the ambulance that day, I would have also parked at the curb, for these reasons.

11. Also, when we arrived we did not know where the patient was located within 100 Vic. The patient could have been located adjacent to the curb, or at or near the back, or anywhere in between. In any case, 100 Vic is not a large property and we could reach any part of it quickly on foot. As paramedics, we are trained to move quickly when needed.

12. After arriving at 100 Vic, we were directed by other individuals present towards the tent where the patient was located. This tent was along the back wall of the Encampment.

13. We unloaded the stretcher and carried no more than 50 metres from the ambulance to the tent in question. There was no delay in reaching the patient, arising from the security vehicle or otherwise.

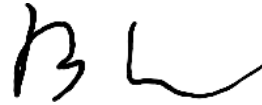
14. When we reached the tent to which we were directed, I went inside and examined the patient. I noted that he did not have a pulse, was cool to the touch, and met the criteria for being obviously deceased. I cannot say for certain how long the patient had been deceased, but my estimate at the time was at least several hours. Mr. Maas also examined the patient and made the same determination.

AFFIRMED by Brent Wood of the City of Waterloo, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on June 26, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
(or as may be)

GRETA HOAKEN
(LSO # 87903I)



Brent Wood

THE REGIONAL MUNICIPALITY OF WATERLOO
Applicant

-and- PERSONS UNKNOWN AND TO BE ASCERTAINED
Respondents

Court File No. CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
WATERLOO REGION

AFFIDAVIT OF BRENT WOOD

Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West
35th Floor
Toronto ON M5V 3H1
Tel: 416.646.4300

Gordon Capern (LSO # 32169H)
Tel: 416.646.4311
Email: gordon.capern@paliareroland.com

Andrew Lokan (LSO # 31629Q)
Tel: 416.646.4324
Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj (LSO # 75291D)
Tel: 416.646.6317
Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken (LSO # 87903I)
Tel: 416.646.6357
Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant,
The Regional Municipality of Waterloo

Court File No. CV-25-00000750-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

2ND AFFIDAVIT OF PETER SWEENEY

I, Peter Sweeney, of the City of Cambridge, in the Regional Municipality of Waterloo, AFFIRM:

1. I am the Commissioner of Community Services for the Applicant (the Respondent on this Motion), the Regional Municipality of Waterloo (the “**Region**”). As such, I have knowledge of the matters to which I depose below. Where my knowledge is based on information and belief, I indicate the source, and believe it to be true.
2. I previously affirmed an affidavit dated June 6, 2025, which was filed in the Region’s Application Record in the underlying proceeding (the “**1st Sweeney Affidavit**” or “**Original Affidavit**”). I understand that the 1st Sweeney Affidavit will be included in the Region’s Responding Motion Record for use on this injunction motion. I adopt and rely upon the 1st Sweeney Affidavit, and update certain matters below. I will continue to use the terms I defined in the 1st Sweeney Affidavit in this affidavit.

3. I affirm this affidavit as part of the Region's Responding Motion Record in a motion by certain named respondents for an injunction restraining the Region from enforcing the By-law.

A. *Enforcement of the By-law at the Encampment Since April 23, 2025*

4. As I explained in my Original Affidavit, my team is not responsible for enforcement of the By-law. However, given that the Encampment raises various health and safety concerns that my team must be responsive to – and which the By-law provides tools to address – I have been following the enforcement of the By-law closely.

5. The By-law was passed by Regional Council on April 23, 2025. To date, I understand that the Region has been taking a “light touch” approach to enforcement. Whether or to what extent that approach remains appropriate, in the Region's judgment, will depend on how circumstances evolve at the Encampment.

6. In my Original Affidavit at paragraph 112, I stated that, as of the date of that affidavit, there had been no prosecutions and no trespass notices issued under the By-law. This remains the case as of the date of this affidavit.

7. I understand from my conversations with the Region's by-law and security team that they have issued two verbal warnings for contraventions of the By-law. Generally, security issues warnings for various offences whether by-law related or specific to rules of the property. If the warning does not result in an escalation to an incident it would not be recorded as it would be a verbal warning to refrain from the behaviour and at this location.

8. The Region has not yet removed any person – whether an Existing Resident or otherwise – from the Encampment since the passage of the By-law, despite having the power to do so under the By-law for any person who was not a resident as of April 16, 2025.

9. As I previously explained in the 1st Sweeney Affidavit, since the By-law came into effect the Region has been able to place at least 13 Existing Residents in alternative living arrangements. However, approximately 17 new residents have come to the Encampment since then. There are also some recently-arrived self-styled “activists” for people experiencing homelessness who spend much of their time at the Encampment, including overnight stays, as set out below. As a result, the Encampment has grown in size, despite the placement of a number of Existing Residents in alternative accommodation.

10. I am concerned about the growing size of the Encampment because, as I explained in my Original Affidavit at paragraph 117, the more individuals who join the Encampment the closer to December 1, the more difficult it will be for my team to find alternative shelter and other accommodation for every person residing at the Encampment. Working with an individual to build an individual housing plan (“IHP”) takes time, coordination, and resources. Increased numbers of individuals at the Encampment also increase the challenges with respect to garbage and waste management, conflict between residents, the volume of drugs that find their way into the Encampment community, the potential for overdose deaths and health crises, fires that can cause injury and destruction of property, and pest control.

11. One particular group of activists operates under the name “FightBackKW” (“**FightBack**”). As set out below, FightBack engages in some tactics that in my opinion are unhelpful and do not advance the interests of the Residents. FightBack maintains a presence on social media. On May 1, 2025, one week after the By-law came into effect, FightBack posted on Instagram that “[t]he Region of Waterloo has demonstrated their disdain for Human Rights” and that “FightBack will be on-site at the 100 victoria Street Encampment indefinitely, 24 hours a day, to ensure the safety of our community members”. I attach FightBack’s May 1, 2025 Instagram post as **Exhibit A**.

12. The presence of activists who have come to camp at the Property since April 16, 2025 can complicate the process of monitoring the resident population and matching the needs of Existing Residents or more recent arrivals to available resources through IHPs. Nevertheless the Region is fully committed to offering services to all residents of the municipality who are genuinely in need of housing, whether they reside on or off the Encampment.

B. The Code-of-Use By-law and the Property

13. In addition to the By-law, the Region has a general Code of Use By-Law that applies to Region property throughout the municipality. It is the Region’s position that the Code of Use By-law continues to apply to the Encampment, albeit with the restrictions as outlined in the Persons Unknown Decision. I attach a copy of the Code of Use By-Law as **Exhibit B**.

C. *My Responses to the Moving Parties' Affidavits*

14. I have reviewed the affidavits filed on behalf of various named individual respondents on this motion for an injunction, served in the Motion Record dated June 6, 2025 and the Supplementary Motion Record served on June 23, 2025 (the “**Moving Parties' Affidavits**”). I offer the following responses to the affidavits contained therein.

1. Existing Residents under the By-law

15. As I explain in my Original Affidavit at paragraph 30, the By-law applies differentially to “Existing Residents”, who are individuals who were residing at the Encampment the date that public notice of the By-law was provided (being April 16, 2025).

16. Based on a review of the Region’s records and consultation with my team, I can identify the following 12 affiants of the Moving Parties’ Affidavits as persons staying at the Encampment whom we would not consider to be Existing Residents: Terra-Lynn Weber, Aaron Price, James Hammond, Jeremy Linton, Stephanie McMillan, Jason Paul, Julie Young, Kyle York, James Davis, Megan Lopes, Avery Ament, and Jakob Stubbs. Six of the Moving Parties’ affiants would be considered to be Existing Residents, of whom one unfortunately has passed away since swearing his affidavit (Matthew Stefanac).

17. To be clear, my team continues to provide supports to all unhoused individuals in the Region, whether they be residents of the Encampment or Existing Residents of the Encampment within the meaning of the By-law, or otherwise.

2. Individuals at the Encampment have been offered alternative accommodation

18. In reviewing the Moving Parties’ Affidavits, I noted that many affiants who are Existing Residents (within the meaning of the By-law and my Original Affidavit) or who

are otherwise residing at the Encampment state that they have not been offered alternative accommodation by the Region.

19. I am unable to comment on specific individuals' claims regarding whether the Region's team of unhoused support workers ("**USWs**") has contacted them with an offer of alternative accommodation. The Region's team of USWs are licensed professionals, consisting of registered social workers and social support workers and a registered nurse, who are all bound by duties of confidentiality. My team takes our responsibility to guard the confidentiality of the individuals we support very seriously, and I would require the informed consent of each individual affiant to break that confidentiality and divulge conversations held with respect to IHPs and referrals to temporary accommodations such as emergency shelter programs. I am therefore currently unable to speak to whether specific affiants have been offered alternative shelter in working with my team, even if I see inconsistencies in the Moving Parties' Affidavits.

20. In general terms, I can say that over the past three and a half years since the Encampment was established at 100 Vic, my team has had a consistent and ongoing presence at the site. USWs are present at the Encampment most days and generally from the hours 11 am to 1pm. They have worked tirelessly to engage with as many individuals as possible, offering supports that include connections to Ontario Works, health supports, addictions supports, and housing supports (including the offer of temporary shelter and in some cases, permanent housing, where available and appropriate). Since April 16th, our team has supported transitioning 13 individuals from 100 Vic to alternative accommodation.

21. Based on the above, I am confident that any resident of the Encampment who has resided there for more than a week has had supportive conversations with and/or received offers of help from our USWs, or was at the very least presented with the opportunity to have those conversations (given that doing so is voluntary).

3. The Region has expanded shelter capacity since the Persons Unknown Decision

22. Many of the Moving Parties' Affidavits – including the affidavit of Sara Escobar ("**Escobar Affidavit**"), the affidavit of David Alton ("**Alton Affidavit**"), and the affidavit of Angela Allt ("**Allt Affidavit**") discuss the shelter system and the shortcomings that they perceive in this system.

23. I recognize that, like most solutions aimed at addressing complex social problems such as homelessness, no one solution will be perfect, including shelters. However, shelters and motels are a way for many people to have access to a roof over their head and the other benefits that come from being housed, even in temporary accommodation. Accessing a motel or hotel is often an important first step in a person's IHP and is typically the way that an unhoused individual obtains the stability to transition into more long-term housing.

24. Despite the general representations about lack of access to shelters in the Escobar Affidavit, as I outlined in my Original Affidavit at paragraph 56-86, the Region has been making consistent increases in both the funding available to support unhoused individuals generally and in the number of shelter spaces available in shelters and transitional housing sites operated and/or funded by the Region. This includes by keeping two winter

warming centres open for additional months this calendar year (see paragraph 74 of my Original Affidavit).

25. The Escobar Affidavit also references the closure of the King Street Shelter. I note that while this shelter has closed, the Region has increased the number of available spots at shelters and transitional housing since the Persons Unknown Decision. I also note that the Region also purchased a women's shelter from the YW-Kitchener Waterloo in July 2024 after that organization made the decision to close its operations at the location. Since that time, we have been renovating the existing building while also using it as a smaller women's shelter since December 2024. It will reach full capacity again later this fall. The Region also opened a new 20-bed shelter in Cambridge in February 2025, called the YW Cambridge Women's Shelter.

26. For reference, the King Street Shelter was from the outset intended to be a temporary shelter, that would close within 24 months, which was widely known in the community and represented as such to Council. However, the Region went above and beyond this commitment, and was able to extend the King Street Shelter's operations by seven additional months, from June 2024 (when it was originally set to close) until March 31, 2025.

27. I further stress that while I have commented on the shelter capacity of Region-operated and/or Region-funded shelters, other organizations and levels of government operate and fund shelters beyond what is reflected in the Region's numbers in my Original Affidavit. Also, motel spaces are not captured within the existing shelter count.

28. While shelter and motel beds are not permanent long-term housing solutions, they are often important steps within an IHP to help an unhoused individual obtain the necessary stability to begin transitioning to more long-term options.

29. Different shelters are designed to address different individuals' needs, as explained at paragraph 71 of my Original Affidavit. I would also add that the shelter referenced above which the Region purchased from the YW Kitchener-Waterloo and reopened after it shut down is a shelter specifically for women. The YW Cambridge Women's Shelter in Cambridge that was opened in February 2025 is also a women's-only shelter.

