

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

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

Respondents

**SUR-REPLY OF THE NAMED RESPONDENTS/CROSS-APPLICANTS**

**April 19, 2026**

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1. The Named Respondents reply to the new arguments raised by paragraph 2 of the Applicant’s Reply Factum as follows:

2. The decisions set out in Appendix A of the Applicant’s Reply factum do not alter the fact that, as the Named Respondents have already asserted at paragraph 85 of their factum, Courts have found infringements in **all** cases but *Heegsma* that apply the *Charter* to sheltering prohibition on public lands in situations of insufficient system capacity.<sup>1</sup> The additional cases listed in the Applicants’ Appendix A did not make constitutional determinations. Most applied the *RJR MacDonald* test, and the harm they sought to remedy through any conditions imposed was the irreparable harm to the moving party.<sup>2</sup> Any conditions were not directed at the broader unconstitutionality of the underlying by-laws.

3. The Named Respondents also take issue with the Applicant’s assertion that:

Crucially, many of these decisions involve repeat litigation in the same municipality (Vancouver, Victoria, Abbotsford, Hamilton, Prince George, Montreal), in which the Court ultimately allowed the closure after specifying measures to be taken or conditions to be met in prior decisions.

In no previous case has a municipality returned to Court following a constitutional declaration of invalidity with clear terms, to seek the same relief, while acknowledging that the Court’s terms remain unfulfilled. What the Applicant characterizes as “repeat litigation” in Hamilton,<sup>3</sup> Abbotsford,<sup>4</sup> and Montreal<sup>5</sup> consists of interlocutory motions pending more final determinations. The “repeat litigation”

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<sup>1</sup> *Victoria (City) v. Adams*, [2009 BCCA 563](#); *Abbotsford (City) v. Shantz*, [2015 BCSC 1909](#); *Bamberger v Vancouver (Board of Parks and Recreation)*, [2022 BCSC 49](#); *Persons Unknown*; *The Corporation of the City of Kingston v. Doe*, [2023 ONSC 6662](#); *Heegsma v. Hamilton (City)*, [2024 ONSC 7154](#).

<sup>2</sup> Exceptions to this, in addition to the decisions listed in the footnote above are: *Abbotsford (City) v. Shantz*, [2014 BCSC 2385](#) which was a motion for reconsideration of an injunction application; *Maple Ridge (City) v. Scott*, [2019 BCSC 157](#), which concerned compliance with a previous fire safety order; *Prince George (City) v. Stewart*, [2021 BCSC 2089](#), which applied the test for statutory injunction because it was a final order, there being on underlying challenge to the constitutional validity of the by-law being applied; *Prince George (City) v. Johnny*, [2022 BCSC 282](#) and *Prince George (City) v. Johnny*, [2025 BCSC 1556](#), both of which assessed compliance with a condition set by the Court in *Stewart*; *Vancouver Board of Parks and Recreation v. Williams*, [2014 BCSC 1871](#), which was an adjournment decision; *Vandenberg v Vancouver (City) Fire and Rescue Services*, [2023 BCSC 2104](#), which was an application for judicial review of a fire safety order, *Johnston v. Victoria (City)*, [2011 BCCA 400](#), and which was an appeal of a conviction; *Vancouver Board of Parks and Recreation v. Sterritt*, [2003 BCSC 1421](#), where the Court applied the test for statutory injunction.

<sup>3</sup> *Poff v. City of Hamilton*, [2021 ONSC 7224](#); *Heegsma v. Hamilton (City)*, [2024 ONSC 7154](#).

<sup>4</sup> *Abbotsford (City) v. Shantz*, [2013 BCSC 2426](#); *Abbotsford (City) v. Shantz*, [2013 BCSC 2612](#); *Abbotsford (City) v. Shantz*, [2014 BCSC 2385](#); *Abbotsford (City) v. Shantz*, [2015 BCSC 1909](#) – note in British Columbia these matters are commenced as an application for an injunction, not by motion.

<sup>5</sup> *Clinique juridique itinérante c. Procureur général, du Québec*, [2023 QCCS 1170](#); *Clinique juridique itinérante c.*

in Vancouver consists of an adjournment of an injunction motion followed by a decision on that motion.<sup>6</sup> The “repeat litigation” in Prince George consists of two motions for direction on whether the municipality had complied with a condition set by a previous injunction motion to the Court’s satisfaction.<sup>7</sup> The “repeat litigation” in Victoria was two injunction motions where the underlying facts had changed.<sup>8</sup>

4. Finally, many of the decisions referenced by the Applicant in its Reply are distinguishable on factual bases. These are set out in the “Comments of Named Respondents” column of the table below.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 19<sup>th</sup> day of April 2026.



