

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicants

- and -

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

RESPONDING RECORD –VOL 1

August 31, 2022

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SERVICES**

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**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

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Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF LYNN KUBIS

(AFFIRMED AUGUST 31, 2022)

I, Lynn Kubis, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I am the Office Manager at Waterloo Region Community Legal Services. As such, I have knowledge of the matters hereinafter deposed to, except where stated to be based on information and belief. As to those matters, I verily believe them to be true.

REGIONAL COUNCIL MEETINGS

2. On December 15, 2021, a Regional Municipality of Waterloo Council meeting was held and a motion was passed to approve a Policy for responding to unauthorized use of Region-

owned or occupied land. Attached hereto and marked as **Exhibits “A” and “B”** respectively are excerpts from the December 15, 2021 Addendum Agenda and the Council Minutes that relate to this issue.

3. On June 7, 2022, a Regional Council meeting was held and a presentation was made to Council by Ryan Pettipiere on Unsheltered Homelessness and Encampment Response. Attached hereto and marked as **Exhibits “C” and “D”** respectively are excerpts from the June 7, 2022 Addendum Agenda and the Council Minutes that relate to this issue.
4. On June 22, 2022, Waterloo Region Community Legal Services and members of the 100 Victoria Street Encampment delegated to Regional Council, addressing the encampment eviction. Attached hereto and marked as **Exhibit “E”** are excerpts from the June 22, 2022 Council Minutes that relate to this issue.
5. On August 18, 2022, a Special Regional Council meeting was held to consider the recommendations from the Community Services Committee Interim Response to Homelessness, which included as an Interim Housing Solution permitting a managed Hybrid Shelter/Outdoor Model. This motion was carried. Attached hereto and marked as **Exhibits “F” and “G”** respectively are excerpts from the August 18, 2022 Addendum Agenda and the Council Minutes that relate to this issue.

NEWS ARTICLES

6. On or about January 15, 2022, The Record posted an article titled: "Omicron, overdoses and cold weather bring added challenge to homeless community". A print-out of the article is attached hereto and marked as **Exhibit "H"** to this affidavit.

7. On or about April 12, 2022, The Record posted an article titled: "A Difficult Line: Municipalities try to balance help for those in encampments with competing concerns". A print-out of the article is attached hereto and marked as **Exhibit "I"** to this affidavit.

8. On or about April 20, 2022, The Record posted an article titled: "No relief in sight on washroom issue at Victoria encampment". A print-out of the article is attached hereto and marked as **Exhibit "J"** to this affidavit.

9. On or about April 25, 2022, The Record posted an article titled: "Region of Waterloo staffer says transit hub will be built at Victoria encampment". A print-out of the article is attached hereto and marked as **Exhibit "K"** to this affidavit.

10. On or about May 29, 2022, The Record posted an article titled: "It's more trauma". A print-out of the article is attached hereto and marked as **Exhibit "L"** to this affidavit.

11. On or about July 11, 2022, The Record posted an article titled: “Some Victoria camp residents prevented from using overnight washroom”. A print-out of the article is attached hereto and marked as **Exhibit “M”** to this affidavit.
12. On or about July 13, 2022, The Record posted an article titled: “People living in tents in Waterloo Region don’t really have other options”. A print-out of the article is attached hereto and marked as **Exhibit “N”** to this affidavit.

RESEARCH AND STATISTICS

13. The Region of Waterloo released a 2021 Point in Time Count (“PiT”) Report, which is attached as a Report in the Regional Council Addendum Agenda of November 9, 2021, excerpts of which are attached hereto and marked as **Exhibit “O”**. An Infographic on the 2021 Point in Time Count findings is attached hereto and marked as **Exhibit “P”**.
14. The Social Development Centre Waterloo Region released a Report titled: Point in Time Count of Homeless – Stories and Narratives, released November 2021. Attached hereto and marked as **Exhibit “Q”** is a copy of this report.
15. The Canada Mortgage and Housing Corporation (“CMHC”) released a rental statistics report. Attached hereto and marked as **Exhibit “R”** is an excerpt of a copy of the Kitchener-Cambridge-Waterloo Rental Market 2022 Report released in February 2022.

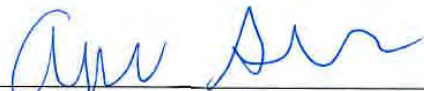
16. The Ombudsman Toronto released an Interim Report titled: Investigation into the City’s Process for Clearing Encampments in 2021. Attached hereto and marked as **Exhibit “S”** is a copy of this report.

17. The Centre for Equality Rights in Accommodation (“CERA”) released a report titled: Addressing the Evictions and Arrears Crisis. Attached hereto and marked as **Exhibit “T”** is a copy of the Report released on February 18, 2021.


18. The Waterloo Region Crime Prevention Council published a report titled: “Focus on Safe Supply”, a study on people in who use unregulated drugs and lack stable housing. Attached hereto and marked as **Exhibit “U”** is a copy of this report released in April 2021. An Infographic on this report is attached hereto and marked as **Exhibit “V”**.

19. I make this affidavit to provide background context for the matters considered in this Application and for no further or other purpose.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 31st day of)
August, 2022)
In the Regional Municipality of Waterloo)



A Commissioner, etc.



LYNN KUBIS

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

THIS IS **EXHIBIT "A"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUITEMA

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



Media Release: Immediate

Regional Municipality of Waterloo

Council

*** Addendum Agenda**

Wednesday, December 15, 2021

Closed Session

7:00 p.m.

Open Session

Immediately following Closed

Meeting to be held electronically

150 Frederick Street, Kitchener, Ontario

1. Moment of Silence

2. Roll Call

3. Motion to Go into Closed Session

That a closed meeting of Council be held on Wednesday, December 15, 2021 at 7:00 electronically, in accordance with Section 239 of the "Municipal Act, 2001", for the purposes of considering the following subject matters:

- a) labour relations;
- b) advice that is subject to solicitor-client privilege related to potential litigation;
- c) advice that is subject to solicitor-client privilege related to potential litigation;
- d) advice that is subject to solicitor-client privilege related security of the municipality; and
- e) personal matters about an identifiable individual
- * f) advice that is subject to solicitor-client privilege related to a by-law

4. Motion to Reconvene into Open Session

Should you require an alternative format please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca
3891209

Region of Waterloo

Planning, Development & Legislative Services

Legal Services

To: Regional Council

Meeting Date: December 15, 2021

Report Title: **Policy Review of Region Bylaw 13-050 – Use or Occupation of Region-owned Public Land**

1. Recommendation:

That that the Regional Municipality of Waterloo approve a policy for responding to unauthorized use of Region-owned or occupied land attached as an Appendix to Report PDL-LEG-21-69 dated December 15th, 2021.

2. Purpose / Issue:

The purpose of this report is to provide an overview of the existing process for responding to an unauthorized occupation of Region-owned public lands by individuals experiencing homelessness and recommend possible modifications to this process. This report includes a recommended policy that would guide Region of Waterloo staff going forward in providing outreach services to persons living rough on lands owned by the Region of Waterloo. The policy stresses the importance of outreach and service delivery as the first point of engagement and the need to balance the need for providing supports to vulnerable individuals with the civic responsibility of maintaining the use of lands for the public and/or operational needs of the municipality.

3. Strategic Plan:

The information provided in this report supports the Healthy, Safe and Inclusive Communities and Responsive and Engaging Public Service Strategic Plan focus area, specifically objective 4.3, namely activity to "promote and enhance equity in policies, planning, services and decision-making in order to positively affect community well being.

4. Key Considerations:

- 1) Regional By-law 13-050 – **A By-law respecting the Conduct of Persons Entering upon Buildings or Grounds owned or occupied by the Regional Municipality of Waterloo** – delegates authority to "Designated Personnel" to issue notices of trespass and take action to prohibit certain activities on region-owned or occupied lands. The persons delegated with decision-making

authority include Director/Manager level staff having operational responsibility for the lands. By-law enforcement officers also have delegated authority.

- 2) "Prohibited Activities" under the bylaw include, broadly, any activities that hinder or obstruct the use or enjoyment of the property by the public or for the operational requirements of the Region of Waterloo. The list of specific prohibited activities expressly references "erecting a structure, tent or temporary shelter on public property without authorization".
- 3) This bylaw provides general direction for the form and delivery of notice to persons engaged in a Prohibited Activity. It also provides that staff may engage the Waterloo Regional Police Service to request assistance or initiate any other action the police service may determine necessary in the circumstances.
- 4) Enforcement of the Region's bylaw has historically been complaint driven. In the instance of enforcement which took place on November 26th, complaints about the encampment at 34 Stirling Street the Region were received from members of the public including passengers on GRT expressing concern about safety given the close proximity of tents to the nearby transit shelter/stop.
- 5) The Region's bylaw has broad application to a wide range of prohibited activities. As a result, specific direction as to the timing and manner of enforcement is not set out in the bylaw. In the instance of enforcement that took place at the property at 34 Stirling Street, the Licensing and Enforcement Division made the operational decision to include a road maintenance crew with heavy equipment due to the presence of large items and that the site posed broader health and safety concerns. These concerns stemmed from the presence of generally unsanitary conditions, broken glass from the nearby bus shelter, large items (ie. couch and mattresses) and drug paraphernalia, including sharps (some of which were removed by by-law enforcement officers).
- 6) The Region's bylaw is similar to bylaws in other municipalities which largely adopt the provisions of provincial legislation, namely the *Trespass to Property Act*, a statute which provides legal authority for any owner or occupier of land – whether publicly or privately owned – to require individuals to vacate land on prior notice. The bylaw provides general direction and while staff actions undertaken in the context of the 34 Stirling Street site were consistent with the requirements of the bylaw, the manner in which these actions were carried out did not reflect the dignity of those living at the encampment.
- 7) As a result, Regional staff conducted a review of the existing process and have attached a sample policy to this Report. The policy would supplement the existing bylaw and is intended to:
 - a. prioritize the health and safety of all concerned and respect for the

individuals experiencing homeless and their possessions;

- b. put greater emphasis on the importance of assisting individuals to access safer, sustainable, and healthier alternatives and clarify that enforcement will only occur after all reasonable support efforts have been attempted without success;
- c. provide for a centralized process for receiving information about encampments and co-ordinating communications with members of Regional Council, delivery of outreach services and engagement with other Regional departments; and
- d. elevate decision-making to senior management recognizing the complexity of balancing the need to provide appropriate supports to vulnerable individuals with the civic responsibility of maintaining public safety and public uses of land.

5. Background:

On November 26th, 2021, Regional by-law enforcement staff attended at 34 Stirling Street in the City of Kitchener to enforce the provisions of a Region bylaw prohibiting unauthorized occupation of Region-owned public lands. While the decision to remove belongings with heavy equipment was made to protect the health and safety of staff and members of the community, the manner in which this was carried out did not reflect the dignity of those living at the encampment.

As a result, Region staff undertook to conduct a review and suggest modifications to the Region's process to ensure individuals experiencing homelessness and their belongings are treated with respect and dignity.

6. Area Municipality Communication and Public/Stakeholder Engagement:

As noted above, area municipalities have similar by-laws – specifically addressing prohibited activities in parks. By-law 13-050 and the attached policy, if approved, would apply only to Region-owned or occupied (ie. rented) land and would not apply to lands within the jurisdiction of area municipalities or private lands.

7. Financial Implications:

None.

8. Conclusion / Next Steps:

This report recommends adopting a policy intended to provide enhanced clarity of decision-making and communications in situations where Regional staff may have to respond to an encampment on Region-owned property in the future. This policy would supplement existing By-law 13-050 described above.

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December 15, 2021

Report: PDL-LEG-21-69

107**9. Attachments / Links:**

Appendix A: Region Bylaw 13-050 – Conduct of Persons Entering upon Buildings or Grounds owned or occupied by the Region of Waterloo (DOCS # 1535396)

Appendix B: Draft Policy – Encampments on Region-owned Public Lands

Prepared By: **Jeff Schelling**, Regional Solicitor/Director of Legal Services

Reviewed By: **Arran Rowles**, Acting Commissioner, Community Services

Approved By: **Jeff Schelling**, Regional Solicitor and Director of Legal Services

Appendix B- Draft Policy – Encampments on Region-owned Public Lands

The Regional Municipality of Waterloo

Draft Policy - Homeless Encampments on Region-owned or occupied lands

This policy will guide Region of Waterloo staff in providing outreach services to individuals living rough on lands owned or occupied by the Region of Waterloo. This policy seeks to balance the need to provide appropriate supports to vulnerable individuals with the civic responsibility of maintaining the use of these lands for the public and/or operational requirements of the municipality.

This policy is also intended to supplement, not replace, Regional By-law 13-050 – A By-law respecting the Conduct of Persons Entering upon Buildings or Grounds owned or occupied by the Regional Municipality of Waterloo.

Key Principles:

The following four principles will guide any action required to support individuals living rough and experiencing homelessness on lands owned or occupied by the Region of Waterloo:

- (1) The Region's priority is to assist individuals to access safer, sustainable, and healthier alternatives, not enforcement. Enforcement will only occur after all reasonable support efforts have been attempted without success and with reasonable advance notice of the requirement to vacate a public space. In exceptional circumstances, however, more immediate intervention may be required to address public safety concerns.
- (2) Regional staff, supported by community social service agencies, will work with individuals living outside to respond to their individual needs on a case-by-case basis by providing access to services, supports and shelter. The Region will use a co-ordinated approach between Regional departments in responding to the needs and issues related to individuals living rough or experiencing homelessness.
- (3) The Region will engage in ongoing proactive communication with individuals experiencing homelessness, service providers, Regional councillors, community agencies and other groups.
- (4) The Region acknowledges that individuals living rough cannot be forced to accept services and supports. However, the refusal of an individual to accept services and supports is not sufficient reason to prevent the enforcement of Regional by-laws.

Step 1 - Outreach Services to Assist Individuals Experiencing Homelessness

The first point of engagement with individuals occupying Region owned or occupied lands will be through the Region's Community Services department, directly, or

December 15, 2021

Report: PDL-LEG-21-69

indirectly via third party outreach agencies. The goal of the Region's outreach initiatives will be to assist and encourage people currently living rough on publicly owned lands to access safer and healthier alternatives, including housing, support services, shelter and more permanent housing options.

The Director of Housing and their staff will receive all reports of encampments within the Region of Waterloo and will coordinate efforts to provide services for individuals living rough and experiencing homelessness through community agencies and other Region departments, including Public Health. The Housing Division will work closely with other Regional departments to ensure that the timing of any enforcement activities is co-ordinated with outreach efforts. In some circumstances, it is anticipated that given the appropriate outreach and supports over time, individuals will be assisted in securing better alternatives than living rough and will voluntarily vacate Region-owned or occupied lands, making enforcement unnecessary.

Step 2 – Notification, Communication and Enforcement

Enforcement will only occur after all reasonable outreach and support efforts have been provided without success and with reasonable advance notice of the requirement to vacate a public space. In exceptional circumstances, however, more immediate intervention may be required to address public safety concerns.

The Commissioner of the Regional department having operational responsibility for the Region-owned or occupied public lands shall be responsible for making a determination to provide notice to individuals that camping is to be discontinued and that personal goods, debris and structures are to be cleared by the individuals from a public space or right of way. The Commissioner shall consult with the Regional Solicitor and Chief Administrative Officer in making this determination. Regional Council will be notified of a decision to issue notices to vacate.

The primary objective of any enforcement activity will be to ensure the safety of all concerned and respect for the individuals experiencing homeless and their possessions. In circumstances where a site has been vacated due to prior outreach activities, by-law enforcement officers will attend at the site to undertake any required clean-up having regard to the foregoing primary objective. These activities may be co-ordinated with the Waterloo Region Police Service and other Regional departments to maintain the safety of staff. In circumstances where a site is not vacant, by-law enforcement officers will consult with the Regional Solicitor prior to initiating on-site enforcement. The Regional Solicitor shall be responsible for providing advice to Regional Council on any proposed enforcement activity on a site where individuals refuse to accept supports and have not vacated a particular property.

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 end 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;

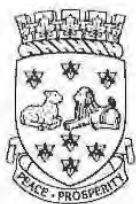
- (m) carrying any goods, without authorization, which are offensive, dangerous, toxic, corrosive, flammable or explosive in nature that are likely to alarm, inconvenience, cause discomfort or injure any person, or cause damage to property, whether or not such goods are contained in an approved container;
 - (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.

THIS IS **EXHIBIT "B"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUITEMA

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



Regional Council Minutes

Wednesday, December 15, 2021

The following are the minutes of the Regular Council meeting held at 9:27 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Redman, L. Armstrong, E. Clarke, J. Erb, S. Foxton, T. Galloway, M. Harris, D. Jaworsky, H. Jowett, K. Kiefer, K. McGarry, J. Nowak, S. Shantz, S. Strickland*, and B. Vrbanovic

Members absent: G. Lorentz

Carried

Land Acknowledgement

Chair Redman offered a land acknowledgement.

Roll Call

William Short, Regional Clerk conducted the roll call.

Motion to Go into Closed Session

Moved by S. Foxton

Seconded by D. Jaworsky

That a closed meeting of Council be held on Wednesday, December 15, 2021 at 8:35 electronically, in accordance with Section 239 of the "Municipal Act, 2001", for the purposes of considering the following subject matters:

- a) labour relations;
- b) advice that is subject to solicitor-client privilege related to potential litigation;
- c) advice that is subject to solicitor-client privilege related to potential litigation;
- d) advice that is subject to solicitor-client privilege related security of the municipality;
- e) personal matters about an identifiable individual;
- f) advice that is subject to solicitor-client privilege related to a by-law

3900893

Other Matters Under Committee of the Whole

- a) **PDL-LEG-21-62/COR-FFM-21-15**, Extension of the Agreement with the City of Waterloo Regarding Use of Waterloo Parking Structure

Jeff Schelling, Regional Solicitor, highlighted that the parkade on Willis Way is shared with the City of Waterloo. There is currently an option to purchase the City's interest in the parkade and this report will extend the existing agreement for six months to allow time to update the agreement.

Moved by B. Vrbanovic

Seconded by L. Armstrong

That the Regional Municipality of Waterloo enter into an amending agreement with the Corporation of the City of Waterloo to further extend an existing option to purchase a share of a parking structure owned by the City of Waterloo and used by the Region of Waterloo, as outlined in report PDL-LEG-21-62/COR-FFM-21-15 dated December 15, 2021.

Carried

- b) **PDL-LEG-21-70**, Policy Review of Region Bylaw 13-050 – Use or Occupation of Region-owned Public Land

J. Schelling explained that a draft policy is attached to the report that was developed following the eviction process that was used recently at the encampment at Charles Street and Stirling Avenue. He noted that the new policy provides a greater emphasis on outreach and communication, with enforcement as a last option.

Ryan Pettipiere, Director, Housing Services, stated that Community Services staff had significant input on the development of the policy and stressed a service first approach.

Moved by D. Jaworsky

Seconded by J. Erb

That that the Regional Municipality of Waterloo approve a policy for responding to unauthorized use of Region-owned or occupied land attached as an Appendix to Report PDL-LEG-21-69 dated December 15th, 2021.

Carried

Moved by K. Kiefer

Seconded by K. McGarry

3900893

That Committee of the Whole rise and Council resume.

Carried

Moved by B. Vrbanovic

Seconded by S. Foxton

That Council adopt the proceedings of Committee of the Whole

Carried

Notice of Motion

K. McGarry provided notice that she will introduce the following motion at the Council meeting to be held on January 26, 2022.

Whereas Myers Road, in southeast Cambridge, is an area experiencing rapid growth and intensification and will soon be home to Cambridge's new Recreation Complex, Idea Exchange, Catholic School, and Public school;

Whereas the speed limit on Myers Road in front of Holy Spirit Catholic School and Moffat Creek Public School is currently set at 50km/h;

Whereas there is ongoing discussion concerning the future layout and design of Myers Road,

Whereas driver behaviour within school zones continues to be an ongoing concern across the Region of Waterloo;

Be it resolved that the speed limit on the entirety of Myers Road be lowered to 40km/h, to facilitate slower vehicular traffic in front of Holy Spirit Catholic School and Moffat Creek Public School while the design, planning, construction, and implementation of Myers Road, occurs; and

Further that Region of Waterloo staff report back to Council in 2022 on all school zones within the Region of Waterloo that do not currently have speed limits of 40km/h.

Other Business

S. Foxton stated that at a recent public input meeting she made a response to a delegation that she is not proud of. She apologized to Selam Debs for her actions and

3900893

noted that she has signed up a course that is offered by S. Debs and she hopes to improve her behaviour.

Enactment of By-Laws (First, Second & Third Readings)

Moved by J. Erb

Seconded by K. McGarry

- a) That a By-law to Establish Fees and Charges for the Regional Municipality of Waterloo and Repeal By-law 21-002, As Amended be read a first, second and third time, finally passed and numbered 21-072 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- b) That a By-law to Confirm the Actions of Council of December 15, 2021 be read a first, second and third time, finally passed and numbered 21-073 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

Carried

Adjourn

Moved by L. Armstrong

Seconded by K. McGarry

That the meeting adjourn at 11:49 p.m.

Carried

Regional Chair, K. Redman

Regional Clerk, W. Short

THIS IS **EXHIBIT "C"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUTEMA

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

**Regional Municipality of Waterloo
Community Services Committee
Addendum Agenda**



Date: Tuesday, June 7, 2022
 Regular Session: 10:00 a.m.
 Location: Meeting to be held electronically
 150 Frederick Street, Kitchener, Ontario

Should you require an alternative format please contact the Regional Clerk at Tel.: 519-575-4400,
 TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

	Pages
1. Call to Order	
2. Land Acknowledgement	
3. Declarations of Pecuniary Interest under the "Municipal Conflict of Interest Act"	
4. Presentations	
4.1. PHE-CFH-22-01, Ontario Seniors Dental Care Program Implementation Status within Waterloo Region For information.	3
Kirsten Barber, Manager, Dental, and Rosslyn Bentley, Executive Director, Woolwich Community Health Centre to provide a presentation.	
5. Delegations	
6. Consent Agenda Items	
None.	
7. Regular Agenda Items	
7.1. Strategic Focus - Thriving Economy	
7.1.1. CSD-CHS-22-03, Funding Confirmation for Canada-Wide Early Learning and Child Care Plan	9
Recommended Motion:	
That the Regional Municipality of Waterloo take the following actions with respect to the Canada-Wide Early Learning and Child Care (CWELCC) funding, as outlined in report CSD-CHS- 22-03, dated June 7, 2022:	
1. Increase the 2022 Operating Budget for Children's Services in the amount of \$24,118,000 with \$0 net tax levy impact, to implement the CWELCC; and	

Report: CSD-HOU-22-17

Region of Waterloo
Community Services
Housing Services

To: Chair Elizabeth Clarke and Members of the Community Services Committee

Meeting Date: June 7, 2022

Report Title: Unsheltered Homelessness and Encampment Response

1. Recommendation:

For Information.

2. Purpose / Issue:

This report provides an overview of the Region of Waterloo's unsheltered homelessness and encampment response, including the expansion and evolution of the Emergency Shelter System in response to the growing prevalence of homelessness in Waterloo Region.

3. Strategic Plan:

Integral to fostering healthy, safe, and inclusive communities is ending homelessness in all of its forms. Efforts to ensure a safe place to call home for everyone in Waterloo Region align with the Region of Waterloo 2019-2023 Corporate Strategic Plan, Focus Area 4: Healthy, Safe, and Inclusive Communities. The report specifically addresses Strategic Objective 4.3, 'promote and enhance equity in policies, planning, services, and decision-making in order to positively impact community wellbeing,' and Strategic Objective 4.5, 'enhance community safety and wellbeing in Waterloo Region.'

4. Key Considerations:

- a) The most pressing social problems facing communities today require multiagency and cross-sector solutions. As the causes of unsheltered homelessness are many and complex, there is no one-size-fits-all solution in responding to it and no one organization or government has the necessary resources to solve the problem.
- b) As the provincially designated Service Manager for housing and homelessness and the Federally designated Community Entity, the Region of Waterloo

administers programs and services to expand access to affordable housing and to prevent and end homelessness with the funding and guidelines received from these orders of government.