30. The Moving Parties' Affidavits also refer to the difficulty of finding shelters that will accept couples. I first note that motel options and the Region's Erb's Road shelter are friendly to couples. However, I recognize that many shelters serve individuals only, and not couples. This is not something that is specific to the Region, but rather arises from the more universal problem of addressing intimate partner violence. Shelters are tasked with balancing the desire to provide couples with the opportunity to share a room with the practical reality that some relationships involve an element of violence and/or coercion. Given this, most shelters accommodate unhoused people on an individual basis, not as couples, to limit the risk that the victims of intimate partner violence have this form of violence perpetuated against them within the shelter system.

31. In any event, Region staff are very aware that there is no "one size fits all" solution for the varying needs of people experiencing homelessness. That is why the USWs work with residents to develop IHPs, as described below.

4. Encampments are inconsistent with the Plan to End Chronic Homelessness (“PECH”)

32. The Alton Affidavit (at paragraph 6) says that it is “unfair” of me to claim that an alternative encampment site is inconsistent with the PECH. However, I stand by that statement in my Original Affidavit. The stated goal of the PECH is to “end chronic homelessness in Waterloo Region” in order to reach “functional zero chronic homelessness” (see page 46 of my Original Affidavit, from the PECH itself). The Encampment, being a collection of largely chronically unhoused individuals, is entirely inconsistent with this aim. It is precisely the sort of emergency based and non-permanent housing focused response that the PECH is seeking to move away from (see page 100 of my Original Affidavit, from the PECH itself).

5. The importance of USWs and IHPs

33. In my Original Affidavit I detail the role of the Region’s USWs in working with unhoused individuals to develop IHPs (see paragraph 12 and following).

34. The Altt Affidavit makes several assertions about the benefits of the Encampment. However, this portrayal of Encampment living does not consider the following key considerations:

- (a) Individuals living in an Encampment remain transient, as demonstrated by some of the Moving Parties’ Affidavits, which detail movement in and out of the Encampment by individuals. I therefore disagree with the Altt Affidavit’s assertion at paragraph 7 that it is easier to find clients when they stay at the Encampment;

- (b) Even if it were easier to track down clients living at the Encampment, this sort of provider-centric approach is based on the wrong considerations, in my view. Instead, providers of supports to unhoused individuals should do what is best for those individuals. In the experience of my team and under the approach of the PECH, that means being housed. This idea of meeting a person's specific needs is the entire premise of an IHP, which aims to tailor an individual's steps to housing to their specific situation;
- (c) Shelters and motels, while not designed to be permanent solutions to homelessness, are often key steps in an unhoused person's path towards more sustainable long-term housing. For many, the stability that motels provide (a door that closes and locks, showers, a bed) is essential to helping unhoused individuals to stabilize and recover; and
- (d) Encampments are not solutions for preventing drug use deaths. They are not formal safe consumption sites, and the ability of an individual to go back into their own tent (as one might go back to their own room in a motel) reduces the ability for collective watch over those who use drugs. In shelters, staff are trained on addressing overdoses, and are better suited to prevent overdose deaths and health crises.

6. No lack of community engagement as referenced in the Moving Parties' Affidavits

35. The Alton Affidavit refers to the Social Development Centre Waterloo Region ("SDCWR") and the Lived Experience Program ("LEP") which I believe refers to a roster of individuals with lived expertise that help to inform the PECH. At para. 11, David Alton

refers to a March 7, 2024 meeting, and alleges that the Region declined to follow up with engagement promised at that meeting.

36. This allegation lacks context. I was invited to this meeting together with members of my team, but it was on an *ad hoc* basis rather than being part of a formalized structure. In general terms, I am happy to meet and engage with members of the community. The Region does so in a number of settings. For example, the Region participates in monthly meetings of the Co-Creators Working Group, with various community representatives including the WRCLS. In my experience, there has been no lack of community engagement by the Region.

7. Some conduct by some “activists” is not constructive

37. The Moving Parties’ Affidavits also refer to self-styled advocacy and activist organizations that oppose the Region’s efforts to address homelessness, including Fight Back. I am familiar with Fight Back as a activist group that is very vocal around housing and homelessness. On its website (<https://fightbackkw.wordpress.com/about/>), Fight Back describes itself as “an intersectional leftist activist group of community members that works at a grassroots level to fight systemic inequities and violence in Waterloo Region”.

38. Of course, Fight Back and its members are entitled to have their opinions on the Region’s policies, and on how governments should address the complex problem of homelessness more broadly. However, I am concerned that some of Fight Back’s tactics are not constructive, and even harmful to unhoused individuals. I also take issue with the

highly antagonistic and obstructionist way Fight Back has engaged with the Region and its representatives, including members of my team.

39. I would describe some activists including those associated with Fight Back as being at times highly obstructionist when the Region's staff – including USWs – have tried to assist unhoused individuals with housing and support plans. While shelters are not perfect solutions to homelessness, these activists' opposition to shelters has led them to encourage unhoused individuals to resist accepting shelter offers. For example, I remember being present at the site of the encampment that was located at 150 Main Street, Cambridge ("**150 Main Encampment**") when it was first established. I observed activists encouraging unhoused individuals to come to the site and set up tents there.

40. I have also been informed by my team that members of Fight Back have been encouraging individual unhoused people at 100 Vic to resist working with USWs to develop IHPs and have been encouraging them to remain at the Encampment.

41. Fight Back also regularly interferes with the provision of services to the Encampment. For example, as I describe in my Original Affidavit, the Region regularly services the Property to mitigate the various health and safety risks that the Encampment produces. On days where this occurs, members of Fight Back are often confrontational with the Region's staff and the Region's agents on the Property, which makes doing this work incredibly difficult.

42. Fight Back has also made disparaging personal comments about me and members of my team. I and leaders on my team, Regional by-law and facilities staff, contracted security guards, and USW staff who are consistently supporting the unhoused

community as part of their daily work have been called “Nazis”, “fascists”, and “murderers” in public settings on numerous occasions. For example, at the March 7, 2024 meeting described beginning at paragraph 11 of the Alton Affidavit, members of Fight Back referred to me and members of my team present as “Nazis”. I understand that everyone is entitled to their opinions, but those are heavy and threatening, and frankly, ridiculous accusations to make. My team members are just trying to do our jobs and support the Region’s unhoused population. The USW team in particular are dedicated professionals who have devoted themselves to helping vulnerable members of the community in incredibly challenging circumstances. They do not deserve this treatment.

43. Fight Back has also posted pictures of myself, my team, my colleagues, and even community leaders on social media platforms and on telephone polls around downtown Kitchener. I attach some examples as **Exhibit C**.

8. Prior Encampments in the Region

44. The Escobar Affidavit mentions two prior encampments in the Region, the 150 Main Encampment and an encampment at Soper Park in the City of Cambridge (“**Soper Park Encampment**”).

45. As I mention above, I was present at the 150 Main Encampment on the day it was started in September 2022. I recall observing activists encouraging unhoused individuals to set up tents at that location and representing to them that the Region could not remove them due to the litigation leading to the Persons Unknown Decision, which was then underway.

46. As with the Encampment at 100 Vic, the Region provided supports to the 150 Main Encampment, such as port-a-potties, garbage bins, and coordinated access for a community health vehicle to assist residents of that encampment. Regional staff also visited consistently to offer support with IHPs. Despite the Region's efforts, the 150 Main Encampment posed significant health and safety risks to its inhabitants and the public. There were several major fires on the site.

47. There were also widespread issues with violence at the 150 Main Encampment, including one incident of an attempted murder. Concerns about the general public's safety were heightened due to a commercial building located adjacent to the site of the 150 Main Encampment, with significant foot traffic, meaning that there was a risk that violence arising from encampment residents could spill over and affect passers by.

48. As a result of the risks to the public (including encampment residents) of both the fire and the violent behaviour, part of the site at 150 Main was fenced off after a particularly large and dangerous fire heavily damaged that area.

49. The 150 Main Encampment ended when the final two residents accepted offers of alternative accommodation and the site was closed by the Region. Based on this, I do not think it is fair or accurate to say that those currently living at 100 Vic were simply displaced from 150 Main and relocated to the Encampment.

50. The Escobar Affidavit also references an encampment at Soper Park in Cambridge. The Soper Park Encampment is not within the Region's jurisdiction, but is rather within that of the City of Cambridge, so I am unable to comment on any enforcement or resettlement that took place there.

51. The Alton Affidavit references an encampment in Victoria Park, Kitchener (the “**Victoria Park Encampment**”). The Victoria Park Encampment was on land owned by the City of Kitchener. While the Region’s USWs provided supports to individuals living in the Victoria Park Encampment, the Region was not otherwise involved with that encampment.

9. Security onsite at the Encampment

52. I identified several assertions – many of them inaccurate – in the Moving Parties’ Affidavits regarding the presence of security at the Encampment following the passage of the By-law, which I will address below.

(a) Positioning of the security vehicle

53. Many of the Moving Parties’ Affidavits raise concerns with the presence of security at the Encampment.

54. As I explain at paragraph 88 of my Original Affidavit, the Region has assigned security guards to the Property to monitor and respond to issues arising from the Encampment since March 2022. The Region did this because the Encampment had become very large with numerous disruptions and complaints from the public, open fires and fires within tents, and the Region was concerned for the safety of Encampment residents and others living and working in the general vicinity of the Encampment. As a result, even before the By-law was enacted, the Region had retained Barber Collins Security for this purpose, and security personnel have been onsite at the Encampment on a daily basis.

55. As it became clear that the By-law would be put before Regional Council, my team became concerned about potentially escalating tensions at the Encampment. In particular, given my team's experience around the time that the Persons Unknown Decision was being litigated, the Region had concerns about the presence of individuals at the Encampment who are not unhoused and who may try to interfere with the provision of services to Existing Residents.

56. Given these concerns – which have held true following the passage of the By-law – the Region concluded that having security positioned closer to the Property and able to control vehicular access to the Property was needed. Previously, security was parked offsite on an adjacent lot.

57. With the addition of a site trailer to the Property (which I will discuss in more detail below), the security features of the Property also changed. Prior to the trailer being placed on the site, security was parked offsite, with a line of sight to monitor to the Encampment. However, after the trailer was added, that line of sight was compromised, which motivated the decision to move the security vehicle onto the Property.

58. To be clear, the Region's direction to security about the placement of the security vehicle has not changed, and there has been no specific direction from the Region to security to block off the Property using the vehicle. This is something that security has done because it sees this as necessary to effectively monitoring the Encampment.

59. As I explained in my Original Affidavit, the presence of security at the Encampment is essential given the significant risks that an encampment entails to its residents and the broader public (see paragraphs 94 and following of my Original Affidavit).

(b) Access to the Property

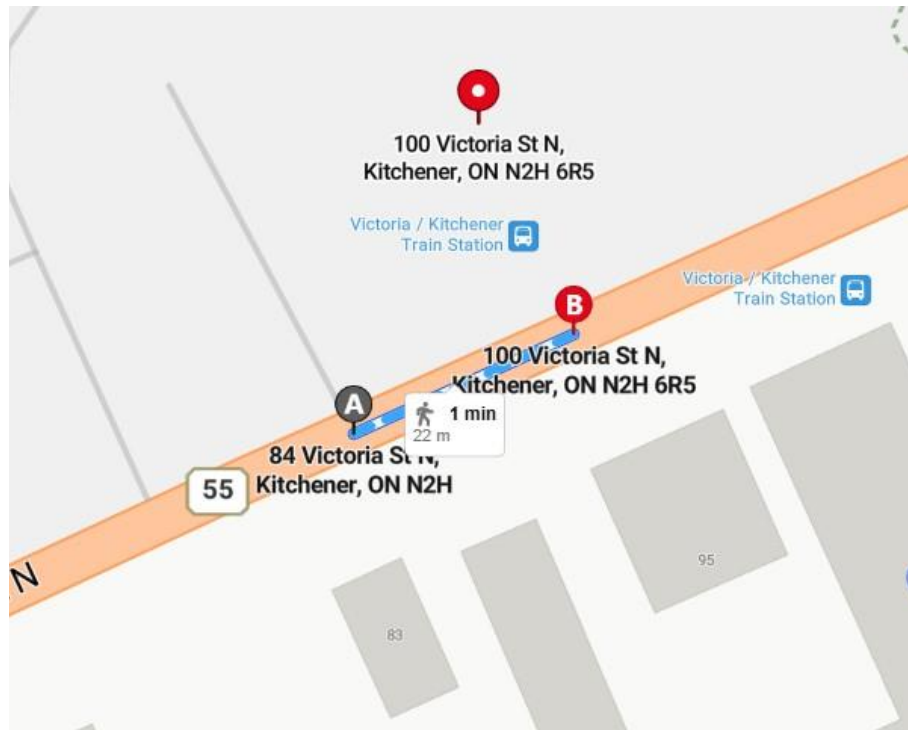
60. The Region has not taken steps to restrict access to the Property. Visitors and residents who were not present as of April 16, 2025 have been permitted to come and go as they please.

