

May 12, 2023

Via email to City Clerk

Mayor Berry Vrbanovic and Members of Council
200 King Street W.
Kitchener, Ontario N2G 4V6

Dear Mayor and Members of Council:

RE: Recent actions involving towards Roos Island Encampment Residents

We fully support encampment residents being offered shelter beds, interim housing or permanent housing if it meets their needs and if they voluntarily agree to move in to those options.

We do not support:

- coercive measures or pressure tactics;
- encampment residents not having all relevant facts when being asked to make an important choice about moving (e.g. not knowing where stored items will be physically located or how to access those items);
- coordinated and planned withdrawal of services to encampment residents;
- a failure to meaningfully consult with encampment residents about proposed policies and procedures;
- fencing or gates being erected around encampment sites with the effect of restricting access, discouraging visitors, alienating community support and creating an unwelcome environment for the unsheltered people living behind the gates;
- Intimidation of community supporters through policing.

The law is clear - forced evictions of encampment residents from municipally owned property where there is a lack of accessible and adequate shelter or housing options is a violation of s. 7 of the Charter.¹ If the City of Kitchener intends to follow through on its stated policy of not allowing any “new campers” in Victoria Park, then there must be a

¹ The Regional Municipality of Waterloo v. *Persons Unknown and to be Ascertained*, 2023 ONSC 670 (CanLII), <https://canlii.ca/t/jv6dc>

plan in place for a designated location where people experiencing homelessness can erect a shelter on City owned land. Otherwise, the City will be causing harm to unsheltered individuals by denying them the ability to shelter themselves from the elements or will force them to camp in remote areas out of sight of residents and By-Law Enforcement. There are not enough shelter spaces, interim housing or affordable housing available to accommodate all people experiencing homelessness in our Region even with the opening of the Hybrid Outdoor Shelter at Erbs Road and the opening of Weber Street Shelter Care.² As the weather warms, people who are being evicted and cannot find affordable housing will end up on the streets and will likely resort to sleeping in a tent.

The lack of affordable housing has become an emergency in our region. The disparity between social assistance rates and market rent is widening:

Year	Ontario Works Rates (single person)	Average Market Rent (1 bedroom)
2016	\$706	\$871.00 ³
2022	\$733	\$1245.00 ⁴

As the chart above shows, social assistance rates have increased by a mere 4% while market rent has increased by 40%. The vacancy rates for affordable units are historically low at 0%. There are over 7000 households on the waitlist for community housing so for many of the people living on the lowest incomes, there are no available options in the rental market. Our clinic has seen an alarming number of “renoviction” cases this spring where investors buy up affordable rental housing, evict the sitting tenants (usually people receiving income assistance) and turn the units into higher earning market rate rentals.

The reality is that until upper levels of government address this growing gap, there will continue to be increasing numbers of unsheltered individuals living in our Region and in the City of Kitchener. The question then becomes, how will the City of Kitchener treat

² [Point in Time Count November 2021](#)

³ <https://www03.cmhc-schl.gc.ca/hmip-pimh/en/TableMapChart/Table?TableId=2.1.31.2&GeographyId=35&GeographyTypeId=2&DisplayAs=Table&GeographyName=Ontario#Apartment>

⁴ <https://www03.cmhc-schl.gc.ca/hmip-pimh/en/TableMapChart/Table?TableId=2.1.31.2&GeographyId=35&GeographyTypeId=2&DisplayAs=Table&GeographyName=Ontario#Apartment>

homeless individuals while they wait for affordable housing or spaces in interim housing or shelters? A human rights based approach would require the City to:

1. Provide support to unsheltered people while they wait for shelter beds, interim housing or permanent housing.
2. Consult extensively and in good faith with people living unsheltered whenever formulating policies or taking steps that affect them.
3. Prioritize the safety and well-being of unsheltered people over NIMBY concerns.
4. Advocate to upper level governments for urgent measures to address the growing homelessness epidemic.

WRCLS knows that the City has been working towards adopting a human rights based approach to homelessness and housing and we applaud those efforts. While we are disappointed with the City's most recent actions, we remain hopeful that going forward the City will commit to continuing on a good path working in consultation with those experiencing homelessness. We would be pleased to meet with the Mayor and any Councillors to further discuss the issue of human rights, encampments and the City's approach to this issue.

Yours very truly,
WATERLOO REGION COMMUNITY LEGAL SERVICES



Shannon K. Down
Executive Director/Lawyer