- c) This year, the Region is spending upwards of \$375 million on upstream initiatives in areas such as affordable housing, increasing access to child care, more employment and income supports, and increasing affordable transit. The Region has also committed to creating 10 times the amount of affordable housing prior to the pandemic - 2500 new homes over five years, and continues to be on track to achieve that goal.
- d) The following priority actions illustrate the relentless focus of Regional staff, area municipalities, service providers and community partners in implementing system enhancements and sustainable solutions that prevent and end homelessness, and that reduce unsheltered homelessness:
- Doubled the amount of spaces available in the Emergency Shelter Program to 440 spaces;
 - Expanded the Home-Based Support Program to support 50 more people experiencing chronic homelessness (\$1.3M);
 - Doubled housing-focused street outreach services across the region (estimated \$480K);
 - Expanded the service of health focused staff by six two-person teams to support the over 325 individuals in Housing Support Programs recover from their experience of homelessness (\$1.9M);
 - Extended the Interim Housing Program for up to 80 individuals who were previously experiencing unsheltered homelessness and not accessing emergency shelters (\$2.8M);
 - Extended the temporary emergency shelter sites through partnerships with The Working Centre, St. Andrew's Church, and the Y-W Kitchener Waterloo;
 - Identified a new 37 bed emergency shelter site at a former childcare centre slated to begin operations pending confirmation of an operator;
 - Opened a new COVID-19 isolation and quarantine facility to serve community members experiencing homelessness in partnership with Cambridge Shelter;
 - Implemented the first supportive housing project for women experiencing chronic homelessness in partnership with the Y-W Kitchener Waterloo;
 - Invested in the first affordable housing project for those identifying as Indigenous led by KW Urban Native Wigwam Project;
 - Continually identifying obstacles to emergency shelter access, exploring changes to shelter programs to remove barriers;
 - Implemented increased access to washrooms in Downtown Kitchener for

- those living unsheltered;
 - Secured a new shelter location for the House of Friendship which is scheduled to begin providing spaces for up to 100 community members experiencing homelessness in fall 2022;
 - Provided alternative shelter options through motel accommodation, investing \$782,983 from January 1 until April 30;
 - Continuing to ensure people experiencing unsheltered homelessness are connected to the Region's coordinated access system to be prioritized and offered housing support as options become available;
 - Worked collaboratively to clarify and implement a service-first approach to community members experiencing unsheltered homelessness, prioritizing service, connection, and access;
 - Ensuring critical services and supports are in place for those experiencing homelessness, which are situated in the larger context of accelerating the development of permanent housing solutions to end homelessness;
 - Accelerating the development of affordable housing through the Building Better Futures plan, with 837 new affordable homes in development and 153 occupied;
 - Implemented a new program serving 200 families identifying as African, Black, Indigenous, racialized, or marginalized to make their housing more affordable through rent assistance;
 - Continued advocacy to other levels of government for an increase in capital funding for affordable and supportive housing, and for dedicated and sustained housing support funding. This additional funding is vital to bolster existing efforts to end homelessness in Waterloo Region; and
 - Maintained a persistent focus on connecting people to permanent housing, with programs in the Housing Stability System supporting 508 people into permanent housing in 2021, and an additional 167 people from January-March of 2022.
- e) The Region has received a range of suggestions for additional immediate investments ranging from the purchase of motels to the creation of temporary shelters to the expansion of Outreach Teams. However, community providers are challenged with recruiting and retaining staff qualified to resource these solutions in addition to current staff burnout.
- f) With the gap continuing to grow between the resources provided by Federal and Provincial Governments and the needs of the local population, the Region of Waterloo increasingly funds the gap using the municipal tax levy, leaving less funding for other essential services. A number of current solutions are already not in the 2022 budget and additional solutions require a comprehensive discussion through the 2023 budget process.

5. Background:

Responding to Unsheltered Homelessness and Encampments

The Region has and will continue to take a service first approach alongside its community partners to unsheltered homelessness and encampments that focuses on:

- A collaborative response taken by area municipal by-law, the Waterloo Regional Police Service, street outreach, and other community partners;
- Prioritizing relationship building;
- Recognizing that the loss of a home and the various circumstances that accompany an experience of homelessness is highly traumatic;
- Understanding the unique housing and support needs of each person to end their experience of homelessness; and
- Facilitating voluntary referrals to programs (e.g., available shelter spaces).

From time to time, the Region is required to respond to the unauthorized use of Region-owned or occupied land in accordance with an approved Policy (see PDL-LEG-21-69). The Policy prioritizes the offering of individualized services to community members staying unsheltered to facilitate connections to shelter, housing and support, and to maintain respect and dignity in all interactions. The Policy seeks to balance service-provision to vulnerable community members with the civic responsibility of maintaining the use of lands, with enforcement only once all reasonable outreach and support has been provided. The Policy is anchored in the same service-first approach that guides the response to unsheltered homelessness and encampments across the region.

The response of the Region and community partners to community members staying at the encampment on Regional lands at 100 Victoria Street North, Kitchener, has been consistent with the Policy, and with the service first approach. This response includes the following actions:

- Collaborating with Lutherwood staff to develop a list of everyone connected to the encampment that identifies people and the individualized housing and support needs necessary to end their homelessness. These specialized Lutherwood staff provide service navigation support with a focus on connecting people experiencing homelessness to housing and support through the Prioritized Access to Housing Supports, or PATHS process;
- Assessing everyone connected to the encampment for income support and other basic needs through an enhanced Ontario Works Caseworker role. This role focuses on life stabilization beyond income support, connecting people to services with the goal of achieving housing stability. These Caseworkers visit the site three times a week and make referrals in response to identified needs. This includes providing:
 - Voluntary referrals to available emergency shelter spaces;

June 7, 2022

Report: CSD-HOU-22-17

- Information about the shelter system; and
- Information about transportation options;
- Organizing and conducting service fairs for those connected to the encampment through service provider staff, such as those from Sanguen and The Working Centre. The service fairs provide practical, hands-on support, problem solving and service navigation to inform housing plans. Through small group and one on one support, staff engaged with ~25 people during the first service fair, and a second service fair will be held in June;
- Building and maintaining relationships with people connected to the site through street outreach staff, who visit the site daily and help people connect to housing and other services, and link people to emergency shelters;
- Region Community Services staff facilitating numerous weekly meetings since April 2022 with Service Providers, Community Partners, and a variety of other internal and external stakeholders to ensure person-centered support is consistent and available to everyone connected to the site; and
- Continuing to support people connected to the encampment through a service-first approach as they relocate from the encampment site. This includes maintaining individualized housing plans and continuing to facilitate ongoing dialogue about housing and support options.

To date all individuals that have met with Caseworkers have declined referrals to shelter.

In response to a request from the Downtown Kitchener Business Improvement Association, residents, and community partners for additional supports in the areas of safety and security, mental health and health services particularly in the west end of King Street, the CAOs of the Region and City of Kitchener and the Chief of the Waterloo Regional Police Service are convening a meeting the week of June 5, 2022. Partners intended to attend include community outreach, shelter, health, social services, indigenous-led, addictions and mental health providers.

As a starting point, we have been asked as a collective to create and implement a rapid support approach for downtown Kitchener for the summer months. We anticipate a similar need in other parts of the Region, and will convene subsequent meetings with providers in those communities as well.

Identifying the Systemic Factors Causing Homelessness

With the notable increase in homelessness since the beginning of the COVID-19 pandemic, there are more people experiencing unsheltered homelessness and staying in encampments across Waterloo Region. Data from the Homeless Individuals and Families Information System (HIFIS) confirms that the number of people experiencing chronic homelessness in Waterloo Region has increased 88% from 248 individuals in

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March 2020 to 466 individuals in April 2022. Numerous communities in Ontario and across Canada have also experienced an increase in chronic homelessness due to a multitude of factors including:

- Inadequate social assistance rates making housing unaffordable;
- A widening gap in the supply of affordable and supportive housing and the demand for it;
- A housing affordability and rental vacancies crisis;
- The increasingly complex needs of individuals accessing service, including the growing prevalence of concurrent or severe mental health, physical health, and substance use disorders;
- The continuing impacts of the COVID-19 pandemic on employment, access to health and mental health care, and on housing affordability;
- Enduring systemic oppression impacting community members, including those identifying as African, Black, Indigenous and racialized; and
- Insufficient housing support funding to pair with affordability to help people achieve housing stability and recover from homelessness.

Solutions to this crisis require additional supports from the Federal and Provincial governments as well as a whole of community approach including additional upstream solutions that address the root causes of homelessness. The Region will continue to play a leadership role in this regard by convening partners from various systems to continue to work on this very complex issue.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Through the Region's role as Service Manager and Community Entity, Region staff regularly engage with area municipalities, service providers, and community partners on work to achieve affordability for all and end chronic homelessness. Through a Municipal Housing and Homelessness Leads Committee, Region staff remain closely connected with area municipalities in the collective work of addressing housing and homelessness related issues in the region. This includes meeting and communicating regularly on housing and homelessness issues, the sharing of data, and identifying opportunities to leverage resources for maximum impact in ensuring a place to call home for everyone in Waterloo Region. Several working groups also convene regularly and collaboratively focus on plans and actions related to distinct groups of community members experiencing homelessness, including adult women, adult men, youth, and those experiencing unsheltered homelessness.

7. Financial Implications:

The following table identifies the 2022 total budget for homelessness, with funding broken out by Regional, Provincial, and Federal sources.

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June 7, 2022

Report: CSD-HOU-22-17

2022 Homelessness Budget, In \$000s	FUNDING					
	Provincial		Federal		Regional Levy	2022 Budget
	Ongoing	One-time	Ongoing	One-time		
<u>Homeless Programs</u>						
Emergency Shelter & Shelter Covid Response	\$ 3,404	\$ 6,686	\$ -	\$ 3,730	\$ 2,738	\$ 16,558
Supportive Housing	5,867	-	916	-	2,241	9,024
Housing Assistance	2,263	-	-	-	524	2,787
Community Outreach and Support Services	466	-	-	-	-	466
Administration	842	-	196	-	-	1,038
Total	\$ 12,842	\$ 6,686	\$ 1,112	\$ 3,730	\$ 5,503	\$ 29,873

** Levy contribution in 2021 was \$2,455K. This amount was increased by \$3,048K in 2022 for the Point in Time service expansion recommendations and House of Friendship mortgage financing. Per Committee report CSD-HOU-21-24 issued November 9, 2021.

The Region's 2022 Operating budget includes \$29.9 million for homelessness programs. Funding for these programs is from the Regional property tax levy (\$5.5M), the Province of Ontario (\$19.6M, of which \$6.7M expires in December 2022) and the federal government (\$4.8M, of which \$3.7M expires in March 2026). Regional tax levy funding more than doubled in 2022 over 2021.

Costs associated with the response to the encampment at 100 Victoria Street are approximately \$78,300 per month inclusive of on-site security, daily garbage pick-up, washrooms and security associated with provision of washrooms and cleaning.

As outlined in report CSD-HOU-22-13 dated April 27, 2022 the extent of reliance on property taxes relative to public expectations of municipal service delivery continues to be a major challenge. This is evidenced by the ongoing funding of programs with province-wide objectives and which serve an income redistribution and social equity purpose from the property tax base. The Region's budget and financial capacity continue to be stretched, highlighting the limitations of funding a multitude of social programs from an inadequate revenue base comprised solely of property taxes and user fees. This is predominantly an Ontario-based problem, as most provinces in Canada fund programs such as income support, child care, public health, seniors' services, social housing, and paramedic services from provincial revenues.

8. Conclusion / Next Steps:

The Region of Waterloo is working toward a world-class community for all residents. Foundational to this vision is ensuring everyone has a place to call home that is their own, and that is affordable, welcoming and safe. As a social determinant of health, housing is foundational to promoting a healthy and thriving community for all. Ending homelessness in all its forms for every resident is crucial to realizing this vision. This knowledge informs and guides our every decision, investment, and action. With the Region of Waterloo's leadership and to the greatest extent possible, the focus is on implementing evidence-based programs that link people to permanent housing and by doing so, end homelessness. A healthy community is one where homes are the foundation upon which people can build their best life.

June 7, 2022

Report: CSD-HOU-22-17

9. Attachments / Links:

Nil.

Prepared By: Ryan Pettihere, Director, Housing Services

Reviewed By: Katie Lout, Social Planning Associate, Housing Services

Ashley Coleman, Social Planning Associate, Housing Services

Chris McEvoy, Manager, Housing Policy & Homelessness Prevention

Kelly-Anne Salerno, Assistant Director, Housing Services

Approved By: Arran Rowles, Acting Commissioner, Community Services

Bruce Lauckner, CAO

THIS IS **EXHIBIT "D"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUIITEMA

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

Community Services Committee Minutes

June 7, 2022, 10:00 a.m.
 Meeting to be held electronically
 150 Frederick Street, Kitchener, Ontario



Members Present: K. Redman, B. Vrbanovic, D. Jaworsky, E. Clarke, G. Lorentz, H. Jowett, J. Erb, J. Nowak, K. McGarry, L. Armstrong, M. Harris, S. Shantz, S. Foxton, T. Galloway

Members Absent: K. Kiefer, S. Strickland

1. Call to Order

E. Clarke called the meeting to order at 10:08 a.m.

J. Hale conducted roll call.

B. Vrbanovic joined the meeting at 10:09 am.

2. Land Acknowledgement

E. Clarke provided a land acknowledgement.

3. Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”

None declared.

4. Presentations

4.1 PHE-CFH-22-01, Ontario Seniors Dental Care Program Implementation Status within Waterloo Region

Grace Bermingham, Director, Child, Family & Dental Health, Public Health and Emergency Services introduced Kirsten Barber, Manager, Dental, and Rosslyn Bentley, Executive Director, Woolwich Community Health Centre to provide a presentation, a copy is attached to the minutes.

K. Barber described the services provided by the Ontario Seniors Dental Care Program (OSDCP) and the current clinic spaces in the Region of Waterloo. The program is 100% funded by the Ministry of Health for both

Moved by B. Vrbanovic
 Seconded by G. Lorentz

That the Regional Municipality of Waterloo take the following action with respect to PHE-PSV-22-01, dated June 7, 2022:

1. Implement three 12-hour ambulances, one emergency response unit and all required staff effective October 1, 2022 at an incremental operating cost in 2022 of \$717,000 to be funded from the Tax Stabilization Reserve;
2. Approve in principle the addition of eight 12-hour ambulances in May and October of 2023, subject to final 2023 Council budget approval;
3. Approve the pre-ordering of one (1) emergency response unit for 2022, seven (7) ambulances for 2022 and 2023 expansions and up to 10 ambulances for 2024; and
4. Indicate Regional Council's intent to recover a portion of capital costs relating to the additional Paramedic Services vehicles and equipment set out in this report from future regional development charges, subject to approval of a future Regional Development Charges By-law.

Carried

7.2.3 CSD-HOU-22-17, Unsheltered Homelessness and Encampment Response

Ryan Pettipiere, Director, Housing Services, Community Services, provided a presentation on the Region's unsheltered homelessness and encampment response. He identified the systemic factors that cause homelessness and requires upstream initiatives to assist in solving the roots causes of homelessness. Chronic homelessness is increasing in the Region of Waterloo and is up by 88% from March 2020 to May 2022. The Region's response is a service first approach through proper notification and a prioritized system enhancements and sustainable solutions such as programs that would assist individuals in finding a home.

In response to the Committee, R. Pettipiere explained that building relationships with each individual is essential so that the services are beneficial.

The Committee expressed concern that property taxes cannot solely fund these type of programs and that area municipalities need to be more fully involved in these discussion.

In response to the Committee, R. Pettipiere confirmed that Regional Council has endorsed a housing first philosophy but has not yet endorsed housing as a human right which could be helpful in engaging with provincial and federal for assistance.

Staff reiterated that building relationships at encampment sites is essential for individuals to utilize services and minimize issues. Notices to vacate encampment sites are executed as per Regional policy provisions. The viable alternatives for unsheltered individuals are within the resources available but some individuals will not utilize these resources.

In response to the Committee, Bruce Lauckner, CAO, expressed that resources are limited and that change needs to come from both provincial and federal government. The COVID-19 pandemic has exacerbated the causes of homelessness including inflation and affordable housing. Regional Chair Redman noted that advocacy to the province for affordable and available housing has been an ongoing basis.

In response to the Committee, R. Pettipiere stated that the current 24 hour facilities on site will be considered in the ongoing discussions with individuals on the site and area municipalities.

The Region is continually engaging the Province and the Federal governments to increase resources.

The Committee supports utilizing the established risk assessment and that the 100 Victoria site is no longer safe for the individuals living there or for the Community. The Committee expressed that proposed goal of 500 homes is not enough to address the lack of affordable housing.

In response to the Committee, B. Lauckner identified that Staffing, health and safety and turnover, and the selection of geographical locations are the main challenges for long term solutions.

The Committee suggested that hotels and permanent housing that are both readily available and have flexibility for individual needs. The Region should continue to support community partners.

In response to the Committee, R. Pettipiere explained that no individuals at 100 Victoria have chosen to accept alternative housing options because of various factors such as limited belongings, no pets and no couples. The Committee noted that storage facilities are available for belongings and that housing facilities are piloting pet-friendly options.

In response to the Committee, R. Pettipiere explained that the shelter providers establish their own barrier level and that all of the Region's providers are low barriers as no providers have zero barriers due to Staff health and safety requirements and autonomy as an organization.

The Committee acknowledged that individuals have their own self-agency and have the choice to utilize Regional services and that the risk assessment process must be followed to ensure stability for all community members. R. Pettipiere described the risk assessment that was established by Regional policy in December and once the risk assessment was determined to be high next steps had to be executed.

In response to the Committee, R. Pettipiere reiterated that individuals willing to relocation from 100 Victoria have been offered storage services. Additionally, some shelters are considering storage options.

The Committee expressed concern about Staff addressing individual addiction and mental health needs. R. Pettipiere reaffirmed the importance of Staff and services that can assist with addiction and mental health needs.

The Committee acknowledged that the Region housed over 500 chronically unsheltered individuals in the last year via both fixed and mobile supportive housing. Additionally, the Region opened another 40 units of supportive housing in May 2022, another 45 units scheduled to open during the summer, and another supportive housing project to open in 2023.

8. **Information/Correspondence**
9. **Other Business**
10. **Next Meeting - August 9, 2022**
11. **Adjourn**



Region of Waterloo

Unsheltered Homelessness & Encampment Response

June 7, 2022

**A home.
A community.
A better life.**

The Region of Waterloo is working towards a world-class community for all residents. Integral to this cross-departmental plan is a commitment to making housing affordable for all because we believe **communities thrive when everyone has a place to call home.**



Identifying the Systemic Factors Causing Homelessness

Inadequate Social Assistance Rates

Insufficient Housing Support Funding

Growing

Homelessness

Housing Affordability & Rental Vacancies Crisis

Increasingly Complex Needs of People We Serve

Enduring Systemic Oppression

Widening Gap in Supply and Demand of Affordable & Supportive Housing



Growing Homelessness in Waterloo Region

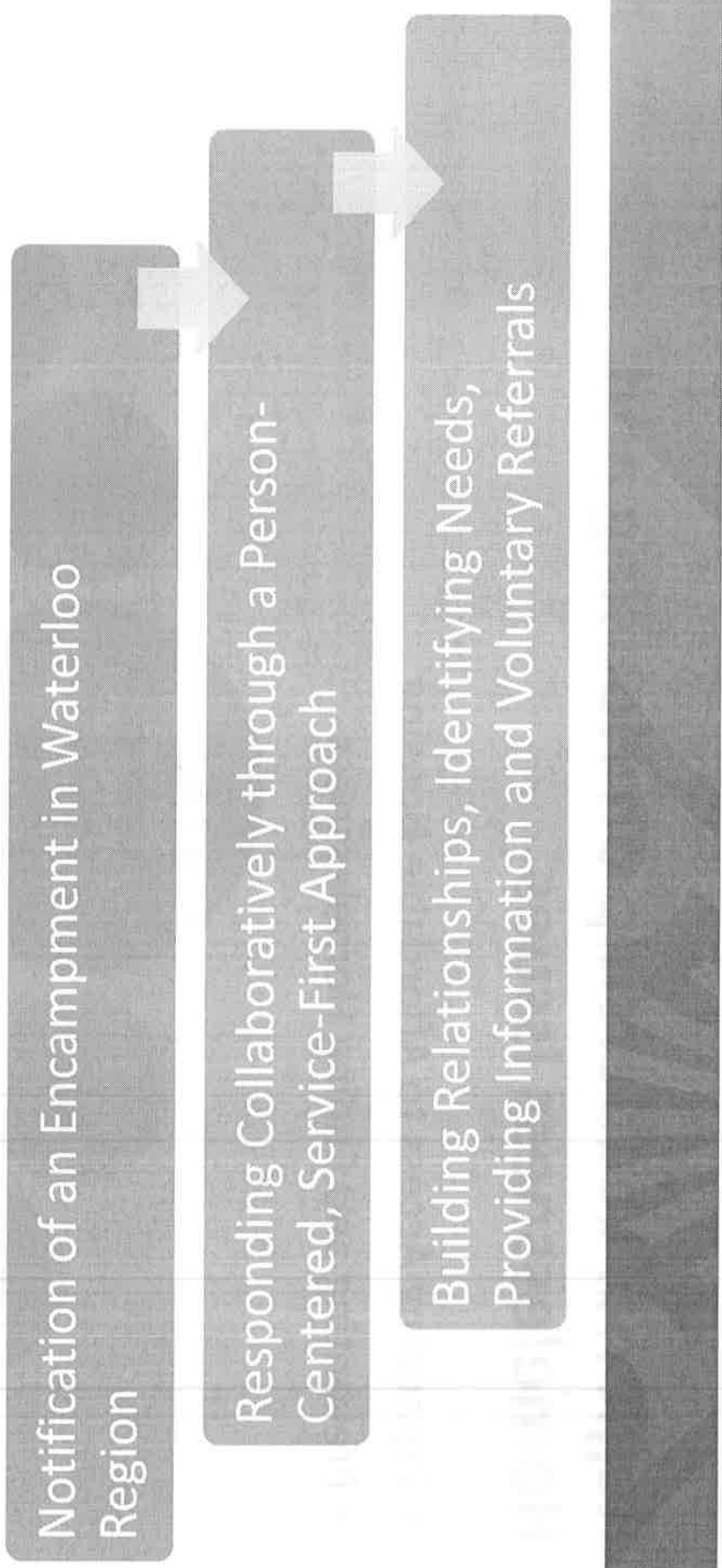
- Chronic Homelessness up 88% from March 2020 (248) to May 2022 (466)
- Average Emergency Shelter Occupancy
 - 93% in Q4 of 2021 and 81% in Q1 of 2022
- Growth in homelessness contributing to an increase in encampments
 - 25 known encampments accounting for ~135 individuals
 - From December 2021-April 2020, Outreach staff completed 142 encampment visits
- September 2021 Point in Time Count reveals 1,085 people counted as experiencing any type of homelessness compared to 333 in 2018.

Regional Leadership on Housing and Homelessness Issues

- Expanding Access to Affordable Housing
- Preventing and Ending Homelessness



Responding to Unsheltered Homelessness and Encampments



Prioritizing System Enhancements and Sustainable Solutions

- Doubled the spaces available in the Emergency Shelter Program to 440 with new spaces coming online this summer and fall;
- Invested in programs and services following the Point in Time Count:
 - Expanded the Home-Based Support Program to serve 50 more people (\$1.3M);
 - Doubled the housing-focused Street Outreach services (\$480K);
 - Expanded a health-focused staff team for supportive housing participants (\$1.9M);
- Extended the interim housing program and temporary shelter sites; and
- Accelerated the development of affordable housing tenfold with 837 new affordable homes in development and 153 occupied

Moving Forward

**A home.
A community.
A better life.**



THIS IS **EXHIBIT "E"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUITEMA

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

Regional Council Minutes

June 22, 5:00 p.m.
150 Frederick Street, Kitchener, Ontario



Members Present: K. Redman, B. Vrbanovic, D. Jaworsky, E. Clarke, G. Lorentz, H. Jowett, J. Erb, J. Nowak, K. Kiefer, K. McGarry, L. Armstrong, M. Harris, S. Shantz, S. Foxton, T. Galloway

Members Absent: S. Strickland

Should you require an alternative format or a copy of the official minutes please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

1. Call to Order

Chair Redman called the meeting to order at 7:30 p.m.