61. The Region has directed that in most cases, community vehicles (i.e., vehicles that are not affiliated with the Region or its employees/delegates/agents/etc.) should be redirected to the parking lot on the adjacent site located at 84 Victoria Street North, rather than being permitted to park on the Property. As I explained at paragraph 111 of my Original Affidavit, parking is not currently available directly at the Property for safety and space reasons – especially as tensions rise and given that the population of the Encampment has grown. It is worth noting here that Regional housing staff do not, and have not, parked at 100 Victoria when visiting the site to offer supports.

62. The exception to the prohibition on community vehicles parking on the Property is that anyone who has a physical disability and needs to access the Property may park directly onsite. For example, when counsel for the named Respondents raised the issue of a member of the WRCLS legal team requiring access to parking on-site at 100 Vic for mobility reasons, counsel for the Region provided WRCSL counsel with assurances that they could park at 100 Vic as long as they identified themselves to security. WRCLS counsel were also offered use of the on-site trailer to meet with their clients, provided they gave notice of when they would be attending, and provided such use did not conflict with the Region's use of the trailer. I attach an exchange of emails between counsel for the Region and WRCLS counsel dated ____ as **Exhibit D**.

63. Asking individuals without disability-related accommodation needs to park at the site adjacent to the Property is not an onerous ask.

64. For reference, below is a screen capture image indicating where the Property is in relation to 84 Victoria Street North, which I included in my Original Affidavit:



65. Those bringing donations or offering other assistance (including legal counsel) have been directed to use the adjacent site at 84 Victoria Street North to park vehicles as needed.

66. The affidavits of Jeremy Linton and Noah Helsby both make broad speculative assertions about how donations have decreased to the Encampment since the By-law, or about how blocking vehicular access to the Property for vehicles has affected donations.

67. To be clear, the Region has not prohibited donations from being dropped off at the Property and has no plans to do so. Instead, the Region has confirmed instructions to security that donations should be allowed to be dropped off onsite. Donations to the site are often large in volume and are not requested by people living on site. This results in a significant amount of waste (food and items/belongings) on site. Food waste contributes to active pest issues on site.

68. Indeed, as Julie Lukezic's affidavit explains at paragraphs 7-12, she was able to bring a donation to the Property following the passage of the By-law, even if she faced minor inconvenience by having to park in the adjacent lot instead of on the Property itself.

69. In Margaret Chee's affidavit, I was struck by the fact that she asserts at paragraph 4 that she feels as though she cannot drop off food at the Encampment anymore because she does "not want to have conflict with security". She makes this assertion apparently without having tried to drop off donations at the Property following the passage of the By-law. Contrary to her concern, as mentioned above, security has been directed to allow donations to the Encampment, so there would be no reason for conflict. Ms. Chee also mentions, at paragraph 7, that she has an injured leg and therefore she cannot carry her donations from the parking lot to the Property. As I explained above, this is precisely the sort of situation that Ms. Chee could mention to security, and that security has been directed by the Region to accommodate. It does not appear from her affidavit, however, that Ms. Chee has made this request.

(c) Lights of the security vehicle

70. I noted that the affidavit of Jeremy Linton references security using “bright lights”. Jacara Droog’s affidavit specifically references the security vehicle’s lights shining directly onto a tent at night.

71. There has not been a direction from the Region to shine lights at residents. To my knowledge, there have not been any complaints to my team or to security about the incidents detailed in the Moving Parties’ Affidavits regarding these lights. To the contrary, residents have complained that the Property was too dark and asked that lighting be installed, which the Region did earlier this year.

72. I do not know the exact circumstances of the incidents that these affiants are referencing. However, as detailed in my Original Affidavit, violent incidents and other dangerous behaviour from residents are common occurrences at the Encampment. When security needs to address such an incident or provide assistance to a resident in distress at night, headlights, flashlights, or other lighting is used to enable this to occur.

10. The death that occurred on May 1, 2025 was unrelated to the Region’s acts or omissions

73. The affidavit of Aaron Price describes the death of an individual living at the Encampment that occurred on May 1, 2025. At paragraph 16 of that affidavit, Aaron Price explains that Emergency Medical Services were called earlier that day because a resident of the Encampment had overdosed, and that “[t]he ambulances had to park on the road because the security vehicle was blocking access [to the Property], and that when asked to move, security moved the vehicle “very slowly and only slightly” such that “[t]here was still not enough room for the ambulance to get onto the [Property]”.

74. This paragraph lacks context. The Region's information is that parking the ambulance at the curb beside the Encampment was normal procedure, that the ambulance crew did not ask or want the security vehicle to move, that there was no delay in attending the resident, and that in fact, the resident had been deceased for several hours when the emergency call was made. This is set out in the affidavit of Brent Wood, to be filed as part of the Region's Responding Record.

75. At Exhibit G to my Original Affidavit, I attach a major incident notification report summary ("**Report Summary**") for the incident dated May 1, 2025, that sets out the context of this request for Emergency Medical Services ("**EMS**").

76. The "Description of Event" notes in the Report Summary indicate that "Onsite security [was] informed that a Subject overdosed and is now deceased. Security is contacting 927 [emergency services]". The notes further indicate that the Coroner was onsite at 2:57 p.m., and that the "Coroner has stated...that the Subject has been deceased since 9 a.m.".

77. In any event, I am also advised by my staff who were present that day that EMS was in no way prevented from accessing the Property, and that security made clear that the security vehicle could be moved if that was needed (which it was not).

78. If anything, this tragic story further highlights the dangers of encampment living. A high proliferation of drugs in a concentrated area can lead to tragedies like this death. As one of the affiants for the Moving Parties, Calvin Sharpe, notes in his affidavit at paragraph 10, there are a lot of illegal drugs present at the Encampment. This makes the

Encampment a dangerous space to live for those experiencing the intersectional challenges of substance use/misuse and homelessness.

79. This incident also exemplifies the importance of having security on site. I understand from reviewing the Report Summary that security called emergency services once the resident was discovered, a role that the security team often plays when emergencies occur at the Encampment.

80. I was dismayed to see Aaron Price's misleading account of these events in his affidavit. On May 2, 2025 WRCLS made similar allegations in a letter to counsel for the Region, and again in a press release later that day. Counsel for the Region responded that same day with the relevant facts, including that the ambulance was able to access the site with no delay. It is concerning that the Moving Parties would put Mr. Price's account forward without confirming the facts, or even advertizing to the Region's letter refuting the facts alleged by some residents. I attach the exchange of correspondence between WRCLS counsel and counsel for the Region dated May 2, 2025 as **Exhibit E**.

11. Security is collecting names of individuals present at the Property to determine who is an "Existing Resident" of the Encampment

81. The affidavits of Jacara Droog and Eddy Grignon both reference that security is collecting names of people who are onsite at the Encampment. There is a simple explanation for this: given that the By-law applies differentially depending on whether an individual is an "Existing Resident" within its meaning (as I explain at paragraph 30 of my Original Affidavit), security needs to know who is such a resident in case enforcement measures are ultimately taken.

82. Security is therefore collecting the names, on a voluntary basis, of all those who were residing at the Encampment prior to April 16, 2025 in order to keep track of who is an “Existing Resident” for the purposes of the By-law.

12. Existing Residents are allowed to move their tents within the Encampment

83. The affidavits of Aaron Price, Eddy Grignon, and Jacara Droog all reference incidents involving residents of the Encampment moving their tents. To be clear, the By-law does not prevent Existing Residents from moving tents that were already in place as of April 16, 2025, with the Region’s permission. The prohibition on erecting a shelter or other structure in section 1 (d) of Schedule “B” to the By-law applies “provided, however, that this [prohibition] shall not apply to shelters or other structures that were in place on [April 16, 2025]”.

84. On some occasions, residents have been asked by security or the Region’s staff to move their tents so that the garbage bins that are on the Property can be safely emptied.

85. I have not heard of anyone who has been subject to a fine or any other repercussion under the By-law for moving their tent. Indeed, none of the Moving Parties’ Affidavits seem to indicate otherwise.

86. I note that the incident detailed in Eddy Grignon’s affidavit occurred prior to the enactment of the By-law. Without knowing more details, this sounds like a misunderstanding and that no enforcement of the (at the time) draft By-law occurred in any event.

87. I note as well that security staff are working to educate individuals at the Encampment about the By-law. I noted in many places in the Moving Parties' Affidavits that individuals stated that they lacked information about the By-law. It is possible that the incident referred to above occurred in the context of security seeking to educate residents about the By-law, rather than enforcing the By-law.

13. The presence of additional infrastructure on the Property is necessitated by the needs of Encampment residents

88. Many of the Moving Parties' affidavits refer to changes to infrastructure on the Encampment. I will respond to each below.

(a) The additional dumpsters

89. First, some of the Moving Parties affidavits refer to the addition of multiple dumpsters to the Property. As I outlined in detail in my Original Affidavit (see paragraphs 89-94) the presence of garbage has been an issue at the Encampment since it was first established. As a result, the Region has arranged for a regular cleaning of the Property and garbage disposal. The Region has also retained pest control to address a rat infestation present at the Encampment – a problem that becomes worse when garbage accumulates and is not properly disposed of.

90. The Region added garbage bins to the Property before the By-law was enacted such that there were five such receptacles on the Property. This was done in part given that the Region needed to plan for a possible influx of new residents at the Encampment following the commencement of this Application. As set out above, a number of new residents have arrived, many of whom have been encouraged by Fight Back and/or other

activists to go to the Encampment. It is logical that the more individuals there are residing at the Encampment, the more garbage there would be as a result.

91. Since the additional bins were added on April 16, 2025, all five bins have been either full or nearly full when they are emptied every two weeks. The presence of these bins is an important component of maintaining the health and safety of those present at the Encampment. It is therefore imperative that waste be collected and disposed of to reduce the risk of disease and vermin. However, I am disappointed to say that the Region has faced opposition from local activists when it tries to take steps to ensure the health and safety of residents, such as emptying the bins on the Property.

92. In response to these community pressures and as an act of good faith, the Region removed one of the bins (so there are currently four on the Property) on June 26, 2025. This means that the Property will have to be serviced more often to ensure that the large amounts of garbage accumulating at the Encampment can be properly dealt with.

(b) The site trailer

93. Second, some of the Moving Parties' affidavits have referred to the addition of a site trailer to the Property. This was placed on the Property prior to the passage of the By-law to accommodate private conversations between USWs and residents of the Encampment.

94. As I explained in detail in my Original Affidavit, developing an IHP often involves building a level of trust between an individual and a USW. For an IHP to be appropriately tailored to an individual's needs, the individual must discuss various potentially private, sensitive, and often upsetting details about their past. As the Property has no permanent

buildings and there are health and safety concerns with USWs going inside residents' tents, the Region decided to place a trailer onsite to serve as a safe, convenient, and confidential space.

95. Disappointingly, USW staff have often been prevented from having these private conversations through active obstruction and interference by members of Fight Back. Fight Back members frequently use their phones to record individual conversations and repeatedly tell residents that they don't need to, or should not, listen to the advice of, and get the help of USW staff. This interferes with residents' ability to access services and get support they are asking for.

96. Placing the trailer was deemed particularly necessary now given that the By-law has made the work of USWs more urgent because there is now a date by which all residents of 100 Vic must leave the Property (which, as I explained in my Original Affidavit, is similar to what happens when a shelter closes).

(c) Port-a-potties

97. Third, the affidavit of Jeremy Linton claims that the Region has removed two port-a-potties from 100 Vic. This is not the case. Instead, two port-a-potties were added to the Property given the increasing need for such infrastructure (as with the garbage bins) and the serious health consequences that can arise when human waste is not properly disposed of at the Encampment.