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**Ashley Schuitema, Joanna Mullen, and  
Shannon Down**

**Lawyers for the Cross-Applicants/Named Respondents**

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*Procureur général du Québec*, [2023 QCCS 1949](#), the first decision granted a 10 day injunction and the second refused a one month stay of eviction; Note that *Clinique juridique itinérante c. Procureur général du Québec - Ministère des Transports et de la Mobilité durable du Québec*, [2025 QCCS 2087](#) related to a different encampment.

<sup>6</sup> *Vancouver Board of Parks and Recreation v. Williams*, [2014 BCSC 1871](#); *Vancouver Board of Parks and Recreation v. Williams*, [2014 BCSC 1926](#).

<sup>7</sup> *Prince George (City) v. Stewart*, [2021 BCSC 2089](#); *Prince George (City) v. Johnny*, [2022 BCSC 282](#); *Prince George (City) v. Johnny*, [2025 BCSC 1556](#).

<sup>8</sup> *British Columbia v. Adamson*, [2016 BCSC 584](#); *British Columbia v. Adamson*, [2016 BCSC 1245](#).

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**CERTIFICATE**

1. I certify that I am satisfied as to the authenticity of every authority cited in the factum.

Dated this April 19, 2026.



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**Ashley Schuitema, Joanna Mullen, and  
Shannon Down**

**Lawyers for the Cross-Applicants/Named Respondents**

**Appendix “A” – Summary Chart of Canadian Encampment Cases**

	Style of Cause	Region’s Summary	Result	Arrangements Made for Encampment Occupants	Comments of Named Respondents
<b>Abbotsford, BC</b>					
1.	<i>Abbotsford (City) v. Shantz</i> , <a href="#">2013 BCSC 2426</a> [“ <i>Shantz 1</i> ”]	City sought injunction to remove wooden structure in an encampment on city land, prevent erection of further such structures	Order to remove unauthorized structure granted	None	The injunction ordered in this case was not to clear an encampment. It was for the removal of a 60 by 72 foot wooden structure (paras. 4, 25). This application was heard on an expedited basis. The occupants of the structure were given notice of the proceeding only the day before it was heard (paras. 6-7).
2.	<i>Abbotsford (City) v Shantz</i> , <a href="#">2013 BCSC 2612</a> [“ <i>Shantz 2</i> ”]	City sought injunction to clear encampment in city park and enjoin future camping in the park  Encampment residents made a responding claim under s. 7 of the <i>Charter</i>	Injunction to clear encampment granted	None	First, it is unclear whether arrangements were made for encampment residents because the terms of the order are not included in the reasons.  Second, this was an application for interlocutory injunction and it did not decide the Charter issues: [11] The fundamental social issue at hand is this: what provision, what accommodation, if any, is society prepared to make for these particular persons and others like them? [12] Ultimately the issues raised will be decided by others; a trial court with respect to this particular case; at some point one expects there will be some larger response that will arise in the realm of government. [13] It is essential to understand that at this particular phase of the litigation it is not this Court's function to try to make final determinations, or to try to decide complex questions of law that are engaged. The trial of the matter is the forum for those things to be done.
3.	<i>Abbotsford (City) v. Shantz</i> , <a href="#">2014 BCSC 2385</a> [“ <i>Shantz 3</i> ”]	Order sought to dissolve injunction granted in <i>Shantz 2</i>	Dissolution of the <i>Shantz 2</i> injunction order as sought on behalf of unhoused individuals denied	None	This was a motion for reconsideration of the earlier injunction and the test to meet was “material change” in the facts or circumstances that gave rise to the previous order (para. 25). This threshold was not met.