2. Land Acknowledgement

Chair Redman provided a land acknowledgement.

3. Motion to go into Closed Session

Moved by K. McGarry
Seconded by L. Armstrong

That a closed meeting of Council be held on Wednesday, June 22, 2022 at 6:00 p.m. electronically, in accordance with Section 239 of the "Municipal Act, 2001", for the purposes of considering the following subject matters:

1. Receiving advice that is subject to solicitor-client privilege related to disposition of land;
2. Receiving advice that is subject to solicitor-client privilege related to a potential litigation;
3. Receiving advice that is subject to solicitor-client privilege;
4. Receiving advice that is subject to solicitor-client privilege;

And Whereas the number of survivors needing access to crisis counselling and long-term counselling programs has increased substantially since 1989;

And Whereas ongoing underfunding of the Sexual Assault Support Centre of Waterloo Region has reduced the number of resources available to provide these services due to highly specialized skill requirements that are unmatched by low wages and benefits relative to other mental health funded positions;

And Whereas the current COVID-19 pandemic has resulted in increased people in the community requiring the services of the Sexual Assault Support Centre of Waterloo Region;

And Whereas sexual violence disproportionately impacts our community's most vulnerable members including women and girls, trans, and non-binary people, people with disabilities, and people who identify as Black, First Nations, Metis, Indigenous, racialized, and/or 2SLGBTQIA+.

Now Therefore Be It Resolved That increased and sustainable provincial funding for the Sexual Assault Support Centre of Waterloo Region and other community-based sexual assault centres be supported for priority consideration by the Provincial Government and its agencies.

And that Staff be directed to seek additional information regarding funding to be presented in August 2022.

Carried

8.4 Kristen Thompson, Lawyer, Waterloo Region Community Legal Services

K. Thompson provided an overview of the work done by the Waterloo Region Community Legal Services and encouraged the Region to adopt a human rights approach to the encampment and not enforce the eviction at the encampment at 100 Victoria Street. She stressed that the Region's policy has become a model for other areas and that the policy allows for eviction only as a last resort. She introduced Jenn a resident at the encampment. Jenn stated that she was one of the first residents of the encampment. She expressed her challenges with finding safe shelter and noted the benefits that she has found at the encampment.

Responding to questions, Jenn stated that shelter options have not been offered to her but some of her neighbours have moved into dorms. She

expressed her concerns that this is not a better option and noted that she feels safe at the encampment because of the community.

8.5 Michael Wosik, Kitchener

M. Wosik stated that he has been a resident of the encampment since April. He provided an overview of his issues finding and affording housing, and his experience in shelters noting that he has had to revive people from drug overdoses. He encouraged the Region to extend the eviction and get people housed.

Responding to questions, M. Wosik stated that the level of communication from the Region has been fairly good but that a more individualized approach to housing is needed.

In response to a question from Council, Ryan Pettiopiere, Director, Housing Services, stated that staff are working on 140 units of supportive housing that will come on line this year. He noted that this will not fully meet the existing need, but that staff would need direction from Council and additional funding to accelerate the process.

8.6 Cassandra Deveau, Kitchener

C. Deveau withdrew her delegation.

8.7 Sandra Hayward, Kitchener

S. Hayward withdrew her delegation.

8.8 Amanda Owczarzy, Kitchener

A. Owczarzy withdrew her delegation.

8.9 Pauline Yantz-louttit, Kitchener

P. Yantz-louttit appeared as a resident of the encampment. She stated if people are not properly housed they will not have anywhere else to go and will find a new spot to do the same thing. She encouraged the Region to house residents rather than evict them.

In response to a question from Council, P. Yantz-louttit stated that she would like someone to help her get housed and that she has had bad experiences when turned away from shelters.

8.10 Kavi Duvvoori

K. Duvvoori appeared as a Kitchener resident in favour of supportive housing. He walks past the encampment on a daily basis and notes that

people are making community in a difficult situation. He encouraged the Region to support this community.

In response to a question from Council, R. Pettipiere explained that housing operates on a waiting list system and that in recent years demand has increased but unit turn over has slowed down. He highlighted that currently there are 7000 applications on the waitlist.

Bruce Lauckner, Chief Administrative Officer, stated that staff presented a report at the Community Services Committee on June 7, 2022 outlining what Region has done to help the residents of the encampment. He stressed that the shelter at Edith MacIntosh has opened and the House of Friendship site will be coming on line.

Responding to questions, Peter Sweeney, Commissioner, Community Services, stated that staff continue to work with partners on a daily basis to meet people where they are at. He stressed that there are approximately 1000 people in the community experiencing homelessness and medium and long term solutions are needed. He further noted that there are some people that do not wish to participate in the formal structure, as it currently exists, and there will be a need to decide on how to invest resources in to housing to best support people.

Council discussed the challenges with funding an increase to affordable housing noting that it will potentially costs of hundreds of millions of dollars to go beyond the current mandate and that the provincial and federal governments need to be involved.

16. Motions

Moved by K. McGarry

Seconded by D. Jaworsky

That the notice requirements of the procedure by-law be waived to consider J. Erb's motion related to funding for housing.

Carried

Moved by J. Erb

Seconded by E. Clarke

That the Council of the Regional Municipality of Waterloo is urgently requesting the provincial government to dedicate specific and sustained health funding for mental health and addictions housing support to help people experiencing

homelessness achieve housing stability and recover from homelessness; and
 That request the federal government to dedicate sufficient and sustained Capital funding for the development of new affordable and supportive housing to enable the end of homelessness in all its forms; and

That forward this motion, to the Honourable Doug Ford, Premier of Ontario; the Minister of Health; the Minister of Municipal Affairs and Housing; the Ministry of Social Services; the Association of Municipalities of Ontario (AMO); the Ontario Municipal Social Services Association (OMSSA); Federation of Canadian Municipalities (FCM) and local members of the Provincial Legislature (MPPs) and Federal House of Commons (MPs) respectfully requesting action on our motion.

Carried

Moved by G. Lorentz
 Seconded by K. Kiefer

That the notice requirements of the procedure by-law be waived to consider B. Vrbanovic's motion related to housing.

Carried

Moved by B. Vrbanovic
 Seconded by D. Jaworsky

Whereas Canada's 2019 national housing strategy recognizes that the right to adequate housing is a fundamental human right affirmed in international law,

Be it resolved that the Region of Waterloo investigate in joining other municipalities in committing to a rights based approach to housing;

That staff develop a plan to establish interim housing solutions for the Regional residents experiencing homelessness including those currently residing in encampments;

That staff develop budget plans for a longer-term strategy to meet the homelessness issues in our community by Spring 2023 and our 2023 budget including identifying the amounts required from federal and provincial governments to achieve that strategy

And That staff develop an advocacy strategy for that longer-term plan to engage provincial and federal governments to fund these issues as part of their responsibility.

THIS IS **EXHIBIT "F"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUIITEMA

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

**Regional Municipality of Waterloo
Special Council
Addendum Agenda**



Date: Thursday, August 18, 2022
Regular Session: 5:00 p.m.
Location: 150 Frederick Street, Kitchener, Ontario

Should you require an alternative format please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

Pages

The purpose of this meeting is to consider the recommendations from the Planning and Works Committee - Regional Official Plan Amendment and the Community Services Committee Interim Response to Homelessness.

1. Call to Order
2. Land Acknowledgement
3. Declarations of Pecuniary Interest under the "Municipal Conflict of Interest Act"
4. Delegations
 - *4.1. Meagan Snyder, Unsheltered Campaign
 - *4.2. Ed Edwards, Kitchener
 - *4.3. David Alton, Julian Ichim and Mauleek Bhatt, Kitchener's Lived Expertise Working Group
 - *4.4. Brooklin Wallis, Kitchener
 - *4.5. Kevin White, Waterloo Region Yes in My Backyard
 - *4.6. Robert Deutschmann, North Dumfries
 - *4.7. Laura Pin, Hamilton
5. Communications
 - *5.1. Council Information Package - August 17, 2022 6
6. Motion to Go Into Committee of the Whole to Consider Reports
Recommended Motion:
That Council go into Committee of the Whole to consider reports.
7. Reports
 - 7.1. Committee Reports
 - 7.1.1. Planning and Works Committee Summary - Regional Official Plan Amendment - August 11, 2022 33

SS-220809

The Regional Municipality of Waterloo
Community Services Committee
Summary of Recommendations to Council

The Community Services Committee recommends as follows:

1. That the Regional Municipality of Waterloo direct staff to develop a Homelessness Master Plan detailing the strategies and resources necessary to end homelessness in the Region of Waterloo.
2. That the Regional Municipality of Waterloo authorize Staff to prioritize and implement interim housing solutions, to support those experiencing homelessness in the Region of Waterloo, in the following order:
 1. Expansion of the Transitional Housing Program, including an Indigenous-focused and led site;
 2. Expansion of the Home-Based Support Program;
 3. Expansion of the Emergency Shelter Program; and
 4. Permit a managed Hybrid Shelter/Outdoor Model.

August 9, 2022

4150745

August 18, 2022

Report: CSD-HOU-22-19

Region of Waterloo

Community Services

Housing Services

To: Regional Council

Meeting Date: August 18, 2022

Report Title: Interim Housing Solutions for Regional Residents Experiencing Homelessness

1. Recommendation:

That the Regional Municipality of Waterloo take the following action with respect to Interim Housing Solutions for Regional Residents Experiencing Homelessness as recommended by the Community Services Committee on August 9, 2022 and as further set out in report CSD-HOU-22-19 dated August 18, 2022:

- a) Advocate to the Government of Canada and to the Province of Ontario for incremental, sustainable and predictable funding to support interim and long term solutions to eliminate homelessness in Waterloo Region;
- b) Increase the 2022 Housing Services Operating Budget by \$3,420,000 to be funded from a combination of the 2022 Equity and Inclusion Fund and the Tax Stabilization Reserve as deemed appropriate by the Chief Financial Officer;
- c) Delegate on an as required basis, to the Chief Administrative Officer and the Commissioner of Community Services, the authority to finalize and execute agreements with service providers, landlords, and/or community partners, and any associated ancillary agreements, including agreements to acquire interests in property, and to execute documents and certificates as may be necessary for the expeditious implementation of the Community Services Committee resolutions from August 9, 2022 and to do all things as may be necessary or required to give effect to these resolutions, all to the satisfaction of the Regional Solicitor and the Chief Financial Officer; and
- d) Indicate Regional Council's intent to recover, from future regional development charges, a portion of capital costs incurred in 2022 and future years relating to Housing Solutions for Regional Residents Experiencing Homelessness, subject to approval of future Regional Development Charge By-laws.

2. Purpose / Issue:

4124473

Page 1 of 6

This report provides an overview of actions taken by Regional staff in response to the June 2022 Council Motion to identify Interim Housing Solutions for Regional residents experiencing homelessness. Informed by a community engagement process and as presented to Community Services Committee on August 9, 2022, the recommendations in this report build on the resolutions passed by the Community Services Committee and which are before Council for approval on today's agenda.

3. Strategic Plan:

This report addresses the Region's Corporate Strategic Plan 2019-2023, Focus Area 4: Healthy, Safe and Inclusive Communities. More specifically, the report addresses Strategic Objective 4.3, 'promote and enhance equity in policies, planning, services, and decision-making in order to positively impact community wellbeing,' and Strategic Objective 4.5, 'enhance community safety and wellbeing in Waterloo Region.'

4. Report Highlights:

- This report provides an overview of the information provided to Community Services Committee through a staff Presentation on August 9, 2022, including the comprehensive evaluation criteria and various interim housing solutions considered, a summary of the community engagement process, and the recommendations for Council's consideration.
- Region staff heard the following interim housing solutions as most preferred through the community engagement process:
 - Expand the Transitional Housing Program;
 - Expand the Home-Based Support Program;
 - Expand the Emergency Shelter Program; and
 - Permit a temporary managed Hybrid Shelter/Outdoor Model.
- The report recommendations facilitate the quick implementation of these interim housing solutions by Regional staff.

5. Background:

On June 22, 2022, Regional Council approved a motion "that staff develop a plan to establish interim housing solutions for the Regional residents experiencing homelessness including those currently residing in encampments." Since that time, staff has identified several housing-focused solutions along with criteria to evaluate the opportunities and challenges of each solution. A community engagement process involving service providers, community partners and lived experience offered invaluable feedback, advice and insights to the resulting response and plan. The process included meetings with various committees, working groups and community groups in addition to a living experience perspective gathered through a survey with people currently residing

in encampments. The results of this process including the recommendations presented to Regional Council on August 9, 2022, are outlined below.

Community Engagement Process Results Overview

The following identifies the criteria considered in evaluating various interim housing solutions, including the enhancements provided through the community consultation process. The criteria also informs the continuous improvement of existing housing focused programs and services aimed to end homelessness in Waterloo Region:

- Quick implementation – by early fall.
- Informed by lived and living experience – will meet identified needs.
- Transitions to longer-term solution – flexibility to evolve as needs change.
- Impact is measureable – collection of data is possible.
- Access to individualized supports – ease of provision of supports to people.
- Staffing – model safeguards staff wellbeing.
- Reduces chronic homelessness – shortest path to permanent housing.
- Meets basic needs – provides food, shelter, and sanitation.
- Trauma-informed – prioritizes healing and safety.
- Rooted in harm reduction – incorporates person-centered strategies to reduce the harms connected to substance use.
- Peer support – enables and incorporates peers.
- Builds community – promoting a sense of belonging, contributing to inclusion and individual wellbeing.
- Access – facilitates 24/7 availability.

Through the lens of the evaluation criteria outlined above, the community engagement process also considered several interim housing solutions that would form a response and plan for immediate implementation. Region staff heard the following interim housing solutions as most preferred through the consultation process, which directly informed the recommendations in the Presentation:

- **Expand the Transitional Housing Program**, which provides a supportive – yet temporary – type of accommodation that is meant to bridge the gap from homelessness to permanent housing;
- **Expand the Home-Based Support Program**, a Housing First program that helps people find and keep a home through wrap-around support and rent assistance to make housing in the private market more affordable;
- **Expand the Emergency Shelter Program**, which provides a temporary shelter for those experiencing homelessness and which does not require occupants to sign leases or occupancy agreements; and
- **Permit a temporary managed Hybrid Shelter/Outdoor Model**, which would provide a temporary shelter for those experiencing homelessness, and would

include a managed space for outdoor tenting options.

An important part of the community consultation process included connecting with people currently residing in encampments to hear about their experiences living unsheltered and in encampments, and to gather information about their housing and service needs and preferences. The following summarizes the insights gathered from 53 individuals with living experience of unsheltered homelessness:

- 19% of respondents identify as Indigenous.
- Residents are reluctant to access Emergency Shelters for a variety of reasons, including violence, theft, and lack of privacy, along with the restrictions faced by couples and those with pets.
- Residents are drawn to a sense of community and family that an encampment provides.
- Residents are seeking dignity, respect, washrooms, showers, electricity, food, water, and garbage removal at encampments.
- An overwhelming majority of 96% of respondents expressed a preference for permanent supportive housing.
- Respondents are seeking help to find and keep a home (life stabilization, affordability, own space), and are seeking support for mental health issues, substance use difficulties and connection with people they can trust.

These wisdom-filled insights confirm the centrality of home and community in people's lives. The expertise of those with living experience will continue to inform the response and plan moving forward, and will form an integral pillar in developing the Homelessness Master Plan that staff will begin work on in the fall of 2022. Staff are grateful to the community members experiencing homelessness that bravely shared their stories and experiences through this process.

Recommendations Approved by Community Services Committee

The following recommendations were contained in the staff presentation and were approved by the Community Services Committee on August 9, 2022:

- That the Regional Municipality of Waterloo direct staff to develop a Homelessness Master Plan detailing the strategies and resources necessary to end homelessness in the Region of Waterloo.
- That the Regional Municipality of Waterloo authorize staff to prioritize and implement interim housing solutions, to support those experiencing homelessness in the Region of Waterloo, in the following order:
 1. Expansion of the Transitional Housing Program, including an Indigenous-focused and led site;
 2. Expansion of the Home-Based Support Program;
 3. Expansion of the Emergency Shelter Program; and

4. Permit a managed Hybrid Shelter/Outdoor Model.

6. Area Municipality Communication and Public/Stakeholder Engagement:

The community engagement process involving service providers, community partners and community members with lived and living experience was integral to identifying the interim housing solutions most appropriate in providing a supportive response to Regional residents experiencing homelessness. Regional staff incorporated the invaluable advice, expertise and perspectives provided through the engagement process into the resulting response and plan, and will continue to bring these learnings forward in the future development of the Homelessness Master Plan.

7. Financial Implications:

Preliminary cost estimates to support this response for 2022 and 2023 are \$3.4M and \$10.3M respectively, excluding incremental staffing and capital acquisition costs. This expenditure is not included in the Region's 2022 Operating Budget. The recommended 2022 budget amendment would be funded from anticipated unspent Equity and Inclusion funds and the Tax Stabilization Reserve, as required. The Preliminary 2023 Housing Services Operating Budget and 2023-2032 Capital Program will be drafted to reflect the cost of the newly approved service level including associated staffing and capital costs, for consideration by the incoming Council.

There is currently an estimated funding shortfall for homelessness programs in 2023 of \$6.5M as the Province's Social Services Relief Fund expires on December 31, 2022. In the absence of additional senior government funding, this shortfall and the incremental costs for services outlined in this report will be in the range of \$17M in 2023, and this cost will ultimately fall to the regional property tax levy. Any incremental 2023 property tax levy requirement associated with the August 9, 2022 recommendations from the Community Services Committee is not part of the 2023 budget projection provided to Council in June, which outlined an approximate 10% tax increase for Regional services (excluding Police Services).

The Region intends to assess the viability of introducing a development charge for Housing to recover a portion of growth-related capital costs incurred for both Waterloo Region Housing Master Plan projects and for housing solutions for regional residents experiencing homelessness. The extent of recovery will be determined through the Region's next Development Charge Background Study and By-law to be presented for Council's consideration in early 2024.

8. Conclusion / Next Steps:

Communities thrive when everyone has a place to call home; a place that is their own, where they feel comfortable, safe and part of the community. Ending homelessness in all its forms for every single person that lives in Waterloo Region is crucial to realizing

August 18, 2022

Report: CSD-HOU-22-19

this vision.

As the recommendations outlined in this report move forward, staff will begin work to implement the interim housing solutions, starting with the Expressions of Interest processes to solicit potential spaces, properties, services and/or facilities. Additionally, staff will initiate the development of a framework, process and timeline for the Homelessness Master Plan, to be presented to Regional Council later in 2022. Staff will also report on the implementation status of the approved Interim Housing Solutions and details of any exercised delegated authority at the first regular meeting of the incoming Regional Council in December 2022.

9. Attachments:

Nil.

Prepared By: Ashley Coleman, Social Planning Associate

Reviewed By: Ann Crawford, Supervisor, Housing & Support Providers

Ryan Pettipiere, Director, Housing Services

Approved By: Peter Sweeney, Commissioner, Community Services

THIS IS **EXHIBIT "G"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUIITEMA

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

Special Council Minutes

August 18, 2022, 5:00 p.m.
150 Frederick Street, Kitchener, Ontario



Members Present: K. Redman, B. Vrbanovic, D. Jaworsky, E. Clarke, G. Lorentz, H. Jowett, J. Erb, J. Nowak, K. McGarry, L. Armstrong, M. Harris, S. Shantz, S. Strickland, S. Foxtan, T. Galloway

Members Absent: K. Kiefer

Should you require an alternative format or a copy of the official minutes please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

The purpose of this meeting is to consider the recommendations from the Planning and Works Committee - Regional Official Plan Amendment and the Community Services Committee Interim Response to Homelessness.

1. Call to Order

Regional Chair K. Redman called the meeting to order at 5:00 P.M.

2. Land Acknowledgement

Regional Chair K. Redman gave a land acknowledgement.

3. Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”

B. Vrbanovic declared a deemed pecuniary interest with respect to item 1 on the Planning and Works Summary of Recommendations due to a family member owning property in proximity of the Ottawa Street Corridor.

6. Motion to Go Into Committee of the Whole to Consider Reports

Moved by J. Nowak
Seconded by G. Lorentz

That Council go into Committee of the Whole to consider reports.

In Favor (13): K. Redman, B. Vrbanovic, D. Jaworsky, E. Clarke, G. Lorentz, H. Jowett, J. Erb, J. Nowak, K. McGarry, S. Shantz, S. Strickland, S. Foxton, and T. Galloway

Opposed (1): M. Harris

Carried (13 to 1)

8. Other Matters Under Committee Of The Whole

8.2 PDL-CPL-22-25, Response to comments and questions raised at Planning and Works Committee

Received for information.

4. Delegations

4.1 Meagan Snyder, Unsheltered Campaign

M. Snyder appeared on behalf of Unsheltered Campaign, a group of housed and unhoused individuals. She stressed the importance of ensuring that individuals with lived experience are involved throughout the policy and decision making process. She recommended that Council end the litigation against the residents of the encampment at 100 Victoria Street.

L. Armstrong joined the meeting at 5:39 pm.

4.2 Ed Edwards, Kitchener

E. Edwards stressed the importance of housing and noted that the public is often more worried about seeing homeless individuals than homelessness in general. He noted that the solution to both issues is to build more housing, which will make everyone happy. He stressed the importance of ensuing diverse housing options.

4.3 David Alton, Julian Ichim and Fidelia Ukuje, Kitchener's Lived Expertise Working Group

D. Alton, J. Ichim, and F. Ukuje, appeared on behalf of Kitchener's Lived Expertise Working Group on Housing. A copy of a written submission is appended to the minutes.

J. Ichim provided an overview of his lived experience without housing. He stressed that the worst part of being homeless is not having a place to call your own that is a safe place to exist. He encouraged the Region to adopt

a human rights approach to housing and fund necessary solutions. A copy of his written remarks is appended to the minutes.

F. Ukueje, President of Nigerians in the Region of Waterloo, shared her close experience to homelessness. She advocated for more funds to be allocated to services such as transitional homes for the unsheltered, training of staff to use trauma informed approaches in supporting homeless people, and empowering front line workers when implementing Housing First approaches. A copy of her written comments is appended to the minutes.

4.4 Brooklin Wallis, Kitchener

B. Wallis stated that the Region's response to homelessness is just for show while the litigation to evict the residents of 100 Victoria Street litigation is in place. She stressed the importance of ensuring that individuals are housed before the upcoming winter and encouraged staff to look at other jurisdictions for solutions to end homelessness.

4.5 Kevin White, Waterloo Region Yes in My Backyard

K. White appeared before Council to express his appreciation for the tonal shift in the report, greater engagement with people with lived experience, and the sanctioning of encampments. He stressed the importance of safety and noted that evicting residents of encampments damage relationships and trust between individuals and service providers.

4.6 Robert Deutschmann, North Dumfries

R. Deutschmann acknowledged importance of funding from other levels of government but encouraged the Region to act on the recommendation to support people without waiting for action from other levels of government. He encouraged the Region to not criminalize homeless individuals and end the legal action against the encampment at 100 Victoria Street.

4.7 Laura Pin, Hamilton

L. Pin appeared before Council noting that she is an Assistant Professor at Wilfrid Laurier University who works closely with community organizations including the unsheltered campaign. She thanked staff for the preparation of the interim housing report, but stressed that an effort to implement the report's recommendations are undermined by the ongoing litigation against the residents of 100 Victoria Street. She expressed her concern that there is no mention of decriminalizing people living without

shelter on public lands, and no explicit acknowledgement of a human rights based approach to housing in the report.