14. The Region has not interfered with water access to the Encampment

98. Paragraph 21 of the Affidavit of Jacara Droog refers to a water tap that is located at a site across the street from the Property.

99. To be clear, the Region does not control access to this tap. In any event, my understanding is that it remains open for use. The Region has never taken any steps to restrict access to water by residents.

100. In fact, members of Fight Back have been observed taking cases of donated water that are put on openly available donation tables and putting them in tents that belong to members of their group (who are not experiencing homelessness).

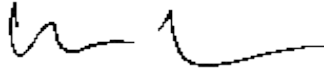
101. USW staff regularly bring and give out water as part of their visits. There are also other sources of water nearby. 87 Victoria, a drop-in service hub less than 100 meters from the site across the street, is a location where individuals can access water. Another daytime drop-in service at St. John's Kitchen that provides daily meals and access to water/drinks is 400 meters or a 6 minute walk away.

15. USWs work to accommodate individuals with diverse needs

102. USWs are specifically trained and credentialed employees of the Region, which is why they are entrusted with the responsibility of assisting unhoused individuals to find alternative shelter or more permanent accommodations. As regular practice, USWs provide taxi chits to assist individuals in physically accessing shelters where they choose to do so. I know that, in some cases, USWs will travel with the unhoused individual heading to a shelter in a taxi to assist them on this journey.

103. I make this affidavit in response to the motion for an injunction, and for no improper purpose.

AFFIRMED by Peter Sweeney of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 2, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
(or as may be)

Andrew Lokan
(LSO # 31629Q)



Peter Sweeney

This is **Exhibit A** referred to in the Affidavit of Peter Sweeny, affirmed by Peter Sweeny of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 2, 2025, in accordance with O. Reg. 431/10, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

Andrew Lokan

Instagram

Log In

Sign Up



fightbackkw • Follow



Waterloo Region



fightbackkw Edited • 8w

FightBack is onsite indefinitely

#kitchener #kitchenerevents
#kitchenerwaterloocambridge
#cityofcambridge #cityofwaterloo
#cityofkitchener #cambridge
#waterlooregion #waterlooevents
#waterloo #explorewr
#explorewaterlooregion
#downtownkitchener #dtk #dtklove
#dtkitchener #kwfamous #kw #kwlocal
#kwawesome



98 likes

May 1

Log in to like or comment.

More posts from fightbackkw

This is **Exhibit B** referred to in the Affidavit of Peter Sweeny, affirmed by Peter Sweeny of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 2, 2025, in accordance with O. Reg. 431/10, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

Andrew Lokan

BY-LAW NUMBER 13-050

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law Respecting the Conduct of Persons Entering Upon
Buildings, Grounds and Public Transportation Vehicles Owned or
Occupied by The Regional Municipality of Waterloo

The Council of the Regional Municipality of Waterloo enacts as follows:

WHEREAS The Regional Municipality of Waterloo owns or occupies certain buildings, grounds and public transportation vehicles for the purpose of carrying out its municipal services;

AND WHEREAS persons, from time to time, enter onto these buildings, grounds and public transportation vehicles and cause physical damage to the premises, disruption to Regional operations or the use and enjoyment of these premises by other persons;

AND WHEREAS it is the desire of The Regional Municipality of Waterloo to create a code of use in regard to these premises;

AND WHEREAS The Regional Municipality of Waterloo has the capacity, rights, powers and privileges of a natural person and the ability to govern its affairs as it considers appropriate pursuant to sections 8 and 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS The Regional Municipality of Waterloo has the authority to enact by-laws respecting its public assets and the protection of persons and property pursuant to subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WATERLOO ENACTS AS FOLLOWS:

PART I - DEFINITIONS

1. In this By-law:

- (1) **“Designated Personnel”** means those persons listed in Schedule “A” of this By-law;
- (2) **“Designated Premises”** means any public transportation vehicle that is owned or operated by the Region or any building, grounds or other premises, other than a highway or the private residential unit of an individual, that are owned or occupied by the Region;
- (3) **“Director”** means the Director of Facilities Management and Fleet Services or any successor position, or his or her designate;
- (4) **“highway”** means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;
- (5) **“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any successor legislation;
- (6) **“Prohibited Activity”** means any activity that is listed in Schedule “B” of this By-law;
- (7) **“public transportation vehicle”** means a bus or other motor vehicle that is designed to operate on a highway, as well as a train that runs upon rails, wherein passengers are transported for a fee or other consideration;

- (8) **“Region”** means The Regional Municipality of Waterloo;
- (9) **“sign”** means any device, object or thing that creates a design or conveys a message, or that is designed to convey a message and that is placed for the purposes of advertising, announcing, directing or promoting any idea, event, activity, product, service or facility, identifying a business or enterprise, or conveying any other type of message; and
- (10) **“Trespass to Property Act”** means the *Trespass to Property Act*, R.S.O. 1990, c. T.21, as amended, or any successor legislation.

PART II – PROHIBITION

2. No person shall do a Prohibited Activity on Designated Premises.
3. (1) No person shall place, or cause or permit to be placed, a sign, or any part of a sign, on Designated Premises.
- (2) Subsection (1) of this section shall not apply to a sign that is placed at a location that is designated for signs by the Director and the sign meets the following criteria:
- (a) the sign is less than 1,600 square centimeters in area;
 - (b) the sign does not promote an unlawful activity or discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability;
 - (c) the sign does not contain profanity or obscenity; and
 - (d) the sign is not obsolete in relation to a past event or a business or enterprise that is no longer conducted, or an activity, product, service or facility that is not in season or is no longer provided.
4. Every person who contravenes section 2 or 3 of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000, exclusive of costs.

PART III - TRESPASS

5. Without limiting Part II of this By-law, Designated Personnel may exercise any of the following enforcement options at Designated Premises when a person is doing or has done a Prohibited Activity:
- (1) Issue a verbal direction to refrain from a Prohibited Activity;
 - (2) Issue a verbal direction to leave the Designated Premises citing as the reason the failure to refrain from a Prohibited Activity;
 - (3) Serve a written notice upon a person prohibiting a Prohibited Activity citing as the reason the failure of the person to refrain from a Prohibited Activity;
 - (4) Serve a written notice upon a person prohibiting entry upon a Designated Premises citing as the reason the failure of the person to refrain from a Prohibited Activity;
 - (5) Post a sign so that the sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the Designated Premises prohibiting a Prohibited Activity;
 - (6) Post a sign so that the sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the Designated Premises prohibiting entry upon the Designated Premises by a person citing as the reason the failure to refrain from a Prohibited Activity; and
 - (7) Exercise any other rights or powers pursuant to the *Trespass to Property Act* that are reasonable in the circumstances.

6. Any verbal direction, written notice or sign pursuant to section 5 of this By-law shall be reasonable in relation to the conduct prohibited, the breadth of the location and the duration of the time imposed.
7.
 - (1) Any person who is subject to a verbal direction, written notice or sign pursuant to section 5 of this By-law may apply to the Director in writing with a request that the verbal direction, written notice or sign be rescinded or modified.
 - (2) Any written request pursuant to subsection (1) of this section shall set out the grounds for the request and shall be submitted to the Director within 30 calendar days of:
 - (a) the person's receipt of the verbal direction or written notice or the person's observance of the sign; or
 - (b) any changed circumstance that relates to the impact of the verbal direction, written notice or sign upon the person.
 - (3) Upon the receipt of the written request pursuant to subsection (1) of this section, the Director shall investigate and determine whether the verbal direction, written notice or sign should be rescinded or modified and the Director shall advise the person of his or her decision in writing.
 - (4) The verbal direction, written notice or sign that is the subject of a request pursuant to this section shall remain in full effect pending the Director's decision in writing.
8. Designated Personnel may contact the Waterloo Regional Police Service, or any other police service having lawful jurisdiction, at any time to request assistance or to initiate any other action as the police service may deem necessary in the circumstances.

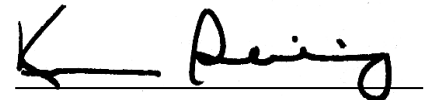
PART IV - GENERAL

9. This By-law may be enforced by a Designated Personnel or a police officer.
10.
 - (1) The Director shall have all necessary authority to administer this By-law.
 - (2) Without limiting subsection (1) of this section, the Director shall have the authority to:
 - (a) prescribe any administrative forms for the purposes of this By-law;
 - (b) designate permitted locations for signs at Designated Premises; and
 - (c) remove, or cause the removal, of any sign that does not meet the requirements of this By-law.
11. This By-law may be cited as the "Code of Use By-law".
12. Any procedural by-law of the Region governing the conduct of any person during a session of Council of the Region, or of a committee of Council of the Region, shall govern and this By-law shall apply with necessary modification.
13. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of Council of the Region to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.
14.
 - (1) By-law 05-055 of The Regional Municipality of Waterloo, A By-law Respecting the Conduct of Persons Using the Public Transit System ("Grand River Transit") Operated by the Regional Municipality of Waterloo, shall be repealed effective on the coming into force and effect of this By-law.
 - (2) Notwithstanding subsection (1) of this section, any direction or notice issued to a person pursuant to By-law 05-055 of The Regional

Municipality of Waterloo, A By-law Respecting the Conduct of Persons Using the Public Transit System ("Grand River Transit") Operated by the Regional Municipality of Waterloo, that is in effect at the time that the By-law is repealed shall be deemed to be a direction or notice pursuant to this By-law and shall continue in full force and effect.

15. This By-law shall come into force and take effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 11th day of December, A.D., 2013.


REGIONAL CLERK
REGIONAL CHAIR

SCHEDULE "A"

DESIGNATED PERSONNEL

1. The following are Designated Personnel:
 - (1) the Director having responsibility for the Designated Premises;
 - (2) an employee of the Region having responsibility for the Designated Premises, or any part thereof, at the particular time;
 - (3) Manager, Business Services, for the Region, or any successor position thereto;
 - (4) Supervisor, Security Services, for the Region, or any successor position thereto;
 - (5) Supervisor, Transit Security for the Region, or any successor position thereto;
 - (6) a municipal law enforcement officer as appointed by the Region;
 - (7) a security guard under contract to the Region; and
 - (8) other persons from time to time as may be designated by Council of the Region.

SCHEDULE "B"

PROHIBITED ACTIVITIES

1. In this Schedule:
 - (1) "authorization" means written permission from the Director for the Region having responsibility for the Designated Premises, or his or her designate;
 - (2) "loitering" means to linger without due cause or purpose;
 - (3) "nuisance" includes any conduct or behavior which interferes with the ordinary enjoyment of persons using Designated Premises; and
 - (4) "service line" means an indoor or outdoor line of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money, including but not limited to, sales, provision of information, transactions, or advice and transfers of money or goods.
2. The following activities are Prohibited Activities:
 - (1) An activity that obstructs, prevents or hinders the rights of others to use and enjoy Designated Premises or which obstructs, prevents or hinders the operations of the Region or any of its employees, agents or contractors;
 - (2) Without limiting the generality of the foregoing, an activity that obstructs, prevents or hinders the rights of others to use and enjoy the Designated Premises or which obstructs, prevents or hinders the operations of the Region or any of its employees, agents or contractors includes, but is not limited to:
 - (a) smoking tobacco or holding lit tobacco in any elevator or escalator, in any service line, public area or area designated as a "No Smoking" or "Smoke Free" area;
 - (b) committing any nuisance, disturbing the peace or acting contrary to public order;
 - (c) spitting, urinating or otherwise causing unsanitary conditions;
 - (d) littering;
 - (e) loitering;
 - (f) rollerblading or skateboarding without authorization;
 - (g) using profanity, obscene language or racial slurs;
 - (h) vandalizing the Designated Premises or any personal property on the Designated Premises;
 - (i) using, removing or possessing any personal property of the Region or any other person without authorization;
 - (j) selling or attempting to sell, distribute or solicit any good or service without authorization;
 - (k) operating any radio, tape recorder, DVD, CD or MP3 player, musical instrument or similar device, without authorization, unless the sound is conveyed by earphone at a decibel level that does not disturb any other person;
 - (l) operating for commercial purposes any camera, video recording device, movie camera or any similar device without authorization;