4.	<i>Abbotsford (City) v. Shantz</i> , <a href="#">2015 BCSC 1909</a> [“ <i>Shantz 4</i> ”]	Application hearing for a permanent injunction sought by the City and a related <i>Charter</i> application under ss. 2(c), 2(d), 7, and 15 sought on behalf of unhoused individuals	<i>Charter</i> application granted in part  The portions of the City bylaw which prohibit sleeping or being in a park <u>overnight</u> / erecting a temporary shelter without permits infringe s. 7  S. 15 claim dismissed	N/A	The parties already addressed this decision in our facta, see para. 85.
5.	<i>Fraser Health Authority v. Evans</i> , <a href="#">2016 BCSC 1708</a>	Regional health authority sought an injunction to clear a closed, private lot it owned  Occupants claimed infringement of s. 2(b) <i>Charter</i> rights	Injunction to clear encampment granted  <i>Charter</i> did not apply to the FraserHealth Authority	None	This was an injunction application and the <i>Charter</i> did not apply.
6.	<i>Matsqui-Abbotsford Impact Society v. Abbotsford (City)</i> , <a href="#">2024 BCSC 1902</a>  (leave to appeal has been granted but the appeal not yet decided: <a href="#">2025 BCCA 78</a> )	Injunction sought on behalf of unhoused individuals camping on land near City Hall  Underlying claim under ss. 7 and 15 of the <i>Charter</i>	Injunction to prevent clearing of encampment denied, provided the City implement a phased approach to reduce and relocate encampment residents as per the terms of a court Order	Various conditions imposed on the City when enforcing the Bylaw.	The parties have addressed this decision in our facta, see paras. 85-86.
<b>Hamilton, ON</b>					
7.	<i>Poff v. City of Hamilton</i> , <a href="#">2021 ONSC 7224</a>	Injunction sought on behalf of unhoused individuals camping in city parks preventing their removal during the day; no removal occurring at night	Injunction to prevent encampment closure denied	None	The parties have addressed this decision in our facta, see paras. 85-86.

		Underlying claim under s. 7 of the <i>Charter</i>			
8.	<i>Heegsma v. Hamilton (City)</i> , <a href="#">2024 ONSC 7154</a> (ONCA heard this appeal in February 2026; the decision is under reserve)	Underlying application in <i>Poff</i> – claim under ss. 7 and 15 of the <i>Charter</i>	<i>Charter</i> application on behalf of unhoused individuals dismissed (claim was limited to damages given decision in <i>Poff</i> ) No infringement in preventing individuals from camping in a public park during the daytime	None	The parties have addressed this decision in our facts, see paras. 85-86, also footnote 253 on page 32.
<b>Kingston, ON</b>					
9.	<i>The Corporation of the City of Kingston v. Doe</i> , <a href="#">2023 ONSC 6662</a>	Injunction brought by city seeking the removal of unhoused individuals camping in a city park  Application on behalf of unhoused individuals preventing their removal, claim under ss. 7 and 15 of the <i>Charter</i>	Injunction to remove encampment entirely is denied  <i>Charter</i> application granted under s. 7 in part (only insofar as the municipal bylaw prevented persons from camping <u>overnight</u> in public parks)	None	The parties have addressed this decision in our facts, see para. 84.
<b>Kitchener, ON</b>					

10.	<i>The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained</i> , <a href="#">2023 ONSC 670</a> [ <i>“Persons Unknown”</i> ]	Encampment established on Regional property  Region sought to enforce its general Code-of-Use By-law to close encampment  <i>Charter</i> arguments raised under ss. 7 and 15	Application sought by Region to enforce general Code-of-Use Bylaw not granted; By-law ruled inoperative due to s. 7 breach insofar as it applies to prevent the encampment residents from living /erecting temporary shelters on the Property when the number of homeless individuals in the Region exceed the number of accessible shelter beds  S. 15 claims dismissed	N/A	The parties have addressed this decision throughout our facts, see for example, paras. 3, 8, 16, 26, 78-82, 95, 112-113, 116-118, 136.
11.	<i>The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained</i> , <a href="#">2025 ONSC 4774</a>	Same encampment/property as <i>Persons Unknown</i>  Underlying application regarding Region’s enforcement of a site-specific Bylaw; involves ss. 7 and 15 claims  Interim injunction sought on behalf of encampment residents	Injunction sought on behalf of unhoused individuals granted (until conclusion of the merits hearing)	N/A	The parties have addressed this decision in our facts, at para. 54.