4.8 Nadine Green, A Better Tent City 49 Ardelt Place

N. Green provided an overview of her experience opening her store to individuals who were experiencing homelessness. She was evicted from her store for using it as a residence and was part of the creation of A Better Tent City (ABTC). She noted that everyone there lives in small housing, meals are planned and the community supports one another.

Responding to questions, N. Green stated that in her opinion, more than 50 people on a site like ABTC would be problematic. She further noted that people can stay at ABTC for as long as they want.

4.9 Charlene Lee, Kitchener

C. Lee stated that when she was homeless, it was her support worker that helped her and taught her to be an advocate. She stressed that housing is not enough and that more funding is needed for outreach workers and support services. She highlighted the need for twenty-four hour a day drop-in services with people with lived experience working beside outreach workers.

7. Reports

7.1 Committee Reports

7.1.2 Community Services Committee Summary - Interim Response to Homelessness - August 9, 2022

In response to a question from Council, Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer, stated that the current Regional Development Charges By-law does not have a fee for housing. Other municipalities do have a relatively modest fee and staff will include capital costs for housing in the next background study. He stressed that this is not definitive, but it will allow the next Council to consider it.

Responding to questions, Peter Sweeney, Commissioner, Community Services, stated that staff are taking a system level view and not looking at only one specific encampment site. Staff are working to provide options to people at 100 Victoria Street, however there are many moving pieces. He stated that staff will return with more definitive information when it is available.

Moved by B. Vrbanovic
 Seconded by E. Clarke

That the Summary of Recommendations of the Community Services Committee related to Interim Response to the Homelessness, dated August 9, 2022, be adopted as follows:

1. That the Regional Municipality of Waterloo direct staff to develop a Homelessness Master Plan detailing the strategies and resources necessary to end homelessness in the Region of Waterloo.
2. That the Regional Municipality of Waterloo authorize Staff to prioritize and implement interim housing solutions, to support those experiencing homelessness in the Region of Waterloo, in the following order:
 1. Expansion of the Transitional Housing Program, including an Indigenous-focused and led site;
 2. Expansion of the Home-Based Support Program;
 3. Expansion of the Emergency Shelter Program; and
 4. Permit a managed Hybrid Shelter/Outdoor Model

Carried

8. Other Matters Under Committee Of The Whole

8.1 CSD-HOU-22-19, Interim Housing Solutions for Regional Residents Experiencing Homelessness

P. Sweeney introduced the report and noted that staff have provided more specific wording on the source of funding, and the delegation of authority, to allow the work to begin in earnest. C. Dyer provided a presentation outlining the staff recommendation for funding the interim response during the period of restricted acts for the municipal election. A copy of the presentation is appended to the original minutes.

Council stressed the importance of housing and homelessness funding being covered by the province through consumption taxes, rather than regressive property taxes. Council further acknowledged the challenges that will exist in the 2023 Regional budget.

B. Vrbanovic requested a recorded vote.

Moved by T. Galloway
 Seconded by J. Erb

That the Regional Municipality of Waterloo take the following action with respect to Interim Housing Solutions for Regional Residents Experiencing Homelessness as recommended by the Community Services Committee on August 9, 2022 and as further set out in report CSD-HOU-22-19 dated August 18, 2022:

- a. Advocate to the Government of Canada and to the Province of Ontario for incremental, sustainable and predictable funding to support interim and long term solutions to eliminate homelessness in Waterloo Region;
- b. Increase the 2022 Housing Services Operating Budget by \$3,420,000 to be funded from a combination of the 2022 Equity and Inclusion Fund and the Tax Stabilization Reserve as deemed appropriate by the Chief Financial Officer;
- c. Delegate on an as required basis, to the Chief Administrative Officer and the Commissioner of Community Services, the authority to finalize and execute agreements with service providers, landlords, and/or community partners, and any associated ancillary agreements, including agreements to acquire interests in property, and to execute documents and certificates as may be necessary for the expeditious implementation of the Community Services Committee resolutions from August 9, 2022 and to do all things as may be necessary or required to give effect to these resolutions, all to the satisfaction of the Regional Solicitor and the Chief Financial Officer; and
- d. Indicate Regional Council's intent to recover, from future regional development charges, a portion of capital costs incurred in 2022 and future years relating to Housing Solutions for Regional Residents Experiencing Homelessness, subject to approval of future Regional Development Charge By-laws.

In Favor (14): K. Redman, B. Vrbanovic, D. Jaworsky, E. Clarke, G. Lorentz, H. Jowett, J. Erb, J. Nowak, K. McGarry, L. Armstrong, M. Harris, S. Shantz, S. Foxton, and T. Galloway

Carried (14 to 0)

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WATERLOO REGION

Omicron, overdoses and cold weather bring added challenge to homeless community

Occupancy at region shelters has 'been a challenge' over the fall and winter

By **Chris Seto** Record Reporter

Sat., Jan. 15, 2022 5 min. read

WATERLOO REGION — Several times a week Nadine Green drives up and down King Street at night, looking for anyone without a shelter.

Peering down alleyways and looking down side streets, the site supervisor for A Better Tent City makes these rounds so no one is left out in the cold. Thankfully, over the past month, she hasn't come across anyone during her search.

"Because of those overflow (sites) that are open, they took the people off the street, and there's nobody around," she said, referring to St. Andrew's Church and Mary's Place.

"People have a place to stay and the region has stepped up, and I'm so happy for that," she said.

With her own cabin on-site at A Better Tent City, Green said she's aware that there are still some people sleeping rough, living in encampments in wooded areas and using camping heaters to keep warm. Sometimes people who are camping stop by the Better Tent City site on Ardelt Avenue for food or to meet with friends. She said people at the site are like a family.

Ben Jackson has been homeless for the past nine months. He had been using the shelter system but after a negative experience where he said he was turned away, he doesn't want to go back if he can help it.

Speaking over the phone from A Better Tent City, he said he now stays wherever he can find somewhere warm, from building lobbies, to bank foyers, to couch surfing with friends.

Between 1 and 4 a.m. on Tuesday morning, the temperature in Kitchener was bitter cold, hovering around minus 27 degrees, with the wind chill. Jackson said he slept in a doorway of a building before moving to a friend's place.

So far this year, he hasn't had to make a camp or build a fire to keep warm, but he does sleep outside when he can't find anywhere else to go or when shelters fill up.

'Something needs to happen'

This weekend, temperatures across the region are expected to drop to minus 30 with the wind chill. Jackson and others who don't have a permanent home say they'll be looking for somewhere to keep warm.

On Friday, Environment and Climate Change Canada issued an extreme cold warning for the region. Typically, these warnings will trigger public health to open warming centres during the week, but on weekends, these centres haven't been available.

There's been a gap in places available during the day on weekends, Green said. "In the daytime, after the (shelters) close, there's nowhere to go," she said. "Something needs to happen."

8/15/22, 2:06 PM

Omicron, overdoses and cold weather bring added challenge to homeless community | TheRecord.com

As if on cue, starting this weekend, Kitchener's Ray of Hope will be opening on Saturdays and Sundays from 9:30 a.m. to 6 p.m. The funding to make this happen was provided by the region.

"We know there's a big need, and with the extreme cold warning happening this weekend we know that people want to be inside," said CEO Tonya Verberg. During the week, between 100 and 150 people visit the space on King Street. St. John's Kitchen, run by The Working Centre, also offers shelter and meals on weekdays, often supporting up to 250 people a day.

Chris McEvoy, manager of housing policy and homelessness prevention with the region, said the shelter system operates in a coordinated way. When one location fills up for the night, someone looking for a bed can be brought to another location where a bed may be available.

Across the region, there are 375 emergency shelter and interim housing beds for adults, and 38 beds for youth. Additional hotel spaces are also available and sometimes used as overflow.

When asked if there had recently been any evenings where all beds were filled, McEvoy only said "occupancy has been a challenge throughout the fall and winter."

Part of the challenge comes from physical distancing requirements. Emergency shelters try to fit the maximum number of beds in a space while also adhering to public health guidelines.

A point-in-time survey conducted in September found there were 1,085 people in the region who were homeless, including 412 who were living rough, in makeshift camps or on the street. This number has more than tripled since the last point-in-time count in 2018.

Shelters filling up

Stephanie Mancini, co-ordinator of The Working Centre, said the temporary emergency shelter at St. Andrew's Presbyterian Church has been filling up within 15 minutes of opening the doors. Once the space is full with 60 people, staff and volunteers help people find other sheltering options.

"The cold weather, the moving locations, the harder winter time, makes being homeless that much harder," she wrote in an email.

"All the people doing this work — at the shelter, at (St. John's) Kitchen, at University Avenue dorms, at the motels — are practicing kindness and slowing down with people so we can be as supportive as possible when people are facing so many pressures at this time of year."

Some of the workers have contracted COVID-19, but everyone is using protective equipment to prevent everyone from getting sick at the same time, she said.

"Most of the people staying at shelter are less worried about COVID, and are more worried about overdose risk."

According to the point-in-time data, most of the homeless population suffers from health problems, including drug addiction and mental health issues. In November, a housing encampment in Kitchener was cleared by a front-end loader, sparking protests in the days that followed. The phrase "stop criminalizing homelessness" became a rallying cry.

"All I can personally said is that people just need to love more," Jackson said, adding people need to be more understanding and not be quick to judgment.

More housing needed

Green said over the past two years, she has seen changes in the region that give her hope that efforts toward addressing homelessness are having an impact.

The opening of the temporary shelters at St. Andrew's and Mary's Place are examples of that change.

On Wednesday, the Ontario government announced it was providing \$8.5 million in capital funding for the House of Friendship to purchase and renovate the former Comfort Inn at 190 Weber St. N. to create a space for 100 men in need of housing with supports on-site. This includes on-site access to addiction and mental health workers.

During the announcement, MPP Mike Harris said the location is expected to be ready by spring.

The region has committed to building 2,500 units by the end of 2025 to address the housing crisis locally. Of those proposed units, 170 are to be permanent supportive housing, McEvoy said.

Two projects that are expected to be available in the coming months are the YWCA women's supportive housing project on Block Line, and the oneROOF youth shelter project on Sheldon Avenue North. The YWCA project will have 41 units for women experiencing chronic homelessness, and the OneROOF project will provide 44 units for chronically homeless youth.

8/15/22, 2:06 PM

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Chris Seto is a Waterloo Region-based reporter for *The Record*. Reach him via email: cseto@therecord.com

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WATERLOO REGION

A difficult line: Municipalities try to balance help for those in encampments with competing concerns

Part 2 of The Record's look at homeless encampments

By **Paige Desmond** Record Reporter
Tue., April 12, 2022 6 min. read

WATERLOO REGION — Christine is getting evicted.

A week after speaking to The Record about her experience living in an encampment, Christine and others in the same area were given verbal notice they would be evicted in 60 days.

You can hear the hurt and frustration in Christine's voice.

She and her partner have never been any trouble, even reporting members of the public they saw stealing from nearby businesses to the owner.

The camp she shares with her partner and dog is tidy and out of the public's way.

"I'm not going," Christine said.

This isn't the first time Christine has been evicted.

The last time, about three years ago, was awful, she said.

The cleanup crew arrived in haz-mat suits.

"The way they looked at me, the way they looked at our campsite and everything else was with disgust," Christine said.

John lives near Christine with about six other people in an area that is included in the eviction order.

He's trying to find somewhere new to camp.

He became homeless after he lost his rental and couldn't afford to pay for a hotel room anymore.

John said he paid up to \$2,400 a month for 15 months to stay in a hotel with his now nine-year-old son, rather than on the street or in the shelter system.

His son has since moved in with family.

John is on the region's housing list but isn't hopeful he'll get a place any time soon. He can list all the ways he's tried to get housed.

"I didn't choose to live like this," John said.

All he wants is a home for him and his son. "I want my son back. That's my main goal is getting my kid back, because he's everything to me," he said.

Complaints

8/15/22, 2:12 PM

A difficult line: Municipalities try to balance help for those in encampments with competing concerns | TheRecord.com

The City of Cambridge has a form on its website for complaints about encampments.

The form allows residents to make anonymous complaints. It asks questions about discarded needles, whether the site is active or abandoned, if police should be called, and more.

Cambridge bylaw officers responded to 687 reports last year of people experiencing homelessness. That number doesn't distinguish if there were multiple reports on the same camps.

In 2020 they responded to 343 reports. That was the first year an app was made available to bylaw and police to receive reports from the complaint form.

Cambridge Mayor Kathryn McGarry said she hears from residents who feel unsafe around encampments but that she understands many people without a home feel safer in encampments.

"There are some who write in that are directly affected by the encampments because they live close by or they feel unsafe walking past it, depending on where the encampment is," McGarry said.

"We also hear from residents that are concerned and looking to the city and therefore the region for more housing options for these individuals."

In Cambridge people have used drones to search for encampments and then chase the people living in them, said Ruth Cameron, executive director of the AIDS Committee of Cambridge, Kitchener, Waterloo and Area.

"They are using drones to surveil the homeless and report on their whereabouts and chase them from pillar to post around that part of the region," Cameron said.

"You can only imagine how stressful and devastating it would be to be surveilled at that level and moved to the point where you might push someone to the utmost, in terms of desperation."

In Kitchener bylaw officers responded to 56 complaints about encampments last year.

Waterloo bylaw officers went to 39 encampments last year and 37 in 2020. Last year there were 22 different people at the sites and in 2020, 14.

Regional bylaw officers responded to four encampments last year and said eviction is a last resort.

A 2020 survey by the Waterloo Region Crime Prevention Council shows that those experiencing homelessness can be subject to danger. The group surveyed 43 people experiencing homelessness in shelters and encampments.

Of those, 39 said they had been victimized during the pandemic; seven said they were victimized daily. Of those who had been victimized, 86 per cent did not report the crime to police due to worries because of their drug use or mistrust of authority. The numbers were similar to pre-COVID levels.

Ashley is part of the group being evicted. She is working hard to get off drugs. She wants to be housed.

She said a big problem in Cambridge is that there's no women's shelter other than for women who have experienced intimate partner violence.

Ashley is thin. She has been living outside for five or six years at more than 100 campsites. That's 100 times starting over, she said.

"I used to cry. ... Now I'm so used to it," Ashley said.

It took her a while to get on the region's housing list because she owed money from previous housing. It's an issue several campers raise: people can't get back on the list until arrears are paid.

She hasn't yet had any housing offers.

People have verbally abused Ashley because of her homelessness. They've called her names and told her to get a job.

She has tried. "It's hard to get a job when you have nothing," Ashley said. "You're a wreck."

Growing need

There is some concern that number of encampments and people living in them will grow once two emergency shelters close.

About 100 people use the shelters at St. Andrew's Church in Kitchener and the YWCA overflow shelter.

The Region is working on that issue, said Coun. Jim Erb, who chairs the Region's housing and homelessness committee.

8/15/22, 2:12 PM

A difficult line: Municipalities try to balance help for those in encampments with competing concerns | TheRecord.com

"I know there's active conversation going on right now with the service providers and those existing shelters to see if there's any way we can extend the length of time there or looking for other places where a shelter could be used," he said.

There is a difficult line to walk when it comes to those experiencing homelessness in encampments, regional Coun. Tom Galloway said.

"You hear from people who just want you to get rid of them, and then you hear from people that say we should be bringing in Porta Potties and handwashing stations for them. So the gamut is broad in the community in terms of how people view it," he said.

In the past few weeks, a highly visible camp has appeared at the corner of Weber and Victoria streets in Kitchener, on property owned by the Region.

Officials would not confirm reports that people experiencing homelessness were told that was a safe space to use.

Letting people stay in one spot helps people be less unwell, and allows services to be brought in on a regular basis, Cameron said.

"We can keep people a little bit safer," she said.

The Region is working with the City of Kitchener and other partners to make sure areas around local businesses and a bus stop are kept clean, said Chris McEvoy, the Region's manager of housing policy and homelessness prevention.

The Region's housing system prioritizes people on the housing list based on depth of their need, McEvoy said. The chronically homeless, and those struggling simultaneously with mental health problems, addictions and other health problems get the highest spots on the list.

When a supportive housing unit comes available, Lutherwood is in charge of deciding who gets the space, McEvoy said. A few people will be considered by what's called a matching table where outreach or shelter workers will advocate for the person they think is the best fit.

"There's not enough to support the 430-odd individuals we have experiencing chronic homelessness in Waterloo Region," McEvoy said. He said the Region is working to improve the flow of people from supportive housing to other housing when they're able.

The Region's focus will continue to be on subsidized housing as rising prices outpace "stagnant" government support programs like Ontario Works and the Ontario Disability Support Program, McEvoy said.

"That's the way that we're going to end chronic homelessness," he said.

Regional government has committed to building 2,500 new subsidized homes by 2026.

To access emergency shelter a list of options is available on the region's website.



Paige Desmond is a Waterloo Region-based reporter focusing on City Hall for The Record. Reach her via email: pdesmond@therecord.com

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WATERLOO REGION

No relief in sight on washroom issue at Victoria encampment

Regional officials don't want to encourage people to stay at encampment by providing toilets

By **Paige Desmond** Record Reporter
Wed., April 20, 2022 | 3 min. read

KITCHENER — The number of people staying at an encampment at the corner of Weber and Victoria streets in Kitchener grows, but people staying there are still without water and washrooms.

Regan Brusse, from the Alliance Against Poverty, said providing washrooms and water shouldn't even be up for discussion.

"I see nothing that justifies the neglect taking place in denying these basic needs," Brusse said. "Porta potties and water access are a must.

"Bodily functions are not a choice — we all have such needs — nor should providing for these needs be one."

The property is owned by the Region of Waterloo.

Regional Coun. Elizabeth Clarke said the Region has been discussing providing portable toilets to the site for a couple of weeks.

But regional officials don't want to encourage people to stay at the site, even if there's nowhere else for them to go.

"It really is an impossible situation," Clarke said.

There isn't enough space in the existing shelter system to accommodate everyone, nor enough housing; many of those staying in the encampment don't want to be in a shelter.

At the same time, moving people along doesn't address the underlying problems — it just moves people elsewhere.

"When there is not enough shelter spaces for all in need, not enough housing for people to transition into, no place for these people to lay their heads aside from on the street in their own makeshift homes, who are we, the privileged, the housed, to further degrade them?" Brusse said. "People need options of where to alleviate themselves, options that go beyond a plastic bag or a hidden corner."

The visibility of the site in Kitchener's downtown is a challenge, along with the number of people staying there, estimated at more than 30, Clarke said.

Nearby residents are getting frustrated.

"The neighbours have been very patient as we have been working through this, but the situation is escalating and they're running out of patience. And I think what we know is if we were to suddenly put amenities on the site, what we'd be saying to the community is that we want the site to continue and even to expand, and this isn't in fact what we want," Clarke said.

Allowing people to stay at the encampment is an opportunity to keep people a bit safer, said Ruth Cameron, executive director of the AIDS Committee of Kitchener, Waterloo and Cambridge.

8/15/22, 2:20 PM

No relief in sight on washroom issue at Victoria encampment | TheRecord.com

"If people were allowed to be in stationary locations like what is happening right now with the Victoria encampment, a few positive things can happen. And I really hate to even call them positive because they're so minimal in terms of a bar or a standard," she said. "It's a bit atrocious to even call them that, yet all the teams are really focused on reducing harms."

A stationary site means those who need outreach and other services can get them more quickly, and with less effort.

"For the individuals, they are literally exerting fewer calories," Cameron said. "We're talking about people who are food insecure and having to pick up all of their belongings and move them on a regular basis, so people have a slightly better chance of being a bit less unwell."

A stationary site should also have sanitation, "so that we're not dealing with diseases that are literally an outcome or connected to a lack of access to sanitation," Cameron said. "It's easier to provide sanitation when people aren't forced to be on the run."

The region has been talking with the City of Kitchener and community agencies about the washroom issue but there are no commitments.

Clarke said the region is happy to pay for a solution but getting toilets on site would mean finding a provider willing to service them every day, in addition to the issue of appearing to condone people living there.

Clarke said temporary shelters arranged at St. Andrew's Church and the YWCA for the winter are being extended to try and bridge the gap until the House of Friendship's new 100-bed shelter is ready, along with 44 beds for young people in Kitchener and a supportive housing project for women.



Paige Desmond is a Waterloo Region-based reporter focusing on City Hall for The Record. Reach her via email: pdesmond@therecord.com

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WATERLOO REGION

Region of Waterloo staffer says transit hub will be built at Victoria encampment

Homeless people living in tents at Victoria and Weber streets will be evicted by fall

By **Paige Desmond** Record Reporter
 Mon., April 25, 2022 | 3 min. read

KITCHENER — Regional Chair Karen Redman says people living at the Victoria Street encampment in Kitchener will have to leave by the fall.

Redman said outreach workers funded by the Region of Waterloo have been clear to the people living at the corner of Victoria and Weber streets that the encampment was not supposed to grow and that they would have to be out by the fall.

"I know outreach workers have made it very clear to the original people that pitched their tents on this site that this was very temporary and it will be used for other things. So the messaging all along through the outreach workers has been that this can not be a permanent site and they've been apprised of that from the get-go," Redman said.

Community members have been calling on the Region to provide washrooms and water for the estimated 30 people living at the site, which the Region owns.

A report will go before regional council Wednesday with options for washrooms, Redman said.

But Redman said the region can't give one encampment special treatment.

"You can't treat any one encampment because of its placement uniquely," she said. "You have to look at all of the encampments, because we know that there are several others. And we have to consider how we can do this from a community response that is always having the safety and well-being of the individuals as a priority."

The Record asked the Region about the possible eviction of those on the site after obtaining an email sent by Chris McEvoy, the Region's manager of housing policy and homelessness prevention, to nearby residents.

The encampment will have to go because of construction of the regional transit hub, which is to be built at the corner of King and Victoria streets, the email said. The encampment is a block away at 100 Victoria St. N., at Weber Street, and there is a plaza that the Region doesn't own between the two sites.

The email read: "The encampment at 100 Victoria Street North is located on regional land identified in the Transit Project Agreement as part of the future transit hub. The land and the hub will help facilitate local and provincial growth and will provide a key connection to the Toronto-Waterloo Region Innovation Corridor.

"Construction will take place on the land as work on the transit hub gets underway. This construction could take place as early as this fall, dependent on the timing of Metrolinx work in the area."

8/15/22, 2:20 PM

Region of Waterloo staffer says transit hub will be built at Victoria encampment | TheRecord.com

Asked about how the transit hub might affect the site at 100 Victoria, the Region said in an email: "The King and Victoria Transit Hub land stretches between King Street and Waterloo Street. However, the regional land at 100 Victoria Street will be used to manage the development of the station over the next several years.

"As it's a complex project, we do not have a firm timeline at this point as to when construction will begin, but aspects of the project could be initiated as early as this fall."

There is not a firm start date for construction of the transit hub, said Ellen McGaghey, the Region's project director for the transit hub, in an email.

"Unfortunately I don't have a clear answer for you on that," she said. "There have been some delays on the Metrolinx work (in the rail corridor), which will impact our schedule as well, but how much isn't clear yet."

The hub project is massive and the site at 100 Victoria St. N. may be needed, Redman said.

Organizations who work with and advocate for those experiencing homelessness, and some other residents, have criticized the Region for not providing washrooms. The Region has said supplying portable toilets would signal that it wants the encampment to stay.

People at the encampment can use the toilets at St. John's Kitchen across the street during the day. They can also walk 10-15 minutes to use washrooms at Kitchener City Hall, Regional Headquarters and Ray of Hope during the day, to St. Andrew's Church at night and to Ray of Hope on weekends.



Paige Desmond is a Waterloo Region-based reporter focusing on City Hall for The Record. Reach her via email: pdesmond@therecord.com

Read more about: Metrolinx

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WATERLOO REGION

'It's more trauma'

Residents criticize Region's plan to evict Victoria campers

By **Paige Desmond** Record Reporter
Sun., May 29, 2022 | 4 min. read

KITCHENER — The Region's plan to evict people living in tents at 100 Victoria St. N. was swiftly condemned by many Waterloo Region residents on social media.