- (m) carrying any goods, without authorization, which are offensive, dangerous, toxic, corrosive, flammable or explosive in nature that are likely to alarm, inconvenience, cause discomfort or injure any person, or cause damage to property, whether or not such good are contained in an approved container;
 - (n) bringing any large animal onto the Designated Premises, without authorization, other than during an emergency or for use as a service or guide animal;
 - (o) entering, without authorization, onto the Designated Premises without a shirt or footwear;
 - (p) bringing a small animal or bird, without authorization, that is not in a cage or carrying device designed for secure and safe transport unless the small animal or bird is required for use as a service or guide animal;
 - (q) acts which are perceived as threatening, intimidating or sexual harassment;
 - (r) entering, without authorization, any area that is designated or used as a work area for an employee;
 - (s) interfering with an operator of a public transportation vehicle or obstructing his or her vision;
 - (t) erecting, without authorization, any structure, tent or temporary shelter;
 - (u) consuming alcohol without authorization;
 - (v) riding or standing on any exterior portion of a public transportation vehicle or leaning out of or projecting any body part through any window of a public transportation vehicle;
 - (w) projecting a body beyond the edge of any platform for a public transportation vehicle, except to enter or leave the vehicle;
 - (x) riding a bicycle on any platform for a public transportation vehicle; and
 - (y) any activity contrary to the *Criminal Code of Canada*, R.S. 1985, c. C-46, as amended, other federal statutes, provincial statutes or municipal by-laws;
- (3) Acts which are contrary to any specific rules or terms of use for the Designated Premises provided that the specific rules or terms of use have been posted in a conspicuous location at the Designated Premises;
 - (4) Entering Designated Premises without paying the required fee or fare or having proof of payment for the required fee or fare for admission to the Designated Premises;
 - (5) Failing to comply with the terms and conditions of any pass, transfer or other instrument that is required for the entrance or use of Designated Premises; and
 - (6) Entering a public transportation vehicle at other than a designated passenger entrance.

By-Law Number 18-056

of

The Regional Municipality of Waterloo

A By-law to Amend By-law 13-050, A By-Law Respecting the Conduct of Person Entering Upon Buildings, Grounds and Public Transportation Vehicles Owned or Occupied by The Regional Municipality of Waterloo

Whereas

The Council of The Regional Municipality of Waterloo enacts as follows:

1. Subsection 1(2) of By-law 13-050, A By-Law Respecting the Conduct of Person Entering Upon Buildings, Grounds and Public Transportation Vehicles Owned or Occupied by The Regional Municipality of Waterloo (the “By-law”), is repealed and replaced with the following:
 - (2) “Designated Premises” means: (a) any public transportation vehicle that is owned or operated by the Region; (b) any bus stop, bus shelter and light rail transit station that is used for the purposes of the Region’s bus or light rail transit system; and (c) any building, grounds or other premises that are owned or occupied by the Region other than a highway or the private residential unit of an individual;
2. Subsection 1(4) of the By-law is repealed and replaced with the following:
 - (4) “highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway. For the purposes of this By-law, a bus stop, bus shelter and light rail transit station that is used for the purposes of the Region’s bus or light rail transit system shall not be deemed part of a highway;
3. Section 1 of Schedule “B” of the By-law is repealed and replaced with the following:
 1. In this Schedule:
 - (1) “authorization” means written permission from the Director for the Region having responsibility for the Designated Premises, or his or her designate;
 - (2) “loitering” means to linger without due cause or purpose;
 - (3) “medical cannabis” means cannabis that is obtained for medical purposes in accordance with applicable federal law;
 - (4) “nuisance” includes any conduct or behavior which interferes with the ordinary enjoyment of persons using Designated Premises; and
 - (5) “smoking” includes vaping and the use of electronic cigarettes.
4. Subsection 2(2)(a) of Schedule “B” of the By-law is repealed and replaced with the following:

(a) smoking tobacco or medical cannabis or holding lit tobacco or medical cannabis in any building, at any bus stop, bus shelter or light rail transit station, or any area designated as “No Smoking” or “Smoke Free”, on a Designated Premises;

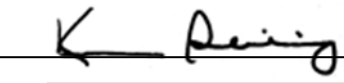
5. Subsection 2(2) of Schedule “B” of the By-law is amended to add the following:

(a.1) smoking cannabis or holding lit cannabis, either of which is not medical cannabis, save and except for areas at a community housing complex or Sunnyside Home that are designated and marked as cannabis smoking areas;

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 14th day of November, A.D., 2018.



Regional Clerk



Regional Chair

By-Law Number 23-041

of

The Regional Municipality of Waterloo

A By-law to amend By-law 13-050, A By-Law Respecting the Conduct of Persons Entering Upon Buildings, Grounds and Public Transportation Vehicles Owned or Occupied by The Regional Municipality of Waterloo, as amended

Whereas Council of The Regional Municipality of Waterloo enacted By-law 13-050, A By-Law Respecting the Conduct of Persons Entering Upon Buildings, Grounds and Public Transportation Vehicles Owned or Occupied by The Regional Municipality of Waterloo, as amended (the “By-law”);

And Whereas the Council of The Regional Municipality of Waterloo wishes to prevent harassing behavior on Regional premises;

NOW THEREFORE the Council of The Regional Municipality of Waterloo enacts as follows:

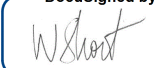
1. Section 1 of Schedule “B” of the By-law is amended by adding subsections (1.1) and (1.2) as follows:

“(1.1) “communicating” and “communication” includes but is not limited to words spoken, written, or recorded electronically or electro-magnetically or otherwise as well as gestures, signs or other visible representations;”

“(1.2) “harassed” includes, but is not limited to:

(a) experiencing objectionable or unwelcome conduct, comment, bullying, or actions that could reasonably cause offence or humiliation, including conduct, comment, bullying, or actions because of race, religious beliefs, colour, disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, sexual orientation, socio-economic status or housing status;”
2. Subsection 2(2) of Schedule “B” of the By-law is amended to add the following subsection (h.1):

“(h.1) communicating with any person in a way that, reasonably in the circumstances, constitutes harassment, subject to the provision that nothing in this subsection shall prevent or limit a lawful protest;”
3. This By-law shall come into force and take effect on January 1, 2024.
- By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 27th day of September, A.D., 2023.

DocuSigned by:

B905693728FF4C7...

Regional Clerk

DocuSigned by:

E732ACEE5B224A9...

Regional Chair

This is **Exhibit C** referred to in the Affidavit of Peter Sweeny, affirmed by Peter Sweeny of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 2, 2025, in accordance with O. Reg. 431/10, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

Andrew Lokan

April 22, 2025

- <https://www.facebook.com/share/p/16Lf3D6XbM/>

 Ryan Pettipiere, Waterloo Region's Director of Housing Services • Prepared the report and subsequent by-law • Worked for the Region of Waterloo since July 2019 • Salary increase of more than \$10,000 every year • Will make \$196,976.50 in 2025.	 Peter Sweeney, Waterloo Region's Commissioner of Community Services • Reviewed the report and by-law • Worked for the Region since 2022 • Yearly salary increases sometimes up to \$100,000. • Will make \$253,700.30 in 2025.
 Fiona McCrea, Waterloo Region's Acting Regional Solicitor and Director of Legal Services • Instrumental to writing the by-law • Worked for the Region of Waterloo since 2011 • Receives a salary increase of nearly \$10,000 since 2020 • Will make \$177,932.75 this year. Running total: \$374,909.25	 Doug Spooner, Waterloo Region's Director of Transit Services • Approved the report and by-law • Not a resident of Waterloo Region • Worked for the Region of Waterloo since April 2024 • Was a Director at Metrolinx 2019-2023 • Salary increase of more than 50,000 last year • Will make \$208,573.82 in 2025. Running total: \$837,183.37
 Jennifer Rose, Waterloo Region's Commissioner of Engineering and Environmental Services. • Approved this by-law. • Worked for the Region since 2022. • Received a salary increase of more than \$20,000 last year. • Will make \$241,650.79 in 2025.	
 Rod Regier, Waterloo Region's Commissioner of Planning, Development, and Legislative Services. • Approved the report and by-law. • Worked for the Region since 2016. • Receives a salary increase of nearly \$15,000 nearly every year. • Will make \$261,343.63 this year. Running total: \$1,340,177.79	

Undated

This is **Ryan Pettipiere** The Director of Housing Services in the Region of Waterloo



fightbackkw
fightbackkw If Ryan Pettipiere won't review the shelter system and make the changes necessary to make it safe and accessible, what are we paying him for?
Link in bio
100w

Between 2020 and 2023, Ryan got got \$24,393.77 worth in raises!!

That's enough money to keep the hydro and utilities going in 6 homes for a year.

Stop Stealing from our community

Like Comment Retweet
Liked by goldiesconvenience and 52 others
July 12, 2023
Add a comment... Post

This is **Bruce Lauckner** The Chief Administration Officer for the Region of Waterloo



fightbackkw
fightbackkw Link in bio for more info
100w

Between 2020 and 2023, Bruce got \$201,211.12 worth in raises!!

That's enough money to give 10 people a 1 bedroom apartment for a year.

Stop Stealing from our community

Like Comment Retweet
Liked by justinrogersphotography2.0 and 62 others
June 30, 2023
Add a comment... Post

This is **Exhibit D** referred to in the Affidavit of Peter Sweeny, affirmed by Peter Sweeny of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 2, 2025, in accordance with O. Reg. 431/10, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

Andrew Lokan

-----Original Message-----

From: Andrew Lokan

Sent: Tuesday, April 29, 2025 3:06 PM

To: 'Ashley Schuitema (WRCLS)' <ashley.schuitema@wrcls.clcj.ca>

Cc: Gordon Capern <Gordon.Capern@paliareroland.com>; Kartiga Thavaraj <kartiga.thavaraj@paliareroland.com>; Joanna Mullen (WRCLS) <j Joanna.mullen@wrcls.clcj.ca>; Shannon Down <shannonkdown@gmail.com>; Sanja Bistricki <Sanja.Bistricki@paliareroland.com>

Subject: RE: [EXTERNAL] PDL-LEG-25-017, 100 Victoria Street, North, Kitchener – Site Specific By-Law

Dear Ms. Schuitema:

The Region is not aware of WRCLS staff being denied access yesterday. I understand that specific instructions have been given to Security to allow Clinic staff access the site when they identify themselves. Can you advise whether Clinic staff did actually identify themselves and if so, whether they were not permitted access? As a general comment, Clinic Staff could perhaps provide advance notice of when they plan to attend along with their name(s) and a description of the vehicle to make access easier and quicker.

I understand that the Region is continuing to follow upon the parking ticket issue and will respond further. Tickets should not be issued if the Region is directing people to park at 84 Victoria to visit the site. We wonder if it is possible that someone parked at 70 Victoria instead which might have led to problems.

As you are likely aware the Region has placed a small site trailer at 100 Victoria to provide space for outreach workers to meet privately with residents. I am advised that the Region can make that trailer available for use by WRCLS staff to meet with clients to save lugging tables, chairs, etc. into the site each time they have a client meeting, if WRCLS staff can provide advance notice of their meetings/appointments so the Region can schedule use of the trailer appropriately. This would need to be coordinated so it does not clash with the Region's needs.

Regards, Andrew

-----Original Message-----

From: Ashley Schuitema (WRCLS) <ashley.schuitema@wrcls.clcj.ca>

Sent: Tuesday, April 29, 2025 9:40 AM

To: Andrew Lokan <Andrew.Lokan@paliareroland.com>

Cc: Gordon Capern <Gordon.Capern@paliareroland.com>; Kartiga Thavaraj <kartiga.thavaraj@paliareroland.com>;

Joanna Mullen (WRCLS) <joanna.mullen@wrcls.clcj.ca>; Shannon Down <shannonkdown@gmail.com>

Subject: RE: [EXTERNAL] PDL-LEG-25-017, 100 Victoria Street, North, Kitchener – Site Specific By-Law

Importance: High

Dear Mr. Lokan:

I'm not trying to be difficult but I hope you can understand that when we attend the site we are meeting with our clients to sign retainers, draft affidavits, etc. That means we are bringing folding tables, chairs, sun shades, clipboards, water, and the list goes on. Having clients that live at an encampment is already an incredibly difficult challenge and not having vehicle access to the site is making it more difficult. It means we have to lug all these things from the parking lot to the site.