Maple Ridge, BC					
12.	<p><i>Maple Ridge (City) v Scott</i>, <a href="#">2019 BCSC 157</a></p>	<p>Encampment established on two parcels of land owned by a third-party public authority. City sought an application permitting enforcement of two fire safety orders, which included a prohibition on in-tent heaters. Another order prohibited anyone from occupying the lands who is not seeking transition to housing</p> <p>City had previously sought an injunction to evict occupants, which it resolved in a Consent Order which set out various standards the encampment had to meet to ensure health and safety concerns were mitigated</p> <p>City did not seek a wholesale eviction from the lands in question</p> <p>No <i>Charter</i> challenge before the Court</p>	<p>Injunction to enforce part of the Fire Safety Orders granted (including the prevention of in-tent heating, but not re: the prevention of improvised wood-framed structures)</p> <p>Injunction granted re: verification orders – occupants of the encampment who seek transition to housing to identify themselves to a representative of the City by producing government-issued photo identification, or by agreeing to be photographed, and providing a full legal name. Anyone who is not a “verified occupant” (i.e., has followed this protocol) is enjoined from occupying the subject lands</p>	<p>Under terms of order as sought by the City, occupants removed only where they have not identified themselves as seeking transition to housing</p>	<p>The parties have addressed this decision in our facts, see para. 87.</p>
Montreal, QC					

13.	<i>Clinique juridique itinérante c. Procureur général, du Québec, 2023 QCCS 1170</i>	<p>Injunction sought on behalf of unhoused individuals to delay their eviction</p> <p>Encampment located under a highway where major maintenance work was being carried out</p> <p>S. 7 Charter rights asserted; clinic also sought a positive remedy that individuals be provided with an action plan for housing homeless individuals</p>	Injunction to prevent encampment clearing granted (for 10 days)	N/A	No comment.
14.	<i>Clinique juridique itinérante c. Procureur général du Québec, 2023 QCCS</i>	Injunction sought on behalf of unhoused individuals (same facts as in 2023 QCCS)	Injunction to prevent encampment clearing denied	None	The parties have addressed this decision in our facts, see paras. 85-86.

	<a href="#">1949</a> (leave to appeal dismissed <a href="#">2023 OCCA 855</a> )	1170) – sought an extension of the order preventing eviction for a further month			
15.	<i>Clinique juridique itinérante c. Procureur général du Québec - Ministère des Transports et de la Mobilité durable du Québec</i> , <a href="#">2025 QCCS 2087</a>	Injunction sought on behalf of unhoused individuals living on land in Montreal owned by the Ministry of Transport to prevent their eviction  Charter rights arguments under s. 7 raised	Injunction to prevent encampment clearing granted (for 10 days)	N/A	This was a different encampment than the one at issue in the earlier CJI decisions.
<b>Nanaimo, BC</b>					
16.	<i>Nanaimo (City) v Courtoreille</i> , <a href="#">2018 BCSC 1629</a>	City sought statutory injunction to close down a tent city  The site of the encampment is a city-owned property in downtown Nanaimo  Nanaimo permits temporary overnight camping in certain designated parks  Respondents	Injunction to clear encampment granted	None	This was an injunction application, not a Charter application.  Other outdoor sheltering locations were available to the residents overnight (para <a href="#">128</a> ).

		raised residents’ s. 7 and 15 Charter rights			
<b>Prince George, BC</b>					
17.	<i>Prince George (City) v. Stewart</i> , <a href="#">2021 BCSC 2089</a>	<p>City sought an injunction to remove two encampments located on a vacant lot and a green space it owned</p> <p>Respondents raised s. 7 Charter rights</p> <p>Court recognized that encampment residents could go to another nearby encampment, most had already done so</p>	Injunction to close one of the two encampments granted	Future closure of the encampment permitted where the City could demonstrate “available and accessible housing and daytime facilities for [the encampment’s] occupants”	There was no underlying challenge to the Zoning By-Law that the municipality was seeking to enforce. Accordingly, the matter proceeded according to the statutory injunction test. Only two of the respondents were represented and they did not raise the Charter (paras. <a href="#">27</a> -33). Accordingly, issue was only impact that enforcement of By-Law would have against the persons occupying the two encampments.