Reaction was widespread, with many people questioning where people were supposed to go, suggesting the Region wants to evict because housed residents are uncomfortable, and saying that kicking people out will only cause more harm.

The Region said Thursday it is assessing the site every day and that the risk level is high due to assaults and other issues. The Region attributes that to the number of people living there, which has grown to more than 50 with about 70 tents.

Jessica Carbone said in an interview that any violence that's happening will still happen if people are moved, except that it will be invisible and leave people more vulnerable.

"All that violence, it still happens whether or not it's in a place where they can get help that's public," Carbone said. "It doesn't make these issues go away and it's a safety thing for everybody."

Camp residents now have 24-hour access to running water and washrooms at St. John's Kitchen across the street in an arrangement set up by the Region. That's a rarity for the more than 400 people estimated to be living rough in Waterloo Region.

Carbone was once homeless herself and said her heart breaks at the idea of people being evicted from the site, which is owned by the Region.

"They're giving these people the most basic of needs and then taking them away, it's more trauma," Carbone said. "It's just ridiculous."

James Howe said the Region needs to do better.

"Where will these people live if evicted?" he said. "Eviction only moves the problem and hides it."

"It is not a solution. The Region needs to provide a solution that meets people's basic needs."

On Thursday, fencing was put up at the Region-owned transit hub site at King and Victoria streets in an attempt to prevent the encampment from "spreading" to other regional properties.

Region of Waterloo Coun. Elizabeth Clarke said she understands evicting people means most will move somewhere else but said she fears that if people stay, there will be a critical incident.

"And when I talk about being frightened it's not just the people in the encampment that are frightened, it's people in the surrounding area that are frightened and asking for support," she said.

Samantha Estoesta and her daughter live about 550 metres walking distance from the camp.

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"We have zero fears for our safety," she said. "Our only fear is that the residents will be removed in an armed exodus led by police."

Estoesta said neighbours contribute to a community pantry that empties as quickly as it fills up.

Many residents at the site are devastated by the Region's plans.

"We've heard from the outreach team ... that people were very upset, very frustrated, anxious about where they were going to go," Clarke said. "They like the location where they are because they have access to so many different services and supports."

Regan Brusse, a member of the Alliance Against Poverty, said the Region should be finding options to help rather than just kicking people out.

"Removing the location as opposed to providing options to accommodate the overflow elsewhere at similar level of 'decency,' albeit not at all of an adequate nor humane level, does little more than add further to the cycle of trauma being forced upon these vulnerable people," she said.

Clarke said she understands moving people doesn't help anyone, but letting people stay doesn't work either.

"It's a terrible result no matter what happens," she said.

Since Thursday 10 people have been offered shelter beds. All have refused.

Many people don't like to stay at shelters for many reasons including proximity to drug use, theft, not being able to stay as couples, pets and violence.

At the end of June, two emergency shelters will close at St. Andrew's Church and the YW. Up to 100 people sleep at those two sites.

Clarke said that isn't the Region's fault — the church needs space for summer programming and staff at YW were on short-term contracts.

As for moving folks to another site and providing services there Clarke said it would be up to a city or township to offer up space and be willing to suspend their own bylaws. She said the region can't impose a camp on any of the municipalities but would provide services.

"If the area municipalities decided that they would welcome an encampment then the region would provide through the means that we currently do, the same kind of outreach supports to the people that we do in our current encampments," Clarke said.



Paige Desmond is a Waterloo Region-based reporter focusing on municipal issues for *The Record*. Reach her via email: pdesmond@therecord.com

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WATERLOO REGION

Some Victoria camp residents prevented from using overnight washroom

People have been asked to empty pockets at St. John's Kitchen to use the washroom or face after-hours ban

By **Paige Desmond** Record Reporter

Mon., July 11, 2022 | 3 min. read

KITCHENER — Residents of the Victoria Street encampment say security guards are preventing some people from using indoor washrooms across the street overnight.

People have been living at the vacant lot at 100 Victoria St. N. for several months. The property is owned by the Region of Waterloo.

At the end of April the region agreed to pay for security overnight at St. John's Kitchen across the street from the camp to give people 24-hour access to washrooms and running water.

In early June the region announced it was evicting the more than 50 people there because a risk assessment created by the region determined the site is unsafe, because of buckets of human waste, rats and conflict between some residents.

The eviction deadline was June 30 but many people are still living there. The region has said it will seek a court order to proceed with the eviction.

People at the site last week said they have been prevented from using the indoor bathroom after hours if they don't empty their pockets or bags.

Sean, a resident of the camp, said he felt harassed, being asked what was in his pockets, asked to empty them or asked other questions he felt were invasive.

"To know what's in my pockets, he's like, 'Well, I have the right to know because you guys are going in there and getting high,'" Sean said. "I'm like, in what right mind would anyone who lives in a tent go over there to get high?"

"They go over there to use the washroom."

It's not entirely clear what the rules are for after-hours washroom access, or who set them.

Security guards told Joe Mancini from The Working Centre that they were not asking people to empty their pockets.

The region says guards do not require people to empty their pockets, but do ask that no bags or backpacks be taken into the washrooms.

Duncan Quinn, operations manager for security company Barber Collins, said the guards operate according to the region's rules.

"I cannot comment on the region's policies," he said. "(Barber Collins is) just there to enforce whatever rules they've made."

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The Working Centre is not responsible for any part of the after-hours washroom arrangement, Mancini said. "This has nothing to do with The Working Centre."

He said he spoke directly to guards at the site about the issue.

"They stated clearly they do not have a policy of asking people to empty their pockets," Mancini said in an email. "They were both very clear this is in no way a policy."

Regional Coun. Elizabeth Clarke said she hadn't heard about rules barring some from using washroom issues and that the region wasn't making the rules.

"It's their property so they're making all the rules," she said of The Working Centre.

"The security company does not require people to empty their pockets, but does ask them not to take bags or backpacks into the washrooms," she said after checking with regional staff. "I gather that's for safety reasons and is a requirement of the company, not of the region."

Clarke is also the CEO of the YW Kitchener-Waterloo, which provides some emergency shelter for the region. In that instance, she said, the YW sets the rules for day-to-day work and the region contracts Barber Collins security.

"My assumption is that the arrangement the region has with (The Working Centre) is the same," Clarke said, adding she could be wrong.

Until the end of April people at the encampment had access to washrooms at St. John's Kitchen during the day but had to walk 10-15 minutes to other facilities on weekends and at night.

The region said it couldn't put portable toilets on site because it couldn't find an operator willing to service the toilets as often as needed.



Paige Desmond is a Waterloo Region-based reporter focusing on municipal issues for *The Record*. Reach her via email: pdesmond@therecord.com

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WATERLOO REGION

OPINION

People living in tents in Waterloo Region don't really have other options

'If the entire current unsheltered population showed up at an emergency shelter, we would not have enough beds,' Waterloo Region's housing director tells Luisa D'Amato

By **Luisa D'Amato** Record Columnist

Wed., July 13, 2022 | 3 min. read

We've heard a lot about how the hundreds of homeless people living "rough" in Waterloo Region are being visited by outreach workers who are helping them understand their options.

But these options are often just an illusion.

Outreach workers go to places like the encampment of homeless people living in tents on land owned by Waterloo Region, at Victoria and Weber streets. They've been trying to get them to move off the site voluntarily.

They make sure people in those tents are getting social assistance if they're entitled to it, they let them know they can go to a shelter, and they can put them on the waiting list for subsidized housing.

But that said, "if the entire current unsheltered population showed up at an emergency shelter, we would not have enough beds," said Ryan Pettipiere, director of housing services for the Region of Waterloo.

So some homeless people who are living on the streets can go to a shelter. But only if some others don't.

One of the problems is that shelters are designed to be an emergency, short-term solution. They're supposed to take you in while you get back on your feet and find somewhere permanent to live.

But what if there's almost nowhere permanent to live, because rents are soaring far out of reach of anyone in one of those tents?

It means you stay in that shelter for longer, and that means there isn't a spot for someone else coming in.

There's almost no privately owned housing that a person in this situation can afford. As for subsidized housing, you can wait for years to get in.

"The resources we have are incredibly stretched at the moment," said Pettipiere.

The Region of Waterloo and the homeless people camped on its land are in a kind of standoff, but neither is to blame for the mess we're in.

Social assistance rates, which were dramatically slashed by the Conservative party under Premier Mike Harris, were never restored during 15 years of Liberal government that followed, nor by Doug Ford's Conservatives, who succeeded the Liberals.

Today, a person on welfare receives \$733 a month, of which \$390 is allocated for housing.

You cannot rent an apartment or even a dingy room in this community for \$390 a month, even if there were boarding houses around that offered such rooms. There aren't. Gentrification has taken care of that.

"The current social assistance is completely inadequate to support basic living," Pettipiere said.

A decade ago, these amounts "condemned you to living in poverty," he said.

"The rates now — it eventually pushes them to homelessness."

It's not all bleak. Social service workers do help some people get out of shelters and into permanent housing, often with the help of rent supplements.

The Region of Waterloo pays for 125 of these, at \$1.9 million a year. It's planning to add 50 more subsidies next year for \$2.5 million, and spend \$2.8 million in 2023-24.

In the past fiscal year, 84 per cent of people using these supplements stayed in those homes, showing the program helps create stable housing.

But the Region of Waterloo is a municipality that gets its money from property taxes. It doesn't have the scope to fund these programs, however successful, on a broad scale.

And it can't do anything about the fact that as the gleaming condo towers grow into the sky, life gets harder for the people who are living — literally — on the ground.

Luisa D'Amato is a Waterloo Region-based staff columnist for The Record. Reach her via email: ldamato@therecord.com

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Media Release: Monday, November 8, 2021, 4:30 p.m.

Regional Municipality of Waterloo

Committee of the Whole

***Addendum Agenda**

Tuesday, November 9, 2021

9:00 a.m.

Regional Council Chamber

150 Frederick Street, Kitchener, Ontario

1. Roll Call

2. Land Acknowledgement

3. Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”

4. Presentations

4.1 COVID-19 Update – Dr. Hsiu-Li Wang

5. Delegations

5.1 Paige Monck-Whipp, Network Catalyst, and Cait Glasson, Connectors Hub member, Wellbeing Waterloo Region re: Update

5.2 Mackenzie Meek, Planner, Cambridge Mill and Rebecca Kerr - Vice President, MTE Consultants re: PDL-CPL-21-42, Conversion of One Way to Two Way Operations on Regional Road #24 (Water Street North) (between Ainslie Street and Simcoe Street), City of Cambridge

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Recommendation:

That the Regional Municipality of Waterloo amend Traffic and Parking By-law 16-023, as amended, to remove seven parking spaces on Water Street North

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Region of Waterloo
Community Services
Housing Services

To: Committee of the Whole
Meeting Date: November 9, 2021
Report Title: 2021 Point in Time Count

1. Recommendation:

That the Regional Municipality of Waterloo take the following actions to implement additional services and supports in the Housing Stability System, change the use of existing resources, and reaffirm the effectiveness of existing services and supports aimed at ending homelessness, as outlined in CSD-HOU-21-24 2021 Point in Time Count, dated November 9, 2021:

- a) Refer the following proposed investment plan to Budget Committee for consideration as part of the 2022 Budget:
 - I. Expand the Home-Based Support Program to support an additional 50 people experiencing chronic homelessness to transition into permanent housing with wrap around supports, at an estimated annual cost of \$1,308,450;
 - II. Double the current housing-focused street outreach services across Waterloo Region to support people to find and secure permanent housing, to enhance connections to emergency shelter spaces and services for life stabilization, and to facilitate community inclusion and connectedness, at an estimated annual cost of \$240,000;
 - III. Enhance the level of service by funding six two-person teams of health focused staff to support the over 325 individuals in Housing Support Programs (fixed and scattered site) to recover from their experience of homelessness, at an estimated annual cost of \$900,000; and
 - IV. Extend interim housing for up to 80 individuals who are experiencing unsheltered homelessness and not accessing the emergency shelter system, at an estimated annual cost of \$2,880,000 (included in the base 2022 operating budget for Housing Services);
- b) Collaborate with service providers to explore alternative options and support within the Region's emergency shelter and Housing Stability System to address

systemic barriers to accessing emergency shelter and housing;

- c) Reaffirm support for and ensure Waterloo Region providers are operating as a housing-focused and housing first emergency shelter system, where people receive support to resolve their homelessness as quickly as possible while meeting their basic needs;
- d) Continue to review the community housing waiting list policies to better address the needs of those experiencing homelessness, as identified in the 10-Year Housing and Homelessness Plan;
- e) Reaffirm our partnership and commitment with local healthcare agencies, and explore enhanced staffing and/or funding opportunities from Ontario Health Teams and the Ministry of Health to meet the mental health, addictions and primary care needs of individuals connected to the Housing Stability System across Waterloo Region. This includes enhancing services and supports in emergency shelter, Housing Support Programs, drop-in spaces, and outreach services, and continuing the partnerships with local Ontario Health Teams around shared goals;
- f) Identify strategies to further leverage and align services and supports focused on life stabilization across the Region's Community Services and Public Health and Emergency Services Departments to help people transition into housing from homelessness more quickly;
- g) Request that the provincial government implement a permanent and sustained increase in social assistance rates with the recognition that housing attainment and housing loss are predominantly an income and affordability issue;
- h) Invite area municipal staff to participate on the working groups of the Housing Stability System to further collaborate on efforts to end homelessness;
- i) Collaborate with the working groups of the Housing Stability System to provide further analysis of the Point in Time Count data and inform future recommendations and enhancements (e.g., services that speak to survey respondents' feedback on barriers to finding housing); and
- j) Commit to the regular sharing of data with area municipal staff, including Housing Stability System data, and encampment touch-base and observation data.

2. Purpose / Issue:

To provide details on the method, completion and results of the September 2021 Point in Time Count conducted in Waterloo Region, and to seek Council approval on recommendations aimed to support community efforts to end homelessness.

3. Strategic Plan:

This report addresses the Region's Corporate Strategic Plan 2019-2023, Focus Area 4: Healthy, Safe and Inclusive Communities. More specifically, the report addresses Strategic Objective 4.3, 'promote and enhance equity in policies, planning, services, and decision-making in order to positively impact community wellbeing,' and Strategic Objective 4.5, 'enhance community safety and wellbeing in Waterloo Region.'

4. Key Considerations:

- a) Federal and Provincial Governments mandate the completion of Point in Time (PiT) Counts every two years. The definition of homelessness for the purpose of the PiT Count is "the situation of an individual, family or community without stable, safe, permanent, appropriate housing, or the immediate prospect, means and ability of acquiring it."
- b) The community engagement approach for the 2021 PiT Count was different from previous years and focused on creating a complete picture of homelessness in Waterloo Region. The approach included intentional engagement with those experiencing all kinds of homelessness (e.g., hidden, unsheltered, sheltered), agencies and community members in the four townships, Racialized communities, and youth.
- c) The total number of people that were counted as experiencing any type of homelessness through the September 2021 PiT Count was 1,085, an increase over the 2018 PiT Count when 333 people were counted as experiencing any type of homelessness. The growth in the number of people counted in 2021 is explained by different methodologies and engagement activities between the two PiT Counts, along with a noticeable increase in the number of people experiencing homelessness. Appendix B provides a high-level comparison between the 2018 and 2021 PiT Counts.
- d) Of the 1,085 people counted, 609 completed a voluntary survey to detail their experiences of homelessness. Of the 605 people that provided information on how long they have been experiencing homelessness, 75% identified they have been homeless for more than 6 months in the last year and are experiencing chronic homelessness. The increase in chronic homelessness in Waterloo Region has been reported to Regional Council and the community through previous reports, including CSD-HOU-21-13 and CSD-HOU-21-20.

5. Background:

Point in Time Counts in Waterloo Region

In 2014, Waterloo Region was the first community in Canada to conduct a Registry Week as part of the national 20,000 Homes Campaign (see CSD-HOU-15-13). The Registry Week counted the number of people found to be experiencing homelessness in December 2014, and initiated the Prioritized Access to Housing Support (PATHS) process of identifying, assessing, and prioritizing people for housing with support that is the best fit for their needs.

In 2018, the Federal and Provincial Governments mandated the completion of Point in Time (PiT) Counts every two years by Service Managers, contributing community-level information to the picture of homelessness nationally and provincially. The PiT Count is a data collection strategy that helps communities understand the nature and extent of homelessness, inform system planning, measure progress toward ending homelessness, and increase public awareness about homelessness. The validity and accuracy of the numbers and information gathered depend on the thoroughness of the methods and participation by stakeholders. A PiT Count provides a data snapshot, and is one data collection strategy among many, including the Homeless Individuals and Families Information System (HIFIS) database used by service providers in Waterloo region. As the timing and approach of the Federal and Provincial Government counts align, the Region worked with community partners to complete one PiT Count in 2018 to meet the expectations for both provincial and federal mandates.

Given the COVID-19 pandemic, the timing for completing a PiT Count in 2021 was flexible. The Federal and Provincial Governments provided funding to the Region to support the completion of the PiT Count. From September 21-23, 2021, Regional staff and community partners completed a PiT Count over three days to engage people experiencing homelessness and to collect information. The PiT Count was conducted in all seven area municipalities in Waterloo Region. It involved inviting people experiencing homelessness to participate in a survey to better understand their unique experiences of homelessness. To the greatest extent possible, those administering surveys employed various strategies to avoid double counting.

The methodology and community engagement approach for the 2021 PiT Count was different from previous years and focused on creating a more complete picture of homelessness in Waterloo Region by engaging with those experiencing hidden homelessness, in addition to those connected to formal programs in the Housing Stability System. The approach included a comprehensive strategy to survey those experiencing unsheltered homelessness and living in encampments, a collaborative approach with community services in the four townships, the intentional engagement of Racialized communities through community partners, and purposeful youth engagement through a specific strategy led by the Aids Committee of Cambridge, Kitchener, and

Waterloo Area. More details about the methodology and approach can be found in Appendix A: Point in Time Count Approach in Detail.

Region staff are thankful for the community partners and staff that played an integral role in completing the PiT Count. Region staff and community partner staff are sensitive to the trauma and harm that can be caused by asking people experiencing homelessness questions related to their experiences of housing loss and homelessness. Without the staff willing to engage in difficult and sensitive conversations by completing surveys with people experiencing homelessness, the PiT Count would not be possible. A grateful thank you also to all those that participated in surveys and bravely shared their stories with staff.

2021 Point in Time Count - Key Findings

The total number of people that were counted/observed experiencing any type of homelessness on September 21, 2021 was 1,085. Of the 1,085:

- 609 people completed the voluntary survey;
- 412 were living rough (living in encampments, on the street, or staying in their vehicle);
- 335 people were experiencing hidden homelessness¹;
- 191 were in emergency shelter;
- 84 were in transitional housing; and
- 63 people were in institutions (Hospital, Police Custody, and Women's Crisis Services).

Of the 1,085 people who were experiencing homelessness on September 21, 2021, 609 people filled out survey responses². A summary of the survey responses can be found below, and more detailed results are included in Appendix B: Summary of PiT Count Findings.

Who Is Experiencing Homelessness?

- 10% were 25 or younger; 56% were 26 to 45, 34% were 45+;
- 15% identified themselves as racialized community members; and
- 17% identified themselves as First Nations / Indigenous.

Location / Length of Homelessness

- Of the 605 people who completed this survey question: 205 people were living rough, 183 in emergency shelter, 43 in transitional housing, 105 experiencing

¹ People who are temporarily living with others but without guarantee of continued residency or immediate prospects for accessing permanent housing.

² Some survey respondents skipped some survey questions. The percentages presented represent the percentage of completed responses for a particular question (skipped responses are excluded from the denominator).

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hidden homelessness, 2 staying in an institution, and 67 unclear;

- 75% have been experiencing homelessness for more than six months in the last year;
- 28% of people first experienced homelessness when they were 16 or younger;
- 57% of people first experienced homelessness between the ages of 17 to 45; and
- 15% of people first experienced homelessness when they were 46 or older.

Experiences of Homelessness

Top Five Reasons Survey Respondents Cited that Caused their Experience of Homelessness:

1. Not enough income for housing (33%)
2. Landlord / Tenant Conflict (24%)
3. Substance Use Issues (15%)
4. Conflict with Spouse / Partner (14%)
5. Unfit / Unsafe Housing Conditions (13%)

Health Challenges of Survey Respondents

1. Substance Use (72%)
2. Mental Health (67%)
3. Illness / Medical Condition (40%)
4. Physical Limitation (40%)
5. Learning or Cognitive Limitations (38%)

Top Five Services that would be Helpful to Survey Respondents

1. Finding affordable housing (87%)
2. Housing search support (including support worker) (69%)
3. Bus Pass (68%)
4. Outreach workers (59%)
5. Internet access (56%)

Survey Respondents Challenges to Finding Housing

1. Low Income (78%)
2. Rent too High (73%)
3. Discrimination (34%)
4. Poor Housing Conditions (26%)
5. Mental Health Issues (25%)

Council Direction to Staff and Report Recommendations

On August 10, 2021, Regional Council approved a Motion to “direct staff to bring a report back, after their Point-in-Time count in September, with recommendations for additional supports for alternative options within our emergency shelter mechanisms in the Region of Waterloo.” In response to the Motion, and in anticipation of a report on the PIT Count planned for November 2021, Regional staff prepared a rapid-research review on Housing First, encampments, and alternatives to encampments to explore the available evidence on these areas (see CSD-HOU-21-21). On October 12, 2021, Regional Council endorsed recommendations outlined in CSD-HOU-21-21 that reinforce support for evidence-based methods for ending homelessness in Waterloo Region, with the following recommendations added to the Motion:

- That staff bring back in their November report specific recommendations for alternative options and supports within the Region’s emergency shelter and housing systems, including approximate costing for consideration in the 2022 budget; and further, that
- The Region work with area municipalities to jointly research and gather data on the scope of the issue in our region.

To that end recommendations based on the findings from the PIT Count, offering alternative options and supports, and reaffirming support for existing services and supports aimed at ending homelessness are in Appendix C: Recommended Alternatives and Enhancements to the Emergency Shelter and Housing Stability System. The recommendations also address the continued collaboration of the Region with area municipalities in efforts to measure the scope of homelessness, and identify strategies for working together for maximum impact in ending homelessness.

6. Area Municipality Communication and Public/Stakeholder Engagement:

The engagement and feedback of community partners, area municipal staff, and those with lived experience of homelessness was integral to the planning, design and completion of the PiT Count. Region staff incorporated the invaluable advice provided by these stakeholders through both formal meetings and informal conversations. This advice and feedback resulted in a robust and thorough engagement and count of homelessness in Waterloo Region.

7. Financial Implications:

The table below highlights the financial impacts of the proposed investment plan set out in this report.

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Housing Services Homeless Program Expansion (in \$000s)		Preliminary 2022 Budget	Recommended Service Expansion	Total 2022 Operating Impact
Item Expenses:				
I.	Home Based Supports	\$ 1,905	\$ 1,308	\$ 3,213
II.	Street Outreach Services	240	240	480
III.	Health Based Teams	150	900	1,050
IV.	Interim housing (continuation)	2,880	-	2,880
	Total	5,175	2,448	7,623
Revenues:				
I.	Provincial, Home for Good	1,124	\$ -	1,124
II.	Provincial, CHPI	240	-	240
III.	Provincial, LHINS	150	-	150
IV.	Provincial CHPI assumed	2,880	-	2,880
	Total	4,394	-	4,394
	Preliminary Net Levy	\$ 781	\$ 2,448	\$ 3,229

The incremental cost of the three service expansion items (Items I, II and III above) total \$2.448M, which would be funded by the property tax levy. Such provision is included in the preliminary 2022 Housing Services operating budget to be tabled later this month. The interim housing costs of \$2.88M for item IV above are included in the 2021 Housing budget and the preliminary 2022 Housing budget, although there is some uncertainty with respect to provincial funding beyond March 31, 2022.