I was told last night that if Dispatch was given the name of our organization we would be allowed vehicle access.

Additionally, last week when I attended and left my vehicle at the small parking area at 84 Victoria I received a parking ticket.

This is all unacceptable and making accessing our clients more difficult than necessary. Can you please re-consult with your client on this as urgently as possible.

Ashley

-----Original Message-----

From: Andrew.Lokan@paliareroland.com <Andrew.Lokan@paliareroland.com>

Sent: April 28, 2025 8:01 PM

To: Ashley Schuitema (WRCLS) <ashley.schuitema@wrcls.clcj.ca>

Cc: Gordon.Capern@paliareroland.com; kartiga.thavaraj@paliareroland.com

Subject: Re: [EXTERNAL] PDL-LEG-25-017, 100 Victoria Street, North, Kitchener – Site Specific By-Law

This message was sent from outside of Legal Aid Ontario. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Dear Ms. Schuitema:

I have been unable to respond to this before this evening, because I have been in discoveries all day (continuing tomorrow) and because I needed information from Region staff. I am advised as follows:

The security personnel park their vehicle in the access to limit/monitor vehicular access to the property so that there aren't too many cars that would impede emergency access or access for servicing the site. People who were dropping off supplies were directed to the small parking area at 84 Victoria owned by the Region to park while they unload. In terms of the WRCLS staff attending to speak with residents/clients they can identify themselves as from the WRCLS and the security person will let them park on the site to access their clients.

I trust this addresses your concerns outlined below.

Regards, Andrew Lokan

Sent from my iPad

On Apr 28, 2025, at 8:16 AM, Ashley Schuitema (WRCLS) <ashley.schuitema@wrcls.clcj.ca> wrote:

Good Morning Mr. Lokan and Mr. Capern:

Our legal team needs vehicle access to the site. There is a security vehicle blocking vehicle access to the site 24/7. We have a staff member that uses a cane and there is no where close by to park. We need to be able to drive on site and access our clients.

Additionally, over the weekend I received reports about medical issues related to residents where access to the site was denied by security, as well as community members trying to drop off food and supplies and being denied access. We are asking you to instruct security to move their vehicle that is blocking access to the site until our motion can be heard and decided.

Ashley

From: Fiona McCrea <FMcCrea@regionofwaterloo.ca>
Sent: April 25, 2025 4:23 PM
To: Ashley Schuitema (WRCLS) <ashley.schuitema@wrcls.clcj.ca>
Cc: Joanna Mullen (WRCLS) <joanna.mullen@wrcls.clcj.ca>; Shannon Down <shannonkdown@gmail.com>; Andrew.Lokan@paliareroland.com; 'Gordon.Capern@paliareroland.com' <Gordon.Capern@paliareroland.com>
Subject: RE: PDL-LEG-25-017, 100 Victoria Street, North, Kitchener – Site Specific By-Law

This message was sent from outside of Legal Aid Ontario. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good Afternoon Ms. Schuitema

Thank you for your message and letter.
The Region's external legal counsel, Paliare Roland LLP, will be responding to your letter.
Thank you,
Fiona

Fiona M. McCrea
Acting Regional Solicitor & Director, Legal Services The Regional Municipality of Waterloo
Mobile: (519) 502-0925
Telephone: (519) 575-4518
Fax: (519) 575-4466
Email: fmccrea@regionofwaterloo.ca<mailto:fmccrea@regionofwaterloo.ca>

From: Ashley Schuitema (WRCLS) <ashley.schuitema@wrcls.clcj.ca<mailto:ashley.schuitema@wrcls.clcj.ca>>
Sent: April 25, 2025 11:55 AM
To: Fiona McCrea <FMcCrea@regionofwaterloo.ca<mailto:FMcCrea@regionofwaterloo.ca>>
Cc: Joanna Mullen (WRCLS) <joanna.mullen@wrcls.clcj.ca<mailto:joanna.mullen@wrcls.clcj.ca>>; Shannon Down <shannonkdown@gmail.com<mailto:shannonkdown@gmail.com>>
Subject: PDL-LEG-25-017, 100 Victoria Street, North, Kitchener – Site Specific By-Law

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Dear Ms. McCrea,

Please find attached correspondence related to the Region's Site Specific By-Law.

I've cc'd my colleagues on this email, Ms. Mullen and Ms. Down and ask that they be copied on any future correspondence.

Regards,

Ashley

[image001.png]

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

Ashley Schuitema B.A., J.D. (she/her)
Executive Director

Phone: (519) 743-0254 | Fax: (519) 743-1588
Address: 450 Frederick St #101, Kitchener, ON N2H 2P5
www.wrcls.ca

Waterloo Region Community Legal Services acknowledges with gratitude and respect that our work takes place on the traditional territory of the Anishinaabe, Haudenosaunee & Chonnonton Peoples. We are thankful to the First Nations, Metis & Inuit people who have cared for this land historically and presently.

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any use, disclosure, dissemination, distribution or copying of any portion of this message or any attachment is strictly prohibited.

This is **Exhibit E** referred to in the Affidavit of Peter Sweeny, affirmed by Peter Sweeny of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 2, 2025, in accordance with O. Reg. 431/10, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

Andrew Lokan



Waterloo Region
Community Legal Services

Kitchener – Main Office
450 Frederick Street, Unit 101
Kitchener, Ontario N2K 2P5

Phone: 519-743-0254
Fax: 519-743-1588

May 2, 2025

Gordon Capern & Andrew Lokan
Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th Floor
Toronto, ON M5V 3H1

Via Electronic Mail

gordon.capern@paliareroland.com
andrew.lokan@paliareroland.com

Dear Mr. Capern and Mr. Lokan

RE: Encampment at 100 Victoria St. North, Kitchener

Yesterday afternoon members of WRCLS staff and I attended the encampment referenced above. While we were present, there was a drug poisoning suffered by one of the residents.

Emergency services were called, but access to the encampment was blocked by the onsite security services vehicle. The positioning of the vehicle is a recent change, as it had been routinely parked in the parking lot directly west of the encampment since 2022. The ambulance was forced to park on the road, delaying emergency treatment to the victim.

In situations like this, seconds count. Tragically, this individual died yesterday.

We ask that you please urgently speak to your client about their directive to the security service to block the driveway into the encampment with their vehicle.

Yours very truly,
WATERLOO REGION COMMUNITY LEGAL SERVICES

Ashley Schuitema
Executive Director

Paliare Roland

Andrew Lokan
Paliare Roland Rosenberg Rothstein LLP
155 Wellington St. West, 35th Floor
Toronto, ON M5V 3H1

andrew.lokan@paliareroland.com
T. 416.646.4324 / F. 416.646.4301

File # 102678

May 2, 2025

Via Email

Ashley Schuitema
Executive Director
Waterloo Region Community Legal Services
Kitchener – Main Office
450 Frederick Street, Unit 101
Kitchener, ON N2K 2P5

Dear Ms. Schuitema:

Re: 100 Victoria St. North Encampment

Thank you for your letter of today's date.

While information is only preliminary at this stage, the facts do not appear to be as you have described them.

Region Staff were very saddened to learn of the death of an individual at the encampment yesterday. Region Staff were present to support those at the encampment at the time, and in fact Region Security called Emergency Services when the individual was discovered to be in an unresponsive state.

Paramedic services provided an immediate response to the call and were able to access the site with no delay, as has always been the case

While it cannot be confirmed at this time that the individual suffered a drug poisoning as you suggest, the Region continues to be concerned about the safety of the encampment environment.

Paliare Roland

The Region understands that Waterloo Region Community Legal Services (“WRCLS”) has put out a media statement that sets out the same incorrect recital of facts as your letter, without having taken any steps to verify its accuracy. This is troubling. We trust that this will not be repeated in future.

Yours very truly,
Paliare Roland Rosenberg Rothstein LLP



Andrew Lokan
AL:SB

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

2ND AFFIDAVIT OF PETER SWEENEY

Paliare Roland Rosenberg Rothstein LLP

155 Wellington Street West
35th Floor
Toronto ON M5V 3H1

Gordon Capern (LSO # 32169H)

Tel: 416.646.4311
Email: gordon.capern@paliareroland.com

Andrew Lokan (LSO # 31629Q)

Tel: 416.646.4324
Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj (LSO # 75291D)

Tel: 416.646.6317
Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken (LSO # 87903I)

Tel: 416.646.6357
Email: greta.hoaken@paliareroland.com

**Lawyers for the Applicant,
The Regional Municipality of Waterloo**

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

3RD AFFIDAVIT OF PETER SWEENEY

I, Peter Sweeney, of the City of Cambridge, in the Regional Municipality of Waterloo, AFFIRM:

1. I am the Commissioner of Community Services for the Applicant, the Regional Municipality of Waterloo (the “**Region**”). As such, I have knowledge of the matters to which I depose below. Where my knowledge is based on information and belief, I indicate the source, and believe it to be true.

2. I have affirmed two prior affidavits in this proceeding: the first on June 6, 2025 (the “**1st Sweeney Affidavit**” or “**Original Affidavit**”) and the second on July 2, 2025 (the “**2nd Sweeney Affidavit**”). I adopt and rely upon both the Original Affidavit and the 2nd Sweeney Affidavit and update certain matters below. I will continue to use the terms I defined in the 1st Sweeney Affidavit in this affidavit.

A. An Update on the Status of the Encampment

3. As explained in both my Original Affidavit and the 2nd Sweeney Affidavit, my team is not responsible for enforcement of the By-law. However, given that the Encampment

raises various health and safety concerns that my team must be responsive to – and which the By-law provides tools to address – I have been following the enforcement of the By-law closely.

4. In the 2nd Sweeney Affidavit at paragraph 6, I stated that, as of the date of that affidavit, there had been no prosecutions and no trespass notices issued under the Bylaw. I confirm that this remains the case as of the date of this affidavit.

5. I further confirm that the Region has not yet removed any person, be they an Existing Resident or otherwise, from the Encampment under the By-law since the passage of the By-law – remains true.

6. I also confirm that since the date of the 2nd Sweeney Affidavit, there have not been any formal or written warnings issued.

7. As I explained in my two previous affidavits, the Region's ability to perform site control at the Encampment is critical to my team being able to successfully find alternative accommodation for those at the site – especially as we get closer to December 1, the date by which the Region requires vacant possession of the Property. However, since the date of my previous affidavits, the number of individuals living at the Encampment has continued to fluctuate (and the total number who have sheltered at the Encampment since April grow) because the Region has not been enforcing the By-law insofar as it enables the Region to limit access to the Property by individuals who are not Existing Residents.

8. At paragraph 9 of the 2nd Sweeney Affidavit, I explained that 17 new residents had come to the Encampment since the By-law came into effect. I have been informed by my

colleagues on the USW team that, as of July 29, 2025, the number has now grown to 33 new individuals (although, as I explain below, 3 of these individuals have been supported into alternative arrangements, so only 30 of these new individuals remain onsite).

9. At paragraph 9 of the 2nd Sweeney Affidavit, I also explained that, as of the date of that affidavit, 13 of the 40 Existing Residents had been supported into alternative living arrangements. As of the date of this affidavit, 20 Existing Residents have been assisted in accessing alternative living arrangements. Three other individuals who arrived at the Encampment after April 16, 2025 have also been placed in such arrangements, meaning that a total of 23 individuals who were residing at the Encampment have been assisted by the Region in accessing alternate arrangements.

10. These alternate arrangements I reference above are not time limited, in that there is no “expiry date” by which these individuals need to find other arrangements or otherwise leave. The Region has made a commitment to annualize some of the additional resources allocated to support Existing Residents so that there will be further funds available for this purpose in 2026. (Budgeting beyond 2026 will take place in due course.) To be clear, this does not mean the Region believes that motels and other transitional housing options are a long-term solution to homelessness, and we remain committed to continue working with unhoused individuals in the Region to assist them in accessing permanent housing.

11. Individuals residing at the Encampment are also obviously free to leave the Encampment if they so choose. There have been 7 individuals who were Existing

Residents within the meaning of the By-law who have left the Encampment without the support of the USW team.

12. As a result of the above changes, there are 13 Existing Residents and 30 other individuals at the Encampment as of the date of this affidavit.