18.	<p><i>Prince George (City) v. Johnny</i>, <a href="#">2022 BCSC 282</a> [“<i>Johnny 1</i>”]</p>	<p>City sought injunction to close an encampment (same as in <i>Stewart</i>)</p> <p>City argued that as per <i>Stewart</i>, there were now “suitable housing and daytime facilities” in the area with the addition of a new facility</p> <p>Court rejected that there were sufficient, accessible places for all encampment residents to go to</p>	<p>Injunction to clear encampment denied – <i>Stewart</i> condition not satisfied</p>	<p>Condition in <i>Stewart</i> remains</p>	<p>No comment.</p>
19.	<p><i>Prince George (City) v. Johnny</i>, <a href="#">2025 BCSC 1556</a> [“<i>Johnny 2</i>”]</p>	<p>City sought an injunction to close the <i>Stewart / Johnny 1</i> encampment on basis that the <i>Stewart</i> conditions had been fulfilled</p> <p>Additional housing options opened since the original <i>Johnny</i> decision near the Encampment; rooms there were held for people at the Encampment</p>	<p>Injunction to close encampment granted; Order allows individuals to apply for constitutional exemptions on an individual basis where options are not truly accessible to them</p>	<p>Condition in <i>Stewart</i> still apply (and were met)</p>	<p>The parties have addressed this decision in our facts, see paras. 85-86.</p>

Saanich, BC					
20.	<i>Saanich (District) v. Brett</i> , <a href="#">2018 BCSC 1648</a>	Interim injunctions sought by the District and BC governments to evict an encampment on lands owned by these parties (parkland and land designated for highway use)  <i>Charter</i> raised in defence  Bylaw allowed sheltering in parks overnight, individuals to use the park during the day	Injunction to close encampment granted (for 10 months)	None	This was an interlocutory injunction application, not a <i>Charter</i> application. Court did not conduct a <i>Charter</i> analysis.
Toronto, ON					
21.	<i>Black et al. v. City of Toronto</i> , <a href="#">2020 ONSC 6398</a>	Encampments in municipal parks  Underlying claims under ss. 7, 12, and 15 of the <i>Charter</i> and the <i>Human Rights Code</i>	Injunction to prevent encampment closure denied	None	The parties have addressed this decision in our facts, see paras. 85-86.

22.	<i>Church of Saint Stephen et al. v. Toronto</i> , <a href="#">2023 ONSC 6566</a>	Encampment on city land outside a church  Underlying claim under s. 7 of the <i>Charter</i>	Injunction to prevent encampment closure denied	None	The parties have addressed this decision in our facts, see paras. 43, 85-86.
<b>Vancouver, BC</b>					
23.	<i>Vancouver Parks Board v. Mickelson</i> , <a href="#">2003 BCSC 1271</a>	Parks Board sought injunction against individuals living/erecting tents in a park  Defendants raised <i>Charter</i> ss. 2(b) / (d), 7, and 15	Injunction to clear encampment granted	None	This decision was pre- <i>Victoria (City) v. Adams</i> , <a href="#">2009 BCCA 563</a> .
24.	<i>Vancouver Board of Parks and Recreation v. Sterritt</i> , <a href="#">2003 BCSC 1421</a>	Parks Board sought injunction against individuals living/erecting tents in a park  Defendants intend to raise <i>Charter</i> defences and Aboriginal rights	Injunction to clear encampment granted	None	This decision was pre- <i>Victoria (City) v. Adams</i> , <a href="#">2009 BCCA 563</a> .
25.	<i>Vancouver Board of Parks and Recreation v. Williams</i> , <a href="#">2014 BCSC 1871</a>	Parks Board sought an injunction against individuals living/erecting tents in a park  Encampment residents raised s. 7 <i>Charter</i> issues	Matter adjourned to the following week to allow for full argument  Interim order made regarding the conditions at the park to address health and safety issues	N/A	No comment.
26.	<i>Vancouver Board of Parks and Recreation v. Williams</i> ,	Same as 2014 BCSC 1871	Injunction to clear encampment granted	Injunction to begin on date that the City indicated more	This is an injunction application and there is no <i>Charter</i> analysis.

	<a href="#">2014 BCSC 1926</a>			housing would come online	
27.	<i>Vancouver (City) v. Wallstam</i> , <a href="#">2017 BCSC 937</a>	City sought an injunction to remove encampment from a site owned by the City  S. 7 raised in encampment residents' underlying application	Injunction to clear encampment denied	N/A	No comment.
28.	<i>Vancouver Fraser Port Authority v. Brett</i> , <a href="#">2020 BCSC 876</a>	Same encampment as in 2014 BCSC 1926 – individuals returned, now migrated/extended onto VFPA lands	Injunction sought to clear encampment granted	None	This was an injunction case, but the Court also rejected that there could be any Charter argument here: <a href="#">[98]</a> I reject the analogy of the VFPA lands to areas of parklands, airports, or Parliament Hill. The VFPA lands are private property and not intended for public use, other than by licence, and the use being made of them by the residents is not permitted under the <i>Regulations</i> .