8. Conclusion / Next Steps:

Communities thrive when everyone has a place to call home; a place that is their own, where they feel comfortable, safe and part of the community. This is what we are working towards in Waterloo Region. The findings of the 2021 PiT Count and related recommendations are anchored in efforts to expand supports for people to find and secure housing, and to improve access to housing and homelessness programs, both of which are strategic directions in the 10-Year Housing and Homelessness Plan. The recommendations also:

- Offer additional supports and services to support efforts to end homelessness;
- Reaffirm the effectiveness of existing services and supports aimed at ending homelessness;
- Focus on expanding and deepening the partnerships between the Region and other systems in the collective work of ending homelessness; and
- Reaffirm the Region's continued collaboration with area municipalities on efforts

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to end homelessness, develop affordable and supportive housing, monitor progress through data, and identify further strategies for working together for maximum impact in ending homelessness.

Region staff will focus on the engagement of and collaboration with the housing stability working groups and community partners as an essential next step in presenting and responding to the findings of the PiT Count, and in implementing the recommendations presented in this report.

9. Attachments / Links:

Appendix A: Point in Time Count Approach in Detail

Appendix B: Summary of Point in Time Count Findings

Appendix C: Recommended Alternatives and Enhancements to the Emergency Shelter and Housing Stability System

Appendix D: Emergency Shelter Provider Capacity in Waterloo Region

Prepared By: Pat Fisher, Program Analyst, Community Services

Ashley Coleman, Social Planning Associate, Community Services

Chris McEvoy, Manager Housing Policy and Homelessness Prevention, Community Services

Reviewed By: Kelly-Anne Salerno, Assistant Director, Housing Services, Community Services

Ryan Pettipiere, Director Housing Services, Community Services

Approved By: Douglas Bartholomew-Saunders, Commissioner Community Services

Appendix A: Point in Time Count Approach in Detail

Timing and Duration:

To accommodate the challenges brought on by the ongoing COVID-19 pandemic, inability to hold events to bring people together, and staffing constraints, the timing and duration of the PiT Count was selected to:

- Complete the count between expected waves of significant COVID-19 spread;
- Involve people with existing relationships with those experiencing homelessness;
- Extend the time for engaging with people from one day to three days;
- Include specific strategies and staff leads to engage youth experiencing homelessness and those experiencing homelessness from Indigenous and Racialized communities; and
- Minimize the impact of the more uncertain weather of late fall and winter.

Methodology:

During the PiT Count, people experiencing homelessness were invited to participate in a survey to better understand their experience of homelessness. The anonymous survey includes a screening question to determine if a person is experiencing homelessness, 15 core questions required by the Federal and Provincial Governments, and two questions added by the Region to identify the services people are most in need of, and the barriers to finding a home. Participants received a gift card as a thank you for completing the survey.

People conducting the surveys were provided with mandatory training and compensation for their time, and staff leads were compensated for their planning and engagement efforts. Those formally connected to programs and services in the Housing Stability System were surveyed, including those staying at the emergency shelter operated by the House of Friendship in the temporary Guelph location. People staying unsheltered and in encampments, and those experiencing hidden homelessness (e.g., couch surfing) were also surveyed. All of the anonymous surveys were completed on paper forms, and Region staff entered the data into HIFIS.

While double counting is a risk inherent to the PiT Count methodology, various strategies were employed to avoid double counting. These include:

- Displaying a Count Me In identifier/button that identified staff completing the PiT Count;
- Surveying distinct groups of people at the same time (e.g., those staying in emergency shelter);
- Asking people if they had already spoken to someone about the survey; and
- Ensuring consistent staff completing the surveys at various locations.

To get a more complete picture of homelessness in Waterloo Region, the number of people experiencing homelessness in the following locations were counted, but did not complete surveys:

- Hospitals;
- Waterloo Region Police Services Custody;
- Women's Crisis Services; and
- Marillac Place.

Appendix B: Summary of Point in Time Count Findings

The total number of people counted/observed experiencing any type of homelessness on September 21, 2021 was 1,085. Over the 1,085:

- 412 were living rough (living in encampments, on the street, or staying in their vehicle)
- 335 people were experiencing hidden homelessness³;
- 191 were in emergency shelter;
- 84 were in transitional housing; and
- 63 people were in institutions (Hospital, Police custody, Women's Crisis Services)

Of the 1,085 people who were experiencing homelessness on September 21, 2021, 609 people provided survey responses. As some respondents skipped some survey questions, the percentages presented represent the percentage of completed responses for a particular question (skipped responses are excluded from the denominator).

A summary of the survey responses are in the tables below.

Table 1: Demographics of Survey Respondents

Age of Survey Respondents	Racial Identity of Survey Respondents	Gender Identify of Respondents
<ul style="list-style-type: none"> • 60/592 (10%) 25 or under • 155/592 (26%) 26 to 35 • 176/592 (30%) 36 to 45 • 118/592 (20%) 46 to 55 • 71/592 (12%) 56 to 65 • 12/592 (2%) 66+ 	<ul style="list-style-type: none"> • 15% of survey respondents identified themselves as members of a racialized community • 17% of survey respondents identified themselves as First Nations / Indigenous 	<ul style="list-style-type: none"> • Trans, Two-Spirit, Non-Binary (10%) • Women (30%) • Man (67%)

³ People who are temporarily living with others but without guarantee of continued residency or immediate prospects for accessing permanent housing.

Table 2: Location / Length of Experience of Homelessness of Survey Respondents

Where Survey Respondents Are Experiencing Homelessness?	How Long Survey Respondents Have Been Experiencing Homelessness in the Last Year?	Age When Survey Respondents First Experienced Homelessness
<ul style="list-style-type: none"> • 205 Living Rough (Encampment, Unsheltered in Public Place, Vehicle) • 183 Emergency Shelter (including Hotel/Motel funded by Homeless program) • 43 Transitional Shelter • 105 Hidden Homelessness • 67 Unclear – but not safe or permanent housing • 2 Institution (Hospital, Jail) 	<ul style="list-style-type: none"> • 138/562 (25%) Less than six months • 424/562 (75%) Six months or more 	<ul style="list-style-type: none"> • 160/562 (28%) 16 or under • 107/562 (19%) 17 to 25 • 130/562 (23%) 26 to 35 • 86/562 (15%) 36 to 45 • 50/562 (9%) 46 to 55 • 26/562 (5%) 56 to 65 • 3/562 (1%) 66+

Table 3: Experiences of Homelessness of Survey Respondents

Top Five Reasons Survey Respondents Cited That Caused their Experience of Homelessness	Health Challenges of Survey Respondents
<ul style="list-style-type: none"> • Not enough income for housing (33%) • Landlord / Tenant Conflict (24%) • Substance Use Issues (15%) • Conflict with Spouse / Partner (14%) • Unfit / Unsafe Housing Conditions (13%) 	<ul style="list-style-type: none"> • Substance Use (72%) • Mental Health (67%) • Illness / Medical Condition (40%) • Physical Limitation (40%) • Learning or Cognitive Limitations (38%)
<p>All reasons of Conflict = 57%</p>	

Table 4: Challenges to Finding Housing and Helpful Services for Survey Respondents

Top Ten Services that Would be Helpful to Survey Respondents	Survey Respondents Challenges to Finding Housing
<ul style="list-style-type: none"> • Finding affordable housing (87%) • Housing search support (including support worker) (69%) • Bus pass (68%) • Outreach workers (59%) • Internet access (56%) • Access to showers, washrooms (54%) • Help writing housing applications (50%) • Low barrier housing (46%) • Personal counselling (45%) • Accessing income support programs (e.g. OW, EI) (43%) 	<ul style="list-style-type: none"> • Low income (78%) • Rent too high (73%) • Discrimination (34%) • Poor housing conditions (26%) • Mental health issues (25%) • Criminal history (24%) • Family breakdown / conflict (15%) • Physical health issues, accessibility (14%)

Comparison to 2018 Point in Time Count

The table below provides a summary of the number of people experiencing homelessness counted in the 2018 and 2021 PiT Counts. The increase in the number of people observed during the PiT Counts are explained by an observable increase in the number of people experiencing homelessness as well as different methodologies and engagement activities used during the two PiT Counts.

	2018	2021	Explanation of increases
Living Rough	80	412	Different methodologies in PiT Count, increase in unsheltered homelessness / living rough
Hidden Homelessness	0	331	Not counted / engaged in 2018
Emergency Shelter	226	191	
Transitional Housing	27	84	University Avenue Interim Housing is a new program/service that was not present in 2018
Institutions	0	61	Not counted / engaged in 2018
Total	333	1085	

Appendix C: Recommended Alternatives and Enhancements to the Emergency Shelter and Housing Stability System

Recommended Alternatives and Enhancements:

Expansion of the Home-Based Support Program⁴

Recommendation: Expand the Home-Based Support Program to support an additional 50 people experiencing chronic homelessness to transition into permanent housing with wrap around supports, at an estimated annual cost of \$1,308,450.

- Throughout 2021, there were an average of 130 participants being supported through the Home-Based Support Program. On average in 2021, 11 people experiencing chronic homelessness transitioned into permanent housing per month. Of this average of 11 housing transitions per month, six were supported into housing through the Home-Based Support Program, and two transitioned into the Supportive Housing Program.
- To accelerate permanent housing transitions for people experiencing chronic homelessness, the Home-Based Support Program should be expanded.
- Current costs for the Home-Based Support Program are \$14,769 per participant per year for staffing support to facilitate housing stability, and \$11,400 per participant per year in rent assistance.

Expansion of Street Outreach Services

Recommendation: Double the current housing-focused street outreach services across Waterloo Region to support people to find and secure permanent housing, to enhance connections to emergency shelter spaces and services for life stabilization, and to facilitate community inclusion and connectedness, at an estimated annual cost of \$240,000.

- The current cost for street outreach services and staff across Waterloo Region is \$240,000 annually. This service is funded through Community Homelessness Prevention Initiative (CHPI). The core function of these services is to supporting people to find and secure permanent housing, and to enhance connections to emergency shelter spaces and services for life stabilization.
- This program currently funds 7.9 staff to support community members experiencing unsheltered homelessness, staying in encampments, and accessing daytime drop in spaces.

⁴ The Home-Based Support Program supports community members experiencing chronic homelessness to transition into permanent housing, providing rent assistance where required and wrap-around housing stability support through staffing. The Supportive Housing Program includes dedicated units owned by a community partner where community members experiencing chronic homelessness are provided with 24/7 on-site wrap-around housing stability support through staffing.

- Doubling this funding to \$480,000 would increase the number of Street Outreach Services staff and the hours of support provided to community members experiencing unsheltered homelessness and those living in encampments.

Health Enhancements to Housing Support Programs (fixed and scattered site)

Recommendation: Enhance the level of service by funding six two-person teams of health focused staff to support the over 325 individuals in Housing Support Programs (fixed and scattered site) to recover from their experience of homelessness, at an estimated annual cost of \$900,000.

- Additional health focused staff are needed to support individuals successfully transition out of and recover from their experience of homelessness. As of August 2021, there were 361 individuals experiencing chronic homelessness, and 333 participants in Region-funded Housing Support Programs.
- Through funding received from Ontario Health (former Local Health Integration Network), the Housing Stability System currently funds two health focused staff (one Registered Practical Nurse and one Social Worker) who work as a team to support the mental health and addictions needs of people experiencing homelessness and participants in the Supportive Housing Program.
- The need for support amongst those experiencing homelessness and Supportive Housing Program participants greatly exceeds the support these two staff can provide. Point in Time Count survey responses indicated the following health challenges:
 - 72% of respondents are active in their substance use;
 - 67% of respondents are experiencing mental health challenges;
 - 40% of respondents are struggling with an illness / medical condition;
 - 40% of respondents indicated physical limitations; and
 - 38% of respondents indicated they live with learning or cognitive limitations.
- By expanding the embedded health focused staff to focus on those being served by the Housing Support Programs (Home-Based Support and Supportive Housing), participants will receive enhanced health supports that will contribute to housing stability, and that will significantly decrease the likelihood of a return to homelessness.

Extension and Expansion of Interim Housing

Recommendation: Extend interim housing for up to 80 individuals who are experiencing unsheltered homelessness and not accessing the emergency shelter system, at an estimated annual cost of \$2,880,000.

- The Interim Housing project was initiated in October 2020 in response to the pandemic.

- The project is an innovative response to support up to 80 individuals who were previously experiencing unsheltered homelessness and not accessing the emergency shelter system.
- The Interim Housing project is funding through Federal and Provincial COVID relief funding that is anticipated to end on March 31, 2022. The cost of this project is \$240,000 per month in staffing, operations, and building rental costs.

Alternative Support Options within the Emergency Shelter System

Recommendation: Collaborate with service providers to explore alternative options and support within the Region's emergency shelter and Housing Stability System to address systemic barriers to accessing emergency shelter and housing.

- Regional staff will work with emergency shelter providers to address systemic barriers to accessing the emergency shelter sites, including:
 - Supports / spaces for couples;
 - Providing emergency shelter spaces that allow pets; and
 - Spaces for those requiring abstinence based shelter.
- The current cost to the Region of Waterloo per shelter bed ranges from \$19,000 to \$23,000 per year. Any new emergency shelter locations that would provide dedicated supports to couples, individuals/households with pets, or supports for community members requiring abstinence-based shelters would necessitate additional funding to support these spaces and community members.

Appendix D: Emergency Shelter Provider Capacity in Waterloo Region

Service Provider	Population	Capacity
Cambridge Shelter, Cambridge	Men & Women 16+; Families	67 spaces
Cambridge Shelter Overflow, Cambridge	Men & Women 16+; Families	30 spaces
House of Friendship Shelter, Temporarily Operating in Guelph	Men 16+	88 spaces
oneROOF, Kitchener	Youth 16-25	18 spaces
Safe Haven, Kitchener	Youth 12-17	10 spaces
The Working Centre University Avenue, Waterloo	Men & Women 16+	80 spaces
YW Emergency Shelter, Kitchener	Women 16+	54 spaces
YW Motels	Families & Women 16+	N/A
Quarantine/Isolation	Men & Women 16+	30 spaces
# Service Providers		377 spaces + Motels

Emergency shelters are operated by six service providers who work collaboratively together to operate as one system. Access to emergency shelter is provided through the Region's coordinated entry service called the Housing Helpline, operated by Argus. Emergency shelter service providers work together as a system to ensure all individuals requiring emergency shelter are supported to access space across Waterloo Region.

Over Winter 2021/22, there is a need to add more spaces and shelter options across the Emergency Shelter Program to respond to anticipated capacity pressures. These temporary spaces will be operated across Waterloo Region and support all household types (men, women, youth) adding close to 80 additional beds across three sites.

Between March 1, 2020 and October 1, 2021, the emergency shelter system supported 233 individuals per night. Regional staff and emergency shelter service providers work collaboratively to reduce barriers related to shelter access, which includes but is not limited to; focusing on harm reduction partnerships and practices on-site, conflict resolution strategies and protocols, and improved data tools to monitor real-time occupancy data.

THIS IS **EXHIBIT "P"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUITEMA

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

2021 Point in time count findings



1085 people experiencing any type of homelessness were counted on September 21, 2021.

412 people living rough (living in encampments, on the street, or staying in their vehicle);

335 people experiencing hidden homelessness;

191 people in emergency shelter;

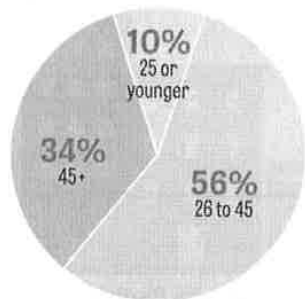
84 people in transitional housing;

63 people in institutions (Hospital, Police custody, Women's Crisis Services).

609 people included in the **point in time count** filled out a survey. A summary of their responses is outlined below.

WHO

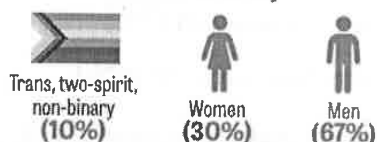
Age of survey respondents



Racial identity



Gender identity



WHERE/HOW LONG

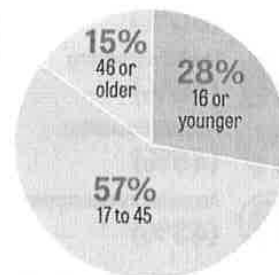
Where people are experiencing homelessness*



How long people have been experiencing homelessness in the last year



Age when people first experienced homelessness



* The number of people experiencing homelessness in these locations differs from the numbers reported at the top of the page as this section reports on where survey respondents are experiencing homelessness - not everyone experiencing homelessness filled out a survey.

EXPERIENCES OF HOMELESSNESS




Top five reasons people said caused their experience of homelessness

-  Not enough income for housing **(33%)**
-  Landlord / tenant conflict **(24%)**
-  Substance use issues **(15%)**
-  Conflict with spouse / partner **(14%)**
-  Unfit / unsafe housing conditions **(13%)**

Health challenges reported by survey respondents

- 72%** Substance use
- 67%** Illness / medical condition
- 40%** Physical limitation
- 38%** Learning or cognitive limitation

Top ten services that would be helpful

-  Finding affordable housing **(87%)**
-  Housing search support (including support worker) **(69%)**
-  Bus Pass **(68%)**
-  Outreach workers **(59%)**
-  Internet access **(56%)**
-  Washrooms, showers **(54%)**
-  Help writing housing applications **(50%)**
-  Low barrier housing **(46%)**
-  Personal Counselling **(45%)**
-  Accessing income support programs (e.g. OW, EI) **(43%)**

Challenges to finding safe permanent housing

- Low income **(78%)**
- Rent too high **(73%)**
- Discrimination **(34%)**
- Poor housing conditions **(26%)**
- Mental health issues **(25%)**
- Criminal history **(24%)**
- Family breakdown / conflict **(15%)**
- Physical health issues, accessibility **(14%)**

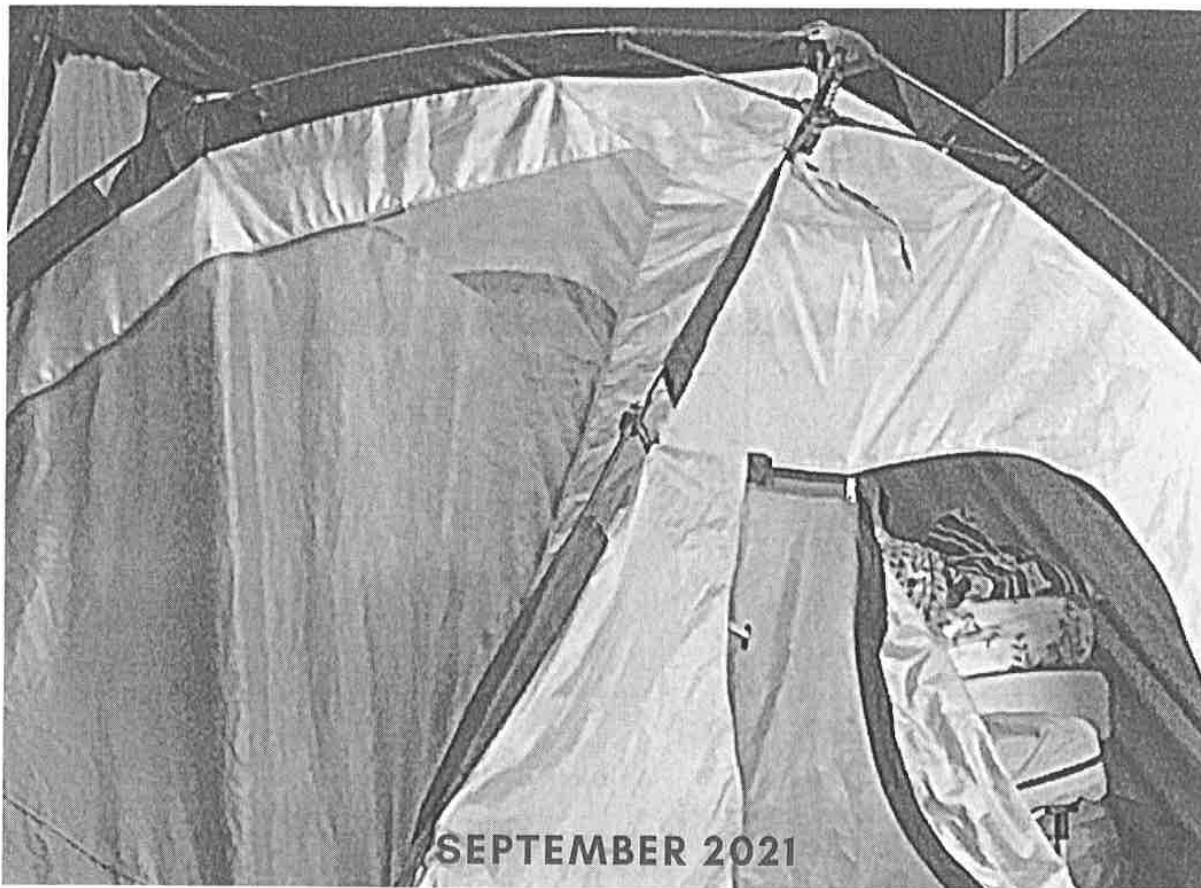
To learn more about housing and homelessness services in Waterloo Region, please visit:
<https://www.regionofwaterloo.ca/en/living-here/housing-and-shelter.aspx>

THIS IS **EXHIBIT "Q"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUITEMA

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



POINT IN TIME COUNT OF HOMELESS

STORIES AND NARRATIVES



SOCIAL DEVELOPMENT CENTRE WATERLOO REGION
23 Water Street North, Kitchener N2H 5A4
www.waterlooregion.org - sdcw@waterlooregion.org

POINT IN TIME COUNT OF HOMELESS

STORIES AND NARRATIVES

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WHY NOT IN SHELTERS	12
WHAT PEOPLE NEED WHILE HOMELESS	14
WHAT PEOPLE NEED TO REACH HOUSING	14
IMPACT OF COVID	15

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*Social Development Centre Waterloo Region, November 2021
 Reprint Tempalte By Anthony W. Hopkins • Aug 2017*

POINT IN TIME COUNT IN A NUTSHELL

Published on
October 10th, 2021
World Homelessness Day

Extreme resilience in the face of abuse, trauma, loss, death, exclusion due to disability, poverty and health challenges - this is what we need to remember on the the commemoration of the World Homelessness Day. There is a strong correlation between mental health issues and homelessness. We cannot tell which came first, but once both factors are present they form a vicious cycle which makes interventions challenging and complex, usually traumatizing and criminalizing in itself.

2021 Point in Time Count of Homeless called on Social Development Centre's staff and community connectors to join and collect stories about predicaments experienced by the unhomed and displaced that go beyond surveying and counting. Today, we wish to recognize people among us who are afraid, hopeless and traumatized, without adequate pathways to resolution of their predicaments, offered without blame and criminalization. Today, we are reminded of the resilience we are all capable of, but we see it most clearly in desperate poverty and exclusion of the sick, disabled and marginalized who survive against the harshest weather conditions, sanctioned violence and deprivation. Homelessness is not a crime. We tend to criminalize those who have less power, live in conditions that are out of the norm, or are considered a threat to the 'social order'. Today, we know better and stand against criminalization of poverty and homelessness.



**I AM
JUST
SO
ANGRY**

...

CHAR LEE

There are so many reasons that this community has fallen into a place of fear and hate.

There are so many untold answers because each question gets passed from one person to another. There are so many gaps that the people who fall through them are not even noticed.

Wake up and look around you. Oh, wait you have a safe place to lay your head at night, food on the table.

Let me ask you how your heart became so cold? Why is there enough money for a new light rail but not for a human that needs a bed.

How can you go into a meeting and say sorry there is NO FUNDING, for another family that has lost everything.

Tell me why staff are burning out and are frustrated? Why is there so much turnover and you wonder where the trust went.

We are tired of telling our story because you say "we are going to make a difference" but nothing gets done.