B. The Total Number of Existing Residents and Additional People who have Joined the Encampment since April 16 Continues to Grow and Exceeds our Planned Capacity

13. In my Original Affidavit and the 2nd Sweeney Affidavit I explain that the Region allocated additional funding and other resources to support Existing Residents of the Encampment in transitioning to alternative accommodation by December 1, 2025. Under the Region's Plan to provide alternatives for Existing Residents, the Region's USWs are working with the Existing Residents to create IHPs for them.

14. To be clear, my team has been offering support and assistance to all individuals residing at the Encampment, not only Existing Residents within the meaning of the By-law, as is consistent with our mandate to assist the Region's entire unhoused population. My team has not been denying assistance to individuals onsite who are not Existing Residents. As I explained above, my team has successfully supported three individuals who had arrived at the Encampment after April 16, 2025 in accessing alternative options.

15. I am concerned, however, that if more new arrivals come to the Property, successfully assisting all the individuals residing at the Encampment to find suitable alternative shelter by December 1 will become even more challenging and will likely exceed the additional resources available. This is why site management is crucial as we get closer to December 1.

16. My team is working hard to support the current population of 43 individuals (13 Existing Residents and 30 others) residing at the Encampment and is making real efforts to find alternative living arrangements for all of these people– not just Existing Residents within the meaning of the By-law – by December 1, 2025 (provided, of course, that the residents are willing to engage with the Region's staff to do so). However, as new arrivals have kept coming to the Encampment, doing so has become increasingly challenging. To the extent that more newcomers might come to the Encampment, it would be increasingly less likely that they could all be accommodated.

17. We originally planned to assist the 40 Existing Residents onsite as of April 16 to access alternative accommodation in the 7-month period from April 23 to December 1, 2025, with an increase of over \$814,000 to support the additional rent subsidies, motel rooms, and transitional housing facilities to accommodate them.

18. As I have previously explained, we have successfully supported 20 Existing Residents to date in accessing alternative accommodation. Because 7 further Existing Residents have left the Encampment without the support of the USW team, there are now 13 Existing Residents whom the USWs are working with to develop IHPs. However, because the Region has not removed newcomers to the site under the By-law since it was enacted and the Encampment has consequently grown in size, the task of USWs at the Encampment is more difficult. In particular, these new individuals have later dates of arrival than Existing Residents, so the Region's USWs have a shorter period of time to develop IHPs for them. For those who have arrived by the date of this affidavit, the timing challenges may not be insurmountable – we still have four months, and my team is working hard to support everyone at the Encampment. However, any additional arrivals

would be increasingly difficult to accommodate, especially as we get closer to December 1.

19. Planning for an increased total number is not a purely mechanistic exercise, because some Existing Residents may choose not to engage with the Region for their own reasons or may cease to experience homelessness for reasons other than the Region's efforts (such as finding employment and/or finding another place to stay in the Waterloo region or moving to another jurisdiction). We do not and cannot require unhoused residents to take options that are made available to them.

20. We also face resource constraints. The additional resources that the Region allocated were based on the assumption that we needed to accommodate approximately 40 Existing Residents, not the 73 (in total) who have sheltered at the Encampment since the By-law was passed.

21. In the face of these challenges, the Region may be forced to focus efforts towards Existing Residents over those who have come to the Encampment since April 16 in making alternative accommodations available to those who are present at the Encampment. This will become more and more likely if the influx continues beyond the end of this month. For these reasons, the Region will likely be able to better support those who are already living at the Encampment if the Region begins enforcing the site control provisions of the By-law sooner rather than later and prevents newcomers from joining the Encampment.

C. Consultation and the By-Law

22. I have reviewed the Responding Application Record filed in this matter, served July 9, 2025 (the “**RAR**”).

23. In reviewing the RAR, I noted that the Affidavit of Laura Pin, sworn July 9, 2025 (the “**Pin Affidavit**”) expresses the view that there was insufficient consultation with the PECH Co-Creators concerning the By-law. My view is that this ignores the Region’s ongoing efforts to consult with those with lived experience of homelessness and their allies.

24. For context, as explained in the PECH (attached as Exhibit “A” to my Original Affidavit”), the PECH Co-Creators group is a group of “system leaders, service staff and representatives from equity-owed groups” that advise on the implementation of the PECH in the community. The Region engages directly with, and is a member of, the Co-Creators group on issues of homelessness, and these meetings serve as a way for community perspectives on these issues to be voiced to the Region’s staff working on these issues.

25. The Co-Creator’s Group is just one of the many examples of the ongoing and consistent consultation done by the Region in respect of homelessness. For example, the PECH Co-creators meeting on May 15, 2025, was dedicated to discussing the Encampment and By-law. Co-creators and community partners identified potential areas of focus for responding to and supporting people living at the Encampment. While still in the early stages, there have been collaborative efforts to share information and best practices.

26. Another example of the Region's consultation efforts is the Lived Experience Working Group (the "**LEWP**"), of which another affiant in the RAR – David Alton – is the current Facilitator (see the Affidavit of David Alton, affirmed June 23, 2025, the "**Alton Affidavit**"). As described in the Alton Affidavit at paragraph 2, the LEWP "engages with those with lived and living experiences of homelessness and integrates their experience and wisdom into operations in the Region of Waterloo" and is a "key partner in the Region's Plan to End Chronic Homelessness". The LEWP is another example of an information channel between community members and the Region's staff on issues of homelessness.

27. Regional staff also have representation as often as possible at the "Continuum of Care" group run by the Social Development Centre, which is comprised of lived experts, PECH staff, and front-line staff from community agencies. Engagement with this group provides Regional staff with the opportunity to hear from direct allies on a variety of topics, including encampments, as they emerge.

28. Additionally, following the May PECH Co-Creators meeting, there have been several specific consultations and meetings with PECH Co-Creators and coordinating team members and community partners who support the Encampment site. The goal of these engagements has been to increase communication and coordination amongst Regional departments and community partners when responding to and supporting people living in encampments. These meetings focusing specifically on the Encampment at 100 Victoria took place on June 19, July 10, and July 17.

29. Also, as the Pin Affidavit references, the Region also hires consultants to engage with the Region on its implementation of the PECH (including the affiant herself).

30. Community members are also able to make delegations before Regional Council at public meetings, or to otherwise contact their regional councillors to express their views. 100 Vic and the Region's approach to homelessness have been the subject of various community deputations before Council, including by many of the affiants whose evidence forms the RAR.

31. The Region has also been responsive to concerns raised in the course of this litigation. For example, in the 2nd Sweeney Affidavit at paragraph 92, I detail how the Region removed one of the garbage bins that had been added to the Property to enable better waste management after concerns were raised by activists (including in the course of this litigation) about the presence of the bins.

32. At the most direct level, the Region's USWs are also engaging with unhoused individuals on a daily basis, as explained in detail in my previous affidavits. In doing so, they directly work with and hear from unhoused individuals about their needs and preferences. Concerns and themes raised in these interactions are raised by USWs with others in the Community Services team, and my team can then work to be responsive to this feedback. Direct engagement with community members living in the Encampment formed the basis for the Region beginning to provide significant services and supports to the Encampment such as site cleaning and bathroom access, as detailed in my Original Affidavit paragraphs 87-93.

33. Based on the above, I would say that the Region is consistently consulting with those experiencing homelessness and their advocates.

34. In giving my input on the By-law, I considered what I have heard from these various interactions that my team and I have had with community leaders, activists, and those experiencing homelessness. With these engagements in mind, various elements of the By-law were designed with reference to general feedback given by groups and individuals that the Region consults on issues of homelessness.

35. For example, the seven-and-a-half-month period between when notice of the By-law was given and when vacant possession of the Property is needed was designed based on concerns heard from various people and groups that the Region engages with. Throughout this process, I have always been adamant that my team requires sufficient time to work with the unhoused population living at the Encampment to develop IHPs, and that any sudden eviction of those living at the Property would be inconsistent with what my team has heard from community members is in the residents' interest.

36. The seven-and-a-half-month period transitional period in the By-law between public notice of the By-law on April 16 and December 1 reflects the Region's response to concerns in the community about individuals not being forced to leave a site where they are sheltering abruptly, without notice or the ability to store their belongings. Under the By-law, Existing Residents have over seven months to find and appropriately transition to transition to new alternative arrangements (i.e., work with an USW to develop an IHP that meets their individual needs, move their physical belongings to their new location, avoid an eviction scenario that is time-limited and police-driven).

37. The Region has also been responsive to the need to be flexible in the alternatives it presents to Encampment Residents. To that end, the Region has allocated additional funding to help resettle Existing Residents but has not been prescriptive about how these funds must be used in each individual case. This means that individuals are not funnelled into a “one size fits all” approach – something that various affidavits in the RMR warn against, and a concern of which the Region is well aware through its work directly with unhoused individuals and consultations with their advocates.

38. On the issue of the closure of the Encampment, the Region gave notice when it was able to do so once a plan had been developed. The Region has been consistent in advising that the Property would be needed by Metrolinx as part of the construction of the KCTH, and that the Region would not enable the Encampment to continue forever.

39. My view is that the Region did not need to undertake specific consultations with community to members to know that there would be opposition to the closure of the Encampment. That there is community opposition to the Encampment’s closure is something that is well known to the Region through its interactions with community members in the various mediums of consultation I set out above. The Region is well aware that there is a difference of opinion about the relative benefits and dangers of encampments, and the best policy responses to encampments. It has been engaging the community on these issues for years.

40. In reviewing the RMR, I further noted that some of the affiants express the view that the Region should simply allocate a new piece of land for the Encampment to relocate

to. This is also a view that has been previously expressed in engagement with community members, and that the Region was aware of when it enacted the By-law.

41. Not to say anything of the practical non-feasibility of an alternative encampment site approach (which I have already addressed in my previous affidavits, and which is further addressed in the Spooner Affidavit), it bears noting that there are also many community advocates who are against encampments as long-term solutions and would therefore not support the relocation of the Encampment as compared to a plan which prioritized finding shelter for residents.

42. For example, I attach as **Exhibit “A”** a document entitled “Homeless Encampments: Municipal Engagement Guidance” published by the National Working Group on Homeless Encampments (the “**NWGHE**”). This guide sets out various principles and standards that the National Working Group on Homeless Encampments suggests should inform how municipalities engage with encampments.

43. On page 4 of that document, under the heading “Basic Principles”, the engagement guide explains that “[h]omeless encampments will rarely satisfy the requirements of the human right to housing, and thus should not be understood as a solution to homelessness and should not be permanent”. The Region agrees with the NWGHE on this point, which is why it does not favour the establishment of an alternative site for the Encampment, and instead is prioritizing finding suitable alternative shelter for those currently living at the Encampment.

44. I also refer to the report that is attached to the Affidavit of Lynn Kubis, sworn July 9, 2025 (included in the RMR), entitled “Upholding dignity and human rights: the Federal

Housing Advocate's review of homeless encampments". The report notes at page 2 that "[e]ncampments are not a safe or sustainable solution for housing". This also aligns with the Region's position, which is why it has prioritized an approach that allocates additional resources to assist those living at the Encampment to find alternative housing.

45. Finally, I note that when the Region received notice on December 18, 2024, that Metrolinx would require the Property by March 2026 (see Exhibit "I" to the Spooner Affidavit), the Region began working on its plan for managing this transition. In doing so, the Region had to balance the need to provide sufficient notice to those present at the Property and the wider community, with its obligations to make sure that the Region was not making an announcement without proper supports for residents of the Encampment in place.

46. The Region must also follow the procedures and requirements established by the Regional Council, given the need for Council's input and eventual approval of next steps for the Property. All of this needed to happen before an announcement could be made.

47. In developing reports for Council, I am bound by a duty of confidentiality, so I was not able to disclose draft versions of the Plan while it was being developed.

48. The By-law and the accompanying Plan were developed in this context, with these constraints. Homelessness and encampments are complex social problems with various competing interests and stakeholders. The Region has had to manage various competing priorities in developing the By-law, balancing the need to give notice of the site closure at the Property with the need to avoid prematurely raising alarm without adequate supports in place. Given all of these circumstances, it is my view that the four-month period – which

included the December holiday season – between the Region receiving the letter from Metrolinx at Exhibit “I” to the Spooner Affidavit with the March 2026 date and announcing its plan for transitioning the Property was entirely reasonable.