		Encampment on VFPA lands are publicly owned and used for private commercial purposes  S. 7 Charter rights raised			
29.	<i>Bamberger v. Vancouver (Board of Parks and Recreation)</i> , <a href="#">2022 BCSC 49</a>	Injunction sought by City to close encampment in a Vancouver park  <i>Charter</i> rights raised  Application for JR of two Orders of the Board: (1) prohibiting overnight sheltering at a park where there is an encampment; (2) closing an area in the park that was previously open for overnight sheltering  Board sought injunction to enforce Orders and a municipal parks bylaw  Bylaw allows sheltering overnight only in city parks  S. 7 <i>Charter</i> rights raised	Encampment residents' application for judicial review granted – breach of procedural fairness, Orders not reasonable  Board's injunction adjourned pending reconsideration of the Orders	N/A	The reason the orders were “not reasonable” was that they did not achieve a proportionate balance between the petitioners' Charter rights and the objectives of the relevant By-Law (paras <a href="#">149</a> -150).
30.	<i>Vandenberg v Vancouver (City) Fire and Rescue Services</i> , <a href="#">2023 BCSC 2104</a>	Fire Order to clear tents/structures from city blocks issued in respect of an existing encampment  Ss. 7 and 15 of Charter raised	Encampment residents' application for judicial review granted – breach of procedural fairness	N/A	No comment.
<b>Victoria, BC</b>					
31.	<i>Victoria (City) v. Adams</i> , <a href="#">2008 BCSC 1363</a>	Claim under ss. 7 and 12 to City bylaw prohibiting sleeping in parks overnight	Application granted – s. 7 infringed where the number of homeless people in the City exceeds the number of available shelter beds and sheltering overnight not	N/A	No comment.

			permitted (prohibition is both arbitrary and overbroad)		
32.	<i>Victoria (City) v. Adams</i> , <a href="#">2009 BCCA 563</a> (appeal of <a href="#">2008 BCSC 1363</a> )	Claim under ss. 7 and 12 to City bylaw prohibiting sleeping in parks overnight	Application granted – s. 7 infringed where the number of homeless people in the City exceeds the number of available shelter beds and sheltering overnight not permitted (prohibition is overbroad)	N/A	Court did not consider gross disproportionality because it had not been argued in the decision below.
33.	<i>Victoria (City) v. Thompson</i> , <a href="#">2011 BCSC 1810</a>	Encampment in public square in Victoria; City sought injunction to clear encampment  S. 2(b) Charter arguments raised by encampment residents	Injunction to clear encampment granted	None	This was a protest encampment, not a survival encampment (paras. 1- <a href="#">5</a> ).
34.	<i>Johnston v. Victoria (City)</i> , <a href="#">2011 BCCA 400</a> (appeal of <a href="#">2010 BCSC 1707</a> )	Individual charged with violating City bylaw by sheltering in parks during the daytime; appealed convictions, made s. 7 Charter arguments	Conviction remains; Charter arguments rejected (upholds <i>Adams</i> re: overnight sheltering only)	None	The appellant was a self-represented unhoused person who did not file any evidence in support of his position (para. <a href="#">5</a> ).
35.	<i>British Columbia v. Adamson</i> , <a href="#">2016 BCSC 584</a>  [“ <i>Adamson 1</i> ”]	Interim injunction sought by province to evict encampment on green space at a courthouse property in Victoria	Injunction to clear encampment denied	N/A	No comment.
36.	<i>British Columbia v. Adamson</i> , <a href="#">2016 BCSC 1245</a>  [“ <i>Adamson 2</i> ”]	Same encampment as in <i>Adamson 1</i> , 3 months later  Injunction sought by province for thesecond time	Injunction to clear encampment granted	Residents to remove tents/belongings “as housing becomes available, and by not later than August 8, 2016” (order made July 5)	This was an injunction application. Charter was not considered.

**THE REGIONAL MUNICIPALITY OF  
WATERLOO**  
Applicants

and

**PERSONS UNKNOWN AND TO BE  
ASCERTAINED**  
Respondents

Court File No.: CV-25-00000750-0000

***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

**SUR REPLY OF THE RESPONDENTS**

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