So this is how I feel

WE ARE NOT A NUMBER

WE ARE NOT YOUR ENEMIES

WE ARE NOT TAKING IT ANYMORE

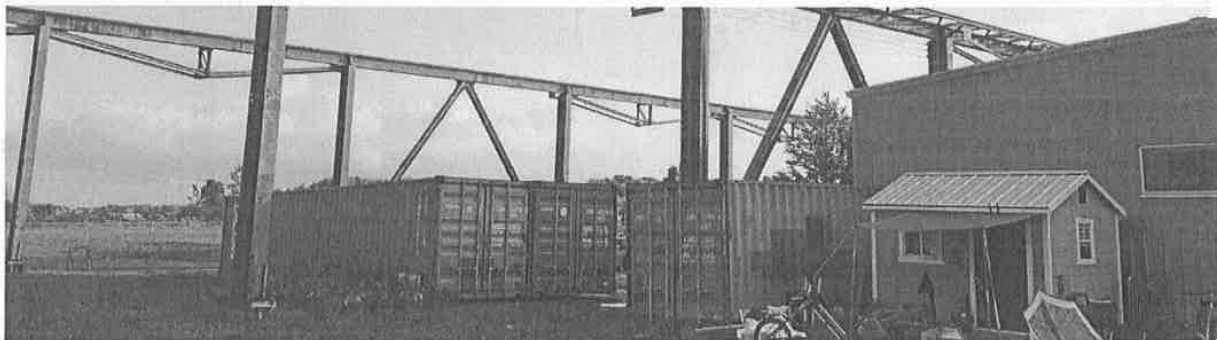
WE HAVE FEELINGS AND EMOTIONS

WE BLEED AND LOVE

WE SHOULD BE RESPECTED

So step up and help side by side with us, not in front or behind but beside.

Stop breaking promises, and keep it real. Together we can build a city that works together and runs together.



**STORIES
AND
NARRATIVES**

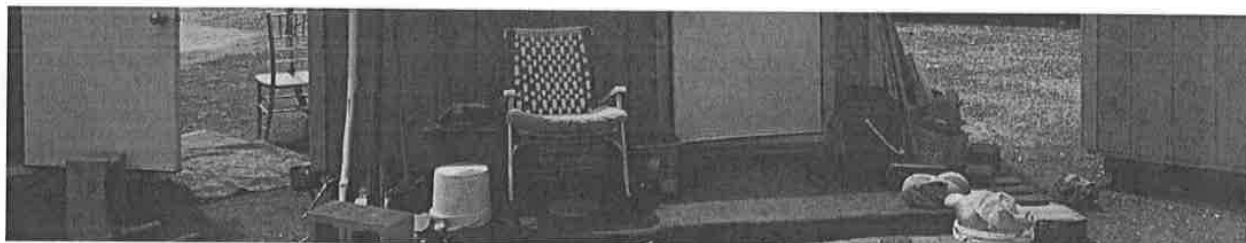
INTRODUCTION

**“IT CAN TRULY
HAPPEN TO
ANYONE”.**

Social Development Centre's staff engaged in the Unsheltered Campaign and in the Eviction Prevention program joined the Point in Time Count of Homeless alongside the shelter and street outreach providers in the region to meet the people who were without a home on September 21. We heard that periods of unsheltered and hidden homelessness follow each other, and that hidden homelessness can last years too, remaining invisible as chronic homelessness. We set out to explore the stories of people temporarily accommodated with friends and family, in motels, or living with roommates and peers in unsafe conditions, and intermittently sleeping on stairwells, in tents and under tarps, under overpasses, woods or in cars, and setting up encampments in unusual and less frequented places.

A number of people we encountered as unsheltered and then in revolving situations of being temporarily accommodated, held post secondary diplomas, used to be gainfully employed, used to be married and had children, owned homes, served in the military, all of it testifying about how hard it is for people who slipped into sickness, grief or deprivation to regain their status and life once they become homeless. It is especially destructive for individuals who can no longer take care of themselves or access consistent medical assistance, afford medication, or required diets when living with disabilities, physical and mental health challenges.

Another reason for not being able to break through the barriers after a life crisis hits is the criminalization of poverty in today's society. As most of us lead comfortable lives, we do not think about the regulations and laws that separate us from people who do not have means for things we take for granted, including a warm bath, a neat haircut or a clean set of clothes. It actually takes very little for people to be excluded from public and private spaces, social and healthcare services. They testify of being treated differently, being looked down at or becoming invisible.



INTRODUCTION

**"THERE IS TRUST
AND LEADERSHIP
IN HOMELESS
COMMUNITIES.
IT IS JUST THAT
THE GREATER
COMMUNITY
HASN'T
ACCEPTED
IT YET".**

The separation is kept in place through regulations, bylaws and policies, service protocols and unwritten and unexamined rules and assumptions. It is kept in place by bylaw officers, the police, service staff, security guards. Most of us are literally protected from encounters with the marginalized, impoverished and underserved residents.

We can also act as gatekeepers ourselves through avoidance, distancing or judgement. Sanctioned violence to which the homeless are exposed is most visible in general acceptance of encampments being moved, of the loss of people's belongings and their dignity. We may have been bystanders, uninterested or believing that these actions are justified and that people they are done to somehow deserve it.

We heard accounts of assault on the homeless and of verbal injury. Homeless were forbidden access to outdoor or indoor spaces, even in inclement weather conditions. The social service providers processes and risk averse regulations are pushing them further away into obscurity and causing repeated trauma. No wonder we know so little about the needs, struggles and aspirations of the homeless in our community. No wonder we blame and judge their opinions or disregard what they tell us about systems and how they need to change.

Unsheltered Campaign, as a community initiative, calls to action on sanctioned encampments with basic supports, empowering the homeless so they can: make their own decisions and organize peer-supports; have their voices and solutions heard and implemented; working through economic and political aspects towards healing and inclusivity. By criminalizing homelessness, we inadvertently create conditions where people are condemned to crime to survive. The vicious cycles must be broken.



SURVEYORS' EXPERIENCE

APPROACH LEARNING RECOMMENDATIONS

**"STORIES ARE DATA
WITH SOUL"
BRENEE BROWN.**

SDCWR team engaged ten staff and community connectors to support the Point in Time Count, and most importantly, to collect life stories and narratives to complement the quantitative data. Our approach, embedded in lived expertise and relationships built over decades, is grounded in the realization that we still make important decisions based on numbers whereas the qualitative data is left out. Quantitative data has a notoriousness to generalize and overstate the arguments, is taken at face value and yet maintains its reputation to be an accurate measure of social phenomena.

Eight of the SDCWR team members had a lived experience of homelessness at some point in their life. Many have been advocates for years, struggled to regain solid ground under their feet for themselves, their families and their peers. They dedicated 134 hours to the count, and collected 85 surveys, encountered 70 more homeless, and collected stories and narratives committed to amplify the voices of the homelessness. They also agree that if the weather was warmer, there was more time, more people would have been reached, especially the hidden homeless.

Without their wisdom and relationships, the engagement this year would not have been as revealing, as compassionate, and visionary.

DEFINITION USED TO DISTINGUISH HIDDEN HOMELESSNESS

- Self-identifying as homeless
- No lease or sublease in their name
- Repeated episodes of temporary accommodation
- No means to secure housing (savings, employment, ability, health, etc.)
- Not having the solutions within reach in the next 3-6 months
- In an unsafe situation physically, psychologically, emotionally
- Breakdown in relationship with service providers / lack of trust based on trauma / service restricted

FROM

PRECARIOUSLY HOUSED

- Having a lease in their name
- Able to pay rent or arrange arrears agreement
- Not in an eviction process at the Landlord and Tenant Board
- Accessing services to address tenancy issues such as harassment, lack of maintenance, health and safety, security and are trusting the services in general
- Living with a friend or relative and feeling safe
- Having means and capacity to resolve their situation through independent housing if they chose so

SURVEYORS' EXPERIENCE

1) Length of the PIT period

The team collected information from people on September 21, 22 and 23, always asking where people stayed on Tuesday, September 21.

However, the preparation work, mobilization of networks and connections, took longer and had to happen days or weeks ahead, especially when taking a deeper dive into hidden homelessness. Many among the unsheltered and hidden homeless wish to remain invisible and frequently change locations.

Ideally, the mapping of locations and contacts would happen over a number of weeks before the count, and the count itself would have to last longer than three days to reach all the known contacts and places. It is also a precaution in case the weather is cold and rainy as it was this year.

2) Qualitative Data Collection

In addition to collection of the surveys and counting the observed homelessness, SDCWR team community connectors followed the practice of collecting qualitative data in addition to surveys, narratives and stories shared by people encountered, both those who would share stories while being surveyed, and those who refused to do the survey.

Richness of data collected that cannot be captured in the survey requires rapport building, establishing trust, and takes time to record. The conversation opens up to more questions, pointing to both the obstacles and solutions to achieving housing as a human right. The time it took to collect the stories ranged from 30 minutes to 90 minutes. People were open to conversations. They needed to have their voices recorded and their stories heard. More consideration needed to the storytelling process in future counts.

SURVEYORS' EXPERIENCE

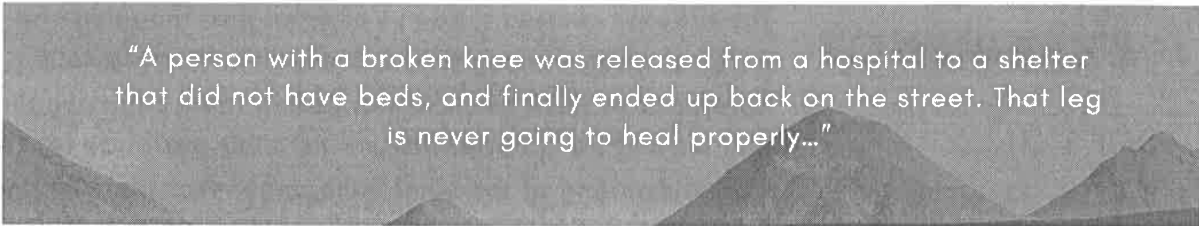
3) Emotional Labour and Secondary Trauma

The process elicited a gamut of emotions, thoughts and actions. When working with individuals where previous relationships were established, seeing them still struggling and striving for a better life, would elicit gratitude for the trust shown and at the same time anger that there are no adequate services and support available still to help them get ahead. Knowing that there isn't much more that can be offered beyond a \$10 gift card, home made banana bread and a listening ear is hard, and was hard for most.

There is also respect and gratitude for peers and community members who are able to offer even a temporary safe place for some of the hidden homeless. Many are offering help to their peers at the cost of getting into trouble with the law or the personal and material loss. It does reaffirm that there has always been humanity and caring with people who relate to the hardship and struggles of the unhomed.

The surveyors themselves were drawn into the personal stories and requests for assistance and had to make calls, connections and spend time to ensure that the person asking for help receives minimum support, food, a service referral, or at least temporary relief from the emotional and psychological pain in companionship.

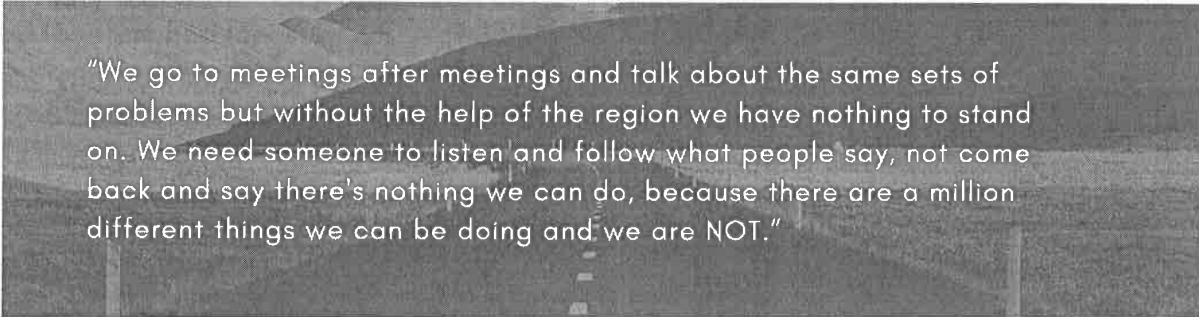
Debriefing after the Point in Time Count is of extreme importance, not only within the team, but professional counselling for secondary trauma is also recommended. As well, due to the high volume of repeated requests for housing and shelter assistance, there should be dedicated experienced housing workers available for the days of the count to respond to the most challenging cases where the assistance is requested. However, it was pointed out that those workers would have to be known and trusted by the homeless communities as committed advocates, not simply case workers.



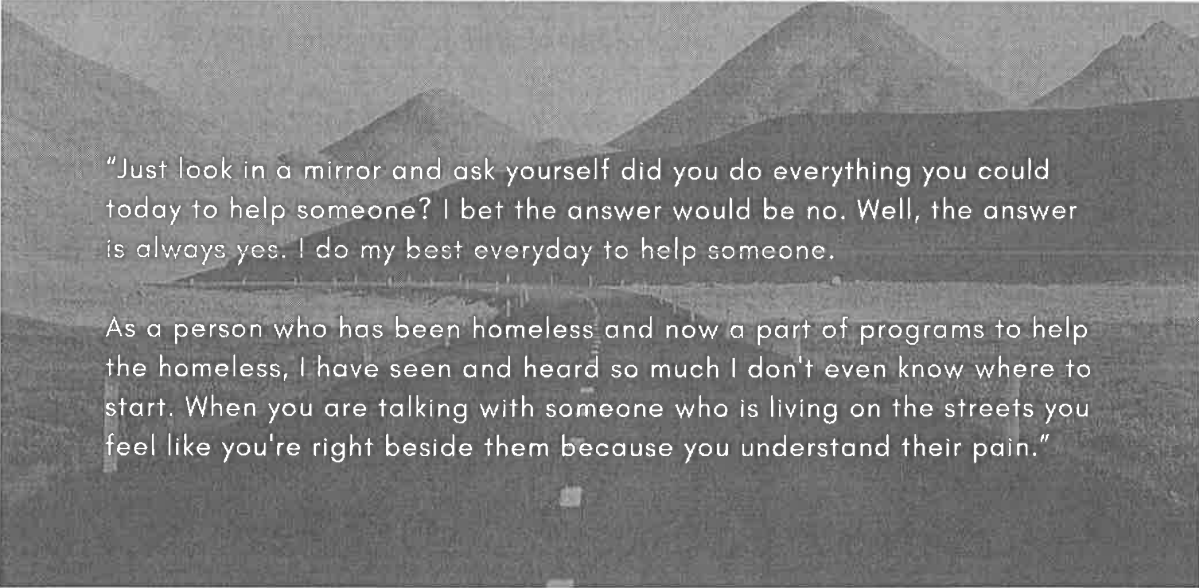
"A person with a broken knee was released from a hospital to a shelter that did not have beds, and finally ended up back on the street. That leg is never going to heal properly..."



"There is a belief that homeless people cannot be helped, as if it is their nature... if only things were available to them."



"We go to meetings after meetings and talk about the same sets of problems but without the help of the region we have nothing to stand on. We need someone to listen and follow what people say, not come back and say there's nothing we can do, because there are a million different things we can be doing and we are NOT."



"Just look in a mirror and ask yourself did you do everything you could today to help someone? I bet the answer would be no. Well, the answer is always yes. I do my best everyday to help someone.

As a person who has been homeless and now a part of programs to help the homeless, I have seen and heard so much I don't even know where to start. When you are talking with someone who is living on the streets you feel like you're right beside them because you understand their pain."

OBSTACLES TO HOUSING

Hidden homeless can stay in that situation as long as any other chronic homeless, sheltered or unsheltered. Usually multiple and consecutive loss or break up of relationships causes unhoming of individuals, sometimes as young as 3 years of age: conflict with parents, divorce, death of family member, partner or a friend, even a roommate.

There is a high incidence of **toxic/abusive relationships**. We know that when people flee an abusive relationship, they can become homeless. Anecdotally, the abuser can also become homeless, especially if arrested. This can result in bail conditions or a restraining order without the application of the alternatives in systems of restorative justice to prevent homelessness or address abuse. On the other hand, being without home usually leads to abusive relationships. Even if once securely housed, when a relationship ends (for any reason) both people stand a chance of becoming homeless simply because one person cannot afford an apartment large enough for two, or it was a two-pay-cheque family.

"Losing housing can happen to anyone."

"Everything is so close to the edge, that any event, a small perturbation, can set off many difficulties - we are all so close to the edge".

"At some point there is a domino effect - everything that can go wrong, goes wrong in someone's life".

In most cases, the **lack of income and earnings**, inadequate social assistance are the initial reasons for unhoming. Unreasonably high rents and the loss of affordable housing, the impact of COVID with loss of jobs and evictions push people out.

Trauma was named one of the major life experiences that knock people off balance. There is a persisting lack of support such as adequate and culturally appropriate counselling, or supports 'by choice' that people feel comfortable with. The services re-traumatize individuals and families in many instances and people give up mid-way or do not go back to seek services again.

Far too many middle-aged and older adults live with their parents or relatives, where unconditional obedience becomes the requirement to remain housed. Many are trapped in exploitative and volatile situations, staying for fear of not being able to afford other accommodation, especially if disabled or in poor health. Others are trapped in overcrowded apartments that are poorly maintained and constantly move from apartment to apartment.



What we heard:

Divorce and broken families/relationships
Abuse (physical, sexual, emotional)
Incarceration and probation breaches
Teenage criminal activity
Opioid use for pain management
Death and loss of trusting relationships
Trauma leading to antisocial behaviour
Mental health challenges, ADHD, depression
Alcoholism, addictions and suicide in family
Hospitalization and impaired health
Lack of learning supports in schools
Disabilities and injuries
Debt
Running with the rough crowd
Not trusting one can live in an apartment

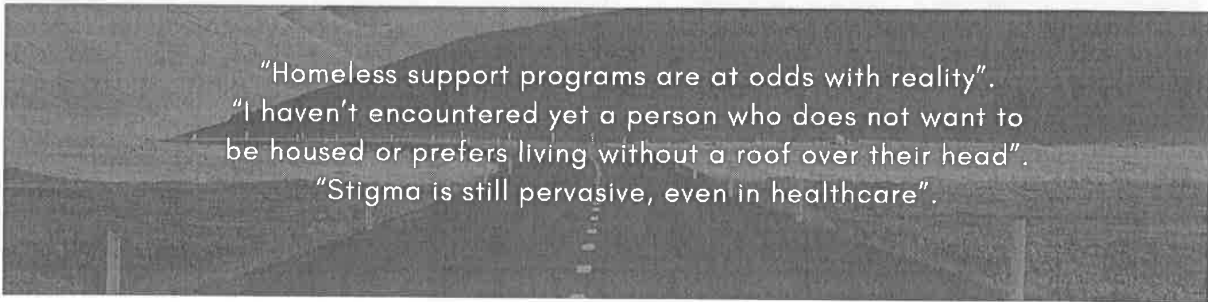
WHY NOT IN SHELTERS

Research done over decades about the punitive policies and procedures adopted in the shelter systems is ample and the change is happening slowly. Even if curfews were lifted and people are no longer forced out of the shelter during the day, the residency requirements persist, while the requirement of unconditional acceptance of the first available offer trumps the needs and safety of a person.

The investment in the revamping of the shelter systems and housing services is painfully slow such as physical inaccessibility, expecting couples or pets to part from each other, or lack of space or safety remain. Safe supply is still seen more as a risk than a life saving strategy.

There are prohibitive practices added during COVID such as quarantines before being accepted at a shelter. There is a reluctance by policy makers and agencies to accept that shelters are not safer than encampments, and a denial that some environments look and feel like penal institutions or detentions despite the efforts being made by the shelter and housing providers. The risk averse systems slide back under the unrealistic provincial guidelines and do not see ways to advocate for more humane regulations and far more realistic funding.

The assumptions stating that people take undue advantage of the services couldn't be further from reality, as much as believing that parents wish to raise their families in congregate settings or motels. The increased length of stay in the shelter system is only a testimony that there are no better options available in today's society.



"Homeless support programs are at odds with reality".
"I haven't encountered yet a person who does not want to be housed or prefers living without a roof over their head".
"Stigma is still pervasive, even in healthcare".

There is apprehension expressed by the surveyors and the surveyed that the numbers of the unsheltered and hidden homeless is greatly undercounted due to many reasons: homeless do not want to be visible due to criminalization, especially Black and Indigenous individuals; stigma and shame; disconnect from systems that are hard to access and navigate, and lack of trust; and the three rainy days during which the count was conducted. There are only so many shelter beds, overflow spaces or motel/hotel leases. There are fewer and fewer deeply affordable units available. At the same time, it is said that there are enough shelter spaces in general and that we already have the appropriate services in place. People say that their concerns and hardship are being brushed off.

What we heard about shelter system:

Pet being taken away
 Trusting staff leaving agencies
 Mental health challenges not being accommodated
 Conflict with authority
 Does not get along with others
 Taken advantage by peers
 Inconsistent service by social and housing agencies
 (lost files, multiple agencies handing off clients,
 loopholes to jump through)
 No capacity to advocate for themselves
 No safety in shelters (abuse, addictions, violence)
 Major health issues
 Addiction and pain management
 Self-protection and ongoing conflict, even with
 staff in shelters
 Abuse in relationships
 Petty crimes
 Restricted from accessing shelters
 Residency issues and being moved to other
 communities

WHAT PEOPLE NEED WHILE UNSHELTERED

- 24/7 washroom access
- More free shower locations and expanded hours
- Public phones
- 24/7 public Internet access
- Low barrier shelter and housing units
- Help with housing search
- Low barrier housing
- Storage spaces
- Outreach worker supports
- Accessible counseling
- Bus passes

"People are losing hope due to lack of opportunity and being homeless in horrid conditions... you can see the wear on their faces, there is not much life left..."

WHAT PEOPLE NEED TO REACH HOUSING

- More affordable housing
- Access to income supports
- Addictions supports/treatment
- Dedicated peer workers as advocates

Some of these considerations need to be given at the Landlord and Tenant Board hearings to people experiencing homelessness. A year long case is far too long a wait for a tenant who is seeking compensation after being illegally evicted. Equally important is bringing a meaningful overhaul of the social assistance system. Individuals cannot keep their photo ID or bank cards long enough to fulfill the requirements such as paying arrears or registering on the community housing waiting list. ODSP and OW can be authorized to make payments on behalf of the clients.

The housing support systems remain siloed and disjointed, with different workers for different services. Persons with disabilities, living with trauma or mental health challenges are constantly facing obstacles accessing support. Some obstacles recorded are physical and mental disability, dyslexia, addiction, and low literacy or not understanding or speaking English well. It was repeated many times that people impacted need advocates to sustain their efforts on the journey to permanent housing and stable living.

*"Enough, she does not need another refusal."
"It is a route run down from service to service, without a bus pass, a phone or ID".*

THE IMPACT OF COVID

COVID-19 pandemic has taken its toll on the homeless populations. Some of the people spoke of their lack of access to health care or the stigma where a homeless person goes to a hospital only to get narcotics. In one case, a needed brain surgery that is already making communication and reasoning difficult was cancelled and not rescheduled.

In other cases, COVID resulted in the loss of employment and inability for paying rent arrears. In the case of an immigrant single mother family, it propelled the households into unsafe and untenable living conditions with little understanding of the needs and concerns from a range of service agencies who are being overwhelmed by the pandemic.

The systems function within general and narrow assumptions, expecting those impacted by the evictions and loss of housing to adapt, accept and obey expectations that are experienced as oppressive and traumatizing. No alternatives are offered and further restrictions to rights and options are imposed when the communication breaks down with service providers.

Unintended consequences are both pushing families into more destabilizing and toxic housing environments, accepting any offer made under threats including children being taken away, legal prosecution, as well as locking them, against their will, into social assistance without options to take their own lives into their hands the way they need to.

"Structural violence refers to systematic ways in which social structures harm or otherwise disadvantage individuals. Structural violence is subtle, often invisible, and often has no one specific person who can be held responsible.... Structural violence, including the concept of 'crime and criminalization' plays out in all of our institutions and fundamentally impacts the trajectory of people's lives."