AFFIRMED by Peter Sweeney of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 31, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
(or as may be)

Greta Hoaken
(LSO # 879031)



Peter Sweeney

Peter Sweeney

This is Exhibit "A" referred to in the 3rd Affidavit of Peter Sweeney affirmed by Peter Sweeney of the City of Cambridge, in the Regional Municipality of Waterloo, before me at the City of Toronto, in the Province of Ontario, on July 31, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

GRETA HOAKEN (LSO #87903I)

HOMELESS ENCAMPMENTS:

Municipal Engagement Guidance

National Working Group on Homeless Encampments

A NOTE TO THE READER

The National Working Group on Homeless Encampments (NWG-HE) – convened by The Shift since January 2023 – presents a Municipal Engagement Guidance. This Guidance is intended to support municipalities in engaging homeless encampments in a constructive and peaceful manner. The Guidance is not a road map to solving homelessness. It is an effort to establish national standards, based in human rights, for municipal government engagement with encampments across the country. It is intended to help ensure the best outcomes for those living in encampments and their communities in the short term, while establishing a foundation for longer-term solutions.

The Municipal Guidance was drafted through discussions and with the input of the NWG-HE whose members include the Chair and Vice-Chair of the Big City Mayors caucus – Mayor Savage (Halifax) and Mayor Clark (Saskatoon), respectively – as well as Indigenous representatives, people with lived expertise, social medicine doctors, front line harm reduction workers, academics, and advocates. Representatives of federal and city governments and human rights institutions also participated as observers. The list of formal participants is at the close of the document. The Municipal Guidance was shared at the Big City Mayors Caucus in May 2023. It was also shared with the Federal Housing Advocate to inform her review of homeless encampments, expected to be concluded in early 2024.

THE SH/FT
#RIGHT2HOUSING

We would like to live in a Canada in which everyone is safely and adequately housed.

Homeless encampments are increasingly appearing in communities across Canada, whereby individuals erect tents or informal structures on public or private lands, including unceded territory, to provide themselves with shelter. Those residing in encampments live in very difficult circumstances and are often there because shelter spaces and appropriate long-term supportive housing options are either unavailable and/or do not provide adequate protections and supports for their specific needs.

This Guidance note is intended as a high-level road map to assist municipal governments in addressing homeless encampments by first advocating for appropriate long term supportive housing and in the absence of that, ensuring encampments support the human rights and dignity of those in them, in a manner that respects human rights and promotes human well-being and safe communities. It acknowledges that responsibility for addressing homelessness rests with the three orders of government which must act collaboratively and with a shared sense of urgency in the interest of those who are unhoused or at risk of becoming unhoused.

BASIC PRINCIPLES

The following basic principles should inform the approach:

- Homeless encampments will rarely satisfy the requirements of the human right to housing, and thus should not be understood as a solution to homelessness and should not be permanent.
- Residents of homeless encampments must be treated in a dignified, empathetic and culturally appropriate manner and are entitled to the necessities of life, including affordable, secure, and dignified housing.
- Municipalities do not always have the jurisdiction, capacity, and resources to ensure unhoused people have affordable, secure, and dignified housing. Significant support and intervention from other orders of government is required.
- Indigenous Peoples are dramatically overrepresented in homeless populations in many cities across the country, including in many encampments. Policies and approaches on encampments must be consistent with Truth and Reconciliation and the National Inquiry on Missing and Murdered Indigenous Women Calls to Action and Justice.
- Many encampment residents have complex mental and/or physical health needs that require an integrated approach with healthcare supports.
- Residents who neighbour encampments have legitimate experiences and concerns that require consideration.

WAYS FOR MUNICIPALITIES TO PREVENT HOMELESSNESS, ADDRESS ENCAMPMENTS AND SUPPORT PEOPLE WHO LIVE IN THEM

1. Solicit Provincial and Federal Government Support

Coordinated, long-term financial and policy supports of federal and provincial governments are required for homeless encampments to be resolved. Municipalities should collectively escalate the issue on provincial and national political agendas as an urgent matter of fundamental human rights, for example by calling for an inter-governmental action-table on homelessness that includes Indigenous, civil society and lived-expertise participation. The focus should be twofold: preventing homelessness and addressing homeless encampments.

2. Meaningfully Engage with those Living in Encampments

Better, more peaceful outcomes will be achieved if people living in homeless encampments and the individuals and organizations they choose to support them, are meaningfully engaged and have the capacity to shape and co-create solutions with the aim of closing the encampment. Successful meaningful engagement can be a long process often taking months and requires consistency and patience.

Municipal governments, working with Indigenous partners, must consult with Indigenous residents of encampments and their representatives where appropriate, securing their free, prior, and informed consent with respect to any decision or measure that will impact them.

All engagement must be culturally appropriate.

See Appendix for the elements of successful meaningful engagement.

3. Explore all viable alternatives to encampment eviction or removal

While homeless encampments should not be permanent, every effort should be taken to avoid forced removal of encampments, recognizing court rulings in British Columbia and Ontario indicating that in some circumstances to do so violates the Charter of Rights and Freedoms.

Meaningful engagement with encampment residents (see below), good faith dialogue, and the offer of reasonable alternative housing options (eg: rent supplements; tiny homes; hotel rooms; modular units) will dramatically reduce the need to remove people involuntarily from encampments.

Issuing trespass notices, enforcing prohibitive bylaws, or otherwise coercing people in encampments into housing should be considered a last resort after all viable alternatives are exhausted.

Where an encampment is erected in a dangerous (eg: construction site) or inappropriate (eg: cemetery, playground, school, daycare) location, the municipality should engage those in the encampment to relocate to a more suitable site, even if it is an alternate tenting site.

4. Essential Services for Encampment Residents

Homeless encampments do not satisfy the requirements of the right to housing. However, where they exist, municipalities, working with their government and community partners, should ensure that to the greatest extent possible encampments meet the basic needs for survival of those living there. This will make encampments safer for those residing therein, as well as for neighbouring homes and businesses.

See Appendix for examples of essential services.

5. Encampments and Safety

People who reside in encampments must always be safe as must those living near encampments. Safety within an encampment is more likely if trusting relationships are built between residents (alongside those they rely upon for support), and municipal officials (including fire departments, emergency responders and police) healthcare providers, outreach workers and others supporting the encampment. Indigenous-led supports are critical to the safety of Indigenous persons living in encampments, and foundational to trust-building.

Municipalities should work with the above and other actors as appropriate to develop an encampment safety protocol, taking into consideration relevant power imbalances. This protocol should outline under what circumstances police and security personnel should be called into the encampment community and by whom. It should also include measures to address sexual assault, physical assault, and exploitation of vulnerable groups, such as women, gender-diverse populations, minors, and racialized populations.

People living in encampments should be provided training in safety procedures including with respect to potentially hazardous equipment and materials.

Personal belongings of encampment residents should always be treated with care, regardless of the security issue at hand, except in the case of an emergency, i.e. fire, extreme weather event.

APPENDIX

MUNICIPAL ENGAGEMENT WITH THOSE LIVING IN ENCAMPMENTS WILL BE MOST SUCCESSFUL IF IT:

I. INCLUDES TRAINING FOR ENCAMPMENT RESIDENTS WITH RESPECT TO THEIR HUMAN RIGHTS, AND SAFETY PROTOCOLS AND REQUIREMENTS;

II. INCLUDES THE INDIVIDUALS AND ORGANIZATIONS ENCAMPMENT RESIDENTS RELY UPON FOR SUPPORT IF SO REQUESTED;

III. IS IMMEDIATE, REGULAR AND ONGOING;

IV. IS PRACTICED IN GOOD FAITH;

V. IS INCLUSIVE, CULTURALLY APPROPRIATE AND NON-DISCRIMINATORY;

VI. OCCURS AT APPROPRIATE AND ACCESSIBLE TIMES AND LOCATIONS;

VII. PROVIDES AN OPPORTUNITY FOR ENCAMPMENT RESIDENTS TO RAISE CONCERNS AND ISSUES AND TO RECEIVE IMMEDIATE FEEDBACK AND/OR A COMMITMENT TO RETURN WITH INFORMATION AT A SPECIFIED TIME; AND

VIII. IS BASED ON THE UNDERSTANDING THAT ENCAMPMENT RESIDENTS ARE NOT HOMOGENOUS AND WILL ACCEPT AND REQUIRE DIFFERENT SOLUTIONS.

ESSENTIAL SERVICES

In consultation with those living in encampments, municipalities, working with other orders of government and community partners, should ensure the following are available on-site or within reasonable proximity to encampments:

- Durable tents or building code compliant structures that are fire retardant + can withstand inclement weather, that provide privacy, cots to sleep on, and bedding
- Access to safe and clean drinking water
- Access to warming/cooling areas
- Access to sufficient and appropriate quality clothing
- Resources and supports to ensure fire safety (eg: training on fire safety for those living on site)
- Assistance for those living in encampments to develop social protocols. For example: zero-violence policy; anti-racism and harassment policy for encampment residents as well as other users and abutters of public spaces where encampments exist.
- Access to hygiene and sanitation facilities
- Waste management systems including for drug-use related waste (needles, pipes).
- Power sources
- Facilities and resources that support access to healthy food supply and its storage
- Garbage facilities
- Proximate safe and secure storage facilities for personal belongings
- Rodent and pest deterrence
- Resources to support harm reduction
- Creation of safe areas where women, LGBTQ2S+ and others at risk of violence and exploitation may reside

NATIONAL WORKING GROUP ON HOMELESS ENCAMPMENT PARTICIPANT LIST

Dr. Alexandra Flynn	Associate Professor, Peter A. Allard School of Law, The University of British Columbia
Dr. Andrew Bond	Medical Director at Inner City Health Associates (ICHA)
Dr. Andrew Boozary	Executive Director, Population Health & Social Medicine at UHN
BC Human Rights Commission Observer	Office of the BC Human Rights Commissioner
Caroline Leblanc	Professor and PhD Candidate, Sherbrooke University
Celeste Hayward	Director, Operations, Aboriginal Housing Management Association (AHMA)
Charlene Lee	Lived Expert, Kitchener
Mayor Charlie Clark	Mayor, Saskatoon
Infrastructure Canada Observer	Infrastructure Canada
Derek Cook	Director, Canadian Poverty Institute
Diana Chan McNally	Community & Crisis Worker, All Saints Toronto Sessional Instructor, George Brown College
Jaimee Gaunce	Director of Policy, Ontario Aboriginal Housing Services (OAHS)
Justin Marchand	Chief Executive Officer, Ontario Aboriginal Housing Services (OAHS)
Dr. Kaitlin Schwan	Executive Director, Women's National Housing & Homelessness Network (WNHHN)
Leilani Farha	Global Director of The Shift
City of Kitchener Observer	City of Kitchener
Mayor Michael Savage	Mayor, Halifax Regional Municipality
Stephanie Lowe	Senior Housing Policy Analyst, Aboriginal Housing Management Association (AHMA)

THE REGIONAL MUNICIPALITY OF WATERLOO
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

3RD AFFIDAVIT OF PETER SWEENEY

Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West
35th Floor
Toronto ON M5V 3H1

Gordon Capern (LSO # 32169H)
Tel: 416.646.4311
Email: gordon.capern@paliareroland.com

Andrew Lokan (LSO # 31629Q)
Tel: 416.646.4324
Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj (LSO # 75291D)
Tel: 416.646.6317
Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken (LSO # 87903I)
Tel: 416.646.6357
Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant,
The Regional Municipality of Waterloo

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

REPLY APPLICATION RECORD

Paliare Roland Rosenberg Rothstein LLP

155 Wellington Street West, 35th Floor
Toronto ON M5V 3H1
Tel: 416.646.4300

Gordon Capern (LSO # 32169H)

Tel: 416.646.4311
Email: gordon.capern@paliareroland.com

Andrew Lokan (LSO # 31629Q)

Tel: 416.646.4324
Email: andrew.lokan@paliareroland.com

Kartiga Thavaraj (LSO # 75291D)

Tel: 416.646.6317
Email: kartiga.thavaraj@paliareroland.com

Greta Hoaken (LSO # 87903I)

Tel: 416.646.6357
Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant,
The Regional Municipality of Waterloo