(Re)Think Our Stories, the reality of structural violence
Waterloo Region Crime Prevention Council
<https://preventingcrime.ca/upstream-speaker-series/>

THIS IS **EXHIBIT "R"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUITEMA

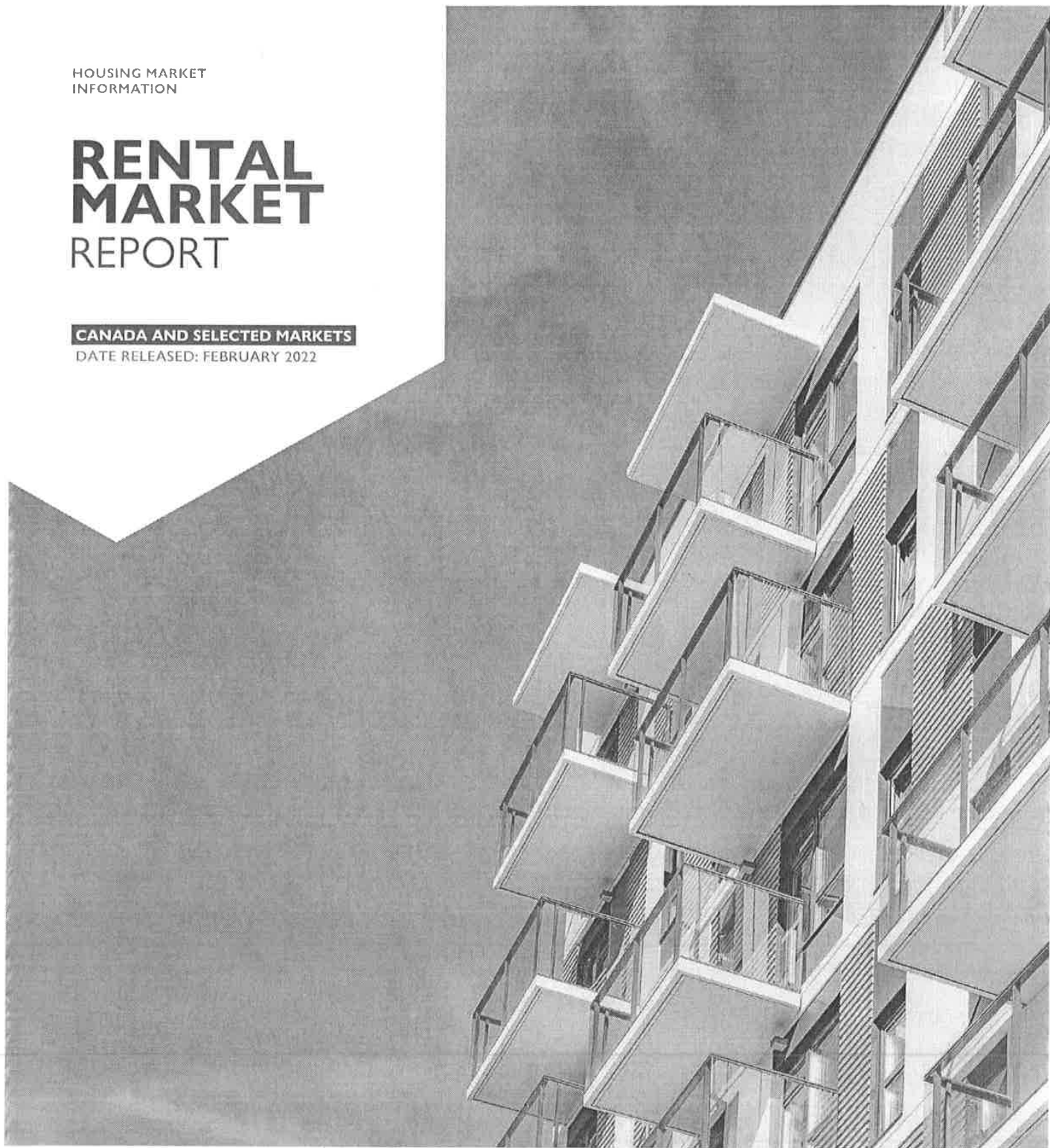
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G

HOUSING MARKET
INFORMATION

RENTAL MARKET REPORT

CANADA AND SELECTED MARKETS

DATE RELEASED: FEBRUARY 2022



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Canada



Kitchener-Cambridge-Waterloo



PURPOSE BUILT RENTAL MARKET

Vacancy Rate

2%

Average Two-Bedroom Rent

\$1,356

UP by 3.2%

CONDOMINIUM APARTMENT MARKET

Vacancy Rate

0.8%

Average Two-Bedroom Rent

\$1,950

Data tables from the Rental Market Survey and the Condominium Apartment Survey are available by market by clicking on the link www.cmhc.ca/rental-data-tables



"Recovery in key sources of demand and few additions to the rental stock contributed to tight rental market conditions in 2021."

David Carruthers
Senior Analyst, Economics

MARKET INSIGHTS

HIGHLIGHTS

Waterloo's rental market remains tight, with historically low vacancy rates and elevated rates of rent increase, driven in part by increases in three-bedroom+ units.

Approximately 10,000 fewer workers were employed in sales and service occupations than pre-pandemic levels as of October 2021, while industries such as professional, scientific and technical services have driven a return to pre-pandemic employment levels overall.

Immigrant admissions returned to and surpassed pre-pandemic levels.

2021 saw relatively little stock added to the rental market. Still, record levels of rental and condominium units under construction may contribute to strong growth in the coming years.

Slow rental supply growth and low vacancy rates pressure rents

Despite record inventory levels under construction in rental and condominium markets in the Kitchener-Cambridge-Waterloo (KCM) census metropolitan area (CMA), completions between our two rental market surveys were near and even slightly below the average levels since 2015. The purpose-built rental stock saw a net increase of 190 units in the universe (see Table 3.1.3). In contrast, the estimated number of rental condominium units increased by 470 units, roughly 50% of the increase in condominiums overall. This total increase of 660 units sits well below the 2016-2020 average of 1,774 units.

Purpose-built and condominium rental apartment vacancy rates remained low in 2021, with no statistically significant change (see Tables 1.1.1 and 4.1.1). Smaller-than-usual increases to the rental market stock likely contributed to low vacancy rates as competition increased for a relatively unchanged supply. This likely contributed to upward pressure on rents.

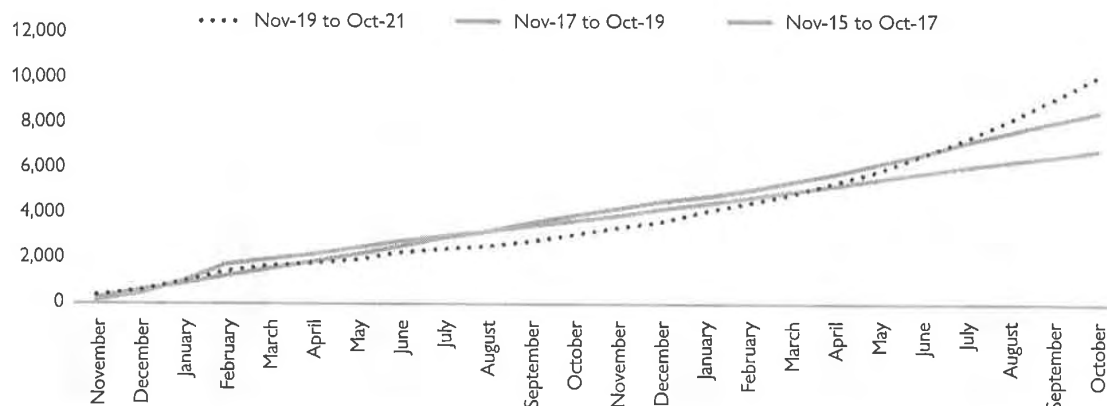
Employment rebound a factor

While total employment has returned to pre-pandemic levels, approximately 10,000 fewer people were working in sales and service occupations as of October 2021. On the other hand, employment in the professional, scientific and technical services industries was stable and continued to grow throughout the pandemic, with approximately 6,000 jobs added. A return of employment likely strengthened rental demand in KCW, with high-income jobs possibly driving rent growth in newer-condominium units.

Immigration contributed to rental demand growth

The onset of the pandemic caused a sharp drop in the admission of permanent residents. Admissions have since recovered and are well above pre-pandemic levels (Figure 1). While parts of 2020 saw reduced levels of monthly admissions, the period between our two latest rental market surveys saw more admissions overall than the same period from 2017 to 2019. New immigrants are typically renters. As a result, the increase in new admissions likely contributed to a recovery in rental demand in 2021.

Figure 1: Admissions of permanent residents recovered to above pre-pandemic levels



Source: Immigration, Refugees and Citizenship Canada. Canada - Admissions of Permanent Residents by Province/Territory and Census Metropolitan Area of Intended Destination, October 2021

Return to class increased demand from students

Post-secondary institutions in KCW suspended most in-person classes over the 2020-2021 Fall and Winter terms. Market intelligence suggests uncertainty surrounding in-person classes and the signing of leases over the school year, reduced losses from student demand in the rental market. In addition, with the prevalence of remote work opportunities, graduating students may have been slower to leave the region than in pre-pandemic times. With the resumption of some in-person classes in the Fall of 2021, many students returned to the KCW rental market, contributing to rental demand. An increase in turnover rates, especially in Waterloo from 16.4% to 21.4% (see Table 1.1.6), may also have reflected this rebound.

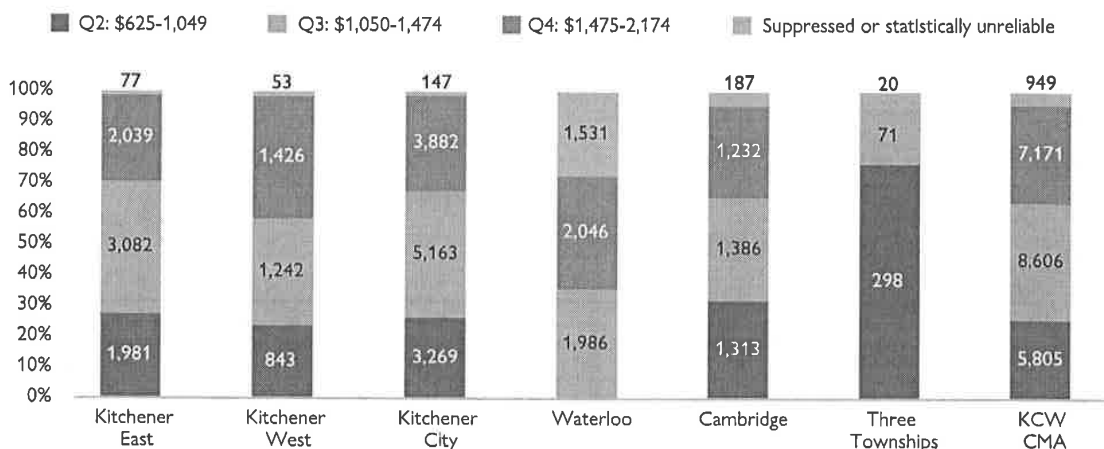
Students who spent the past year outside the region may have lacked the relationships and experience to form households and find rental housing. In addition, the loss of some student-occupied housing to non-student tenants possibly tightened the rental apartment market more than normal. The continued return to in-person instruction will likely drive activity and tightness in the student market in the upcoming year.

Upward pressure on rents and diminishing affordability

Increased demand, few additions to supply and higher rents eroded affordability within the KCW rental market in 2021. As seen in Figure 2, very little of the two-bedroom purpose-built rental stock in 2021 was affordable for the 20% of households with the lowest incomes. This pattern was common to all Zones but most visible in Kitchener and Cambridge, where less than 1% and 5%, respectively, might have been affordable to this group. Comparing the same indicators from 2020 confirms that an additional 9% of units were only affordable to the top 40% of incomes, while 10% of units were no longer affordable to the middle 20%.

Affordable housing stakeholders confirmed increasing difficulty for prospective tenants, particularly low-income individuals, looking for housing. The portion of the market with lower-rents is facing increased conversion as demand for homeownership and newly renovated rental apartments rise – though many of these units fall outside the coverage of our rental market survey.

Figure 2: Few two-bedroom purpose built rental units affordable for lowest 40% of household incomes



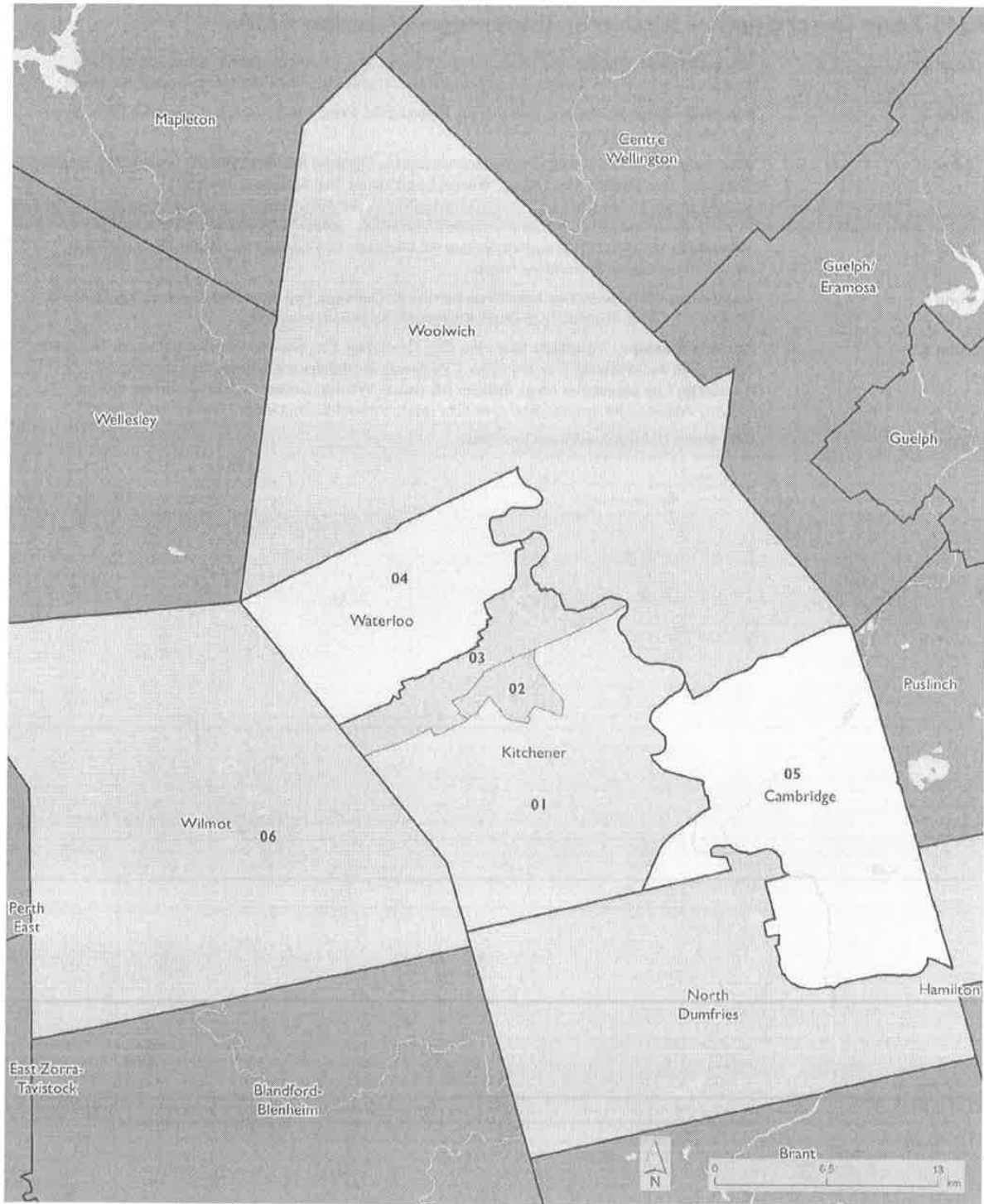
Source: CMHC; Statistics Canada, Census 2016; CMHC calculations

Rental demand continues to be supported as many renter households find themselves unable to afford homeownership. Renting in KCW was affordable compared to Toronto in 2021, where average rent levels for two-bedroom units were substantially higher (\$1,679 versus \$1,356). KCW's rental

market likely saw rental demand from Toronto as a result, especially with many professionals remaining in remote-work situations.

 **Download the Excel data table (XLSX) for this market. Data tables for all markets are also available for download at cmhc.ca/rental-market-report-data.**

RENTAL MARKET REPORT -- DATE RELEASED -- FEBRUARY 2022



RMS Zone Descriptions – Kitchener-Cambridge-Waterloo CMA

Zone 1	Kitchener East - Highland Rd. West, Mill St., Victoria Ave. (north), N. Dumfries boundaries (New Dundee Rd.) (south), Woolwich Twp. (Grand River), Cambridge, Hwy 401 (east), Trussler Rd. (west).
Zone 2	Kitchener Central - Victoria Ave. (north), Highland Rd. West, Mill St. (south), Conestoga Pkwy (east), Lawrence Ave. (west).
Zone 3	Kitchener West - Waterloo City boundaries (north), Highland Rd. West, Mill St., Victoria Ave. (south), Woolwich Twp. (Grand River) (east), Wilmot Line/Wilmot Twp boundaries (west).
Zone 1-3	Kitchener City
Zone 4	Waterloo - Woolwich Twp boundaries (north), Kitchener City boundaries (south), Woolwich Twp. (Grand River) (east), Wilmot Line (west).
Zone 5	Cambridge - Woolwich Twp boundaries (north), N. Dumfries Twp boundaries (south), Town Line Rd. (N. Dumfries Twp, Puslinch Twp) (east), Kitchener City boundaries (west).
Zone 6	Three Townships - Woolwich: Waterloo City, Cambridge City boundaries (south), Puslinch Twp (east), Regional Rd 16, Waterloo City, Kitchener City (west); N. Dumfries: Kitchener City, (north), Cambridge City boundaries (east), Trussler Rd. (west); Wilmot: Gerber / Cedar Grove Rd. (north), Oxford Waterloo Rd. (south), Kitchener City (east), Wilmot Easthope Rd. / Oxford Rd. 5 (west).
Zone 1-6	Kitchener-Cambridge-Waterloo CMA

THIS IS **EXHIBIT "S"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUIITEMA

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



Ombudsman
Toronto

July 14, 2022

Ombudsman Toronto

Interim Report

Investigation into the City's
Process for Clearing
Encampments in 2021

Land Acknowledgment

Ombudsman Toronto acknowledges that we are on the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, and that this land is now home to many diverse First Nations, Inuit, and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands.

We are here because this land has been colonized, and we recognize the ongoing harm done to Indigenous communities by this colonial system, including the effects of broken treaty covenants. At Ombudsman Toronto, we know we have a responsibility to uphold and ensure fairness in the city's local government. We understand that this must be done with a respectful and culturally responsive approach, and we commit to ongoing learning, engagement, and relationship-building in order to do so.



Ombudsman

Kwame Addo

Deputy Ombudsman

Ciarán Buggle

Ombudsman's Note: This investigation involved an immense number of complaints and required extraordinary efforts by staff in all parts of our office. From the Investigations Team who did the systemic work and reviewed all evidence (led by the Lead Investigators, Firas Ayoub and Laura Spaner), to the dedicated team of Complaints Analysts who received and handled complaints, to the Investigations Counsel, as well as research, communications, and operations staff, it was a joint effort. The entire office made this report possible.



Ombudsman
Toronto

Listening. Investigating. Improving City Services.

OMBUDSMAN TORONTO INTERIM INVESTIGATION REPORT

INVESTIGATION INTO THE CITY'S PROCESSES FOR CLEARING ENCAMPMENTS IN 2021

JULY 14, 2022



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Appendix A: City Manager's July 6, 2022 Response to Ombudsman

Ombudsman Toronto
Interim Investigation
Report

Ombudsman's Message



OMBUDSMAN'S MESSAGE

In the spring of 2021, the City of Toronto cleared people who had been living in encampments in Lamport Stadium Park, Trinity Bellwoods Park, and Alexandra Park. Shortly afterwards, my office began an investigation into the clearing of encampments. We did so because there was significant public concern and many complaints to our office about the manner in which these encampments were cleared. I also had concerns about the potential unfairness and inequity of the City's approach, as the City's actions had a direct and immediate impact on the lives of the people living in those encampments.

Our investigation focused on the City's process for clearing encampments and is framed around three main topics: 1) how the City planned the clearings, 2) how the City engaged stakeholders about the clearings, and 3) how the City communicated with the public about the clearings.

Our role is to investigate the City's implementation and administration of City policies and services, and to make sure they are doing so fairly. We do not have the power to order the City take any particular action, and we can't prevent staff from implementing City by-laws, including the by-law that makes camping in parks illegal.

My team reviewed approximately 11,000 documents from the City and conducted over 100 hours of interviews. They also responded to over 50 complaints and submissions from members of the public on this matter and spoke to 43 people who have lived in encampments and experienced being unhoused firsthand. Reviewing the evidence, making our findings, and issuing recommendations that cover the breadth of the materials we have gathered takes time.

While my office has been working diligently and tirelessly to complete the report, our work is still not finished. However, given how important this issue is and the fact that the City is continuing to clear encampments, I have decided to bring an interim report to City Council's meeting in July 2022.

This will allow my office to disclose our initial findings and recommendations that address some of the urgent concerns about fairness that we have identified. Once implemented, we believe these recommendations will increase the fairness, transparency, and accountability of the City's processes for clearing encampments from City parks.

This interim report does not cover all three topics that framed our investigation. Rather, it focuses on how the City coordinated its response to encampments. The full Investigation Report will be tabled at the earliest possible City Council meeting of the new Council term. It will address how the City planned, engaged with stakeholders,



and communicated with the public about clearing encampments and will make further recommendations addressing the fairness concerns we identify. I want to assure Council, members of the public, and City staff that my team understands the importance and urgency of this issue.

The issues of encampments and encampment clearings are complex. They are tied to poverty, health, harm reduction, human rights, reconciliation, and equity. They are also intrinsically linked to the larger-scale issue of housing—who has access to safe, adequate, permanent housing, and who does not? Looking into these issues requires a consideration of the different needs and rights of people living in the city and the broader question about who and what our public spaces are for.

The experiences of people who are living in encampments are unique to each person. Though they may share the same space, not everyone is there for the same reasons and not everyone wants the same things. Their experiences are not homogenous. Personal experience, trauma, health status, gender identity, race, disability, age, and other personal characteristics all play a part in shaping a person's experience of and reaction to encampments and encampment clearings.

This matter is also administratively complex. The sheer number of City divisions and staff involved in the response to encampments has made identifying the relevant processes, procedures, and policies guiding the City's actions a labyrinthine task.

Finally, the COVID-19 pandemic of the last few years has created new challenges. Many people said that, on top of existing concerns they had about shelters generally, they felt safer living in outdoor encampments, as they often found it impossible to maintain safe physical distancing in indoor shelters. At the same time, parks became even more valued spaces for the general public, who sought places to engage in safe outdoor recreation.

In order for us to complete our investigation, it was extremely important for us to speak with people who have lived in encampments. We are grateful to them for sharing their experiences with us. We recognize this may not have been an easy task.

We are also grateful to the experts and community workers we spoke to and for sharing their knowledge with my team.

Additionally, I would like to acknowledge the work of City staff, who have been tasked with handling a very complex issue during a particularly challenging time.



I believe the recommendations in this interim report will improve the fairness and accountability of the City's actions and have a positive impact on those living in encampments today. There is more work to do, though. We will release our final report with further recommendations at the earliest opportunity, understanding that this is an important issue for all Torontonians, but especially for those living in encampments.

I want to thank City Council, members of the public, and City staff for the trust they have put in my office and in their commitment to ensuring fairness for everyone.

Ombudsman Toronto
Interim Investigation
Report

Executive Summary



EXECUTIVE SUMMARY

The City of Toronto's Encampments Clearings of 2021

In the spring and summer of 2021, the City of Toronto cleared people who had been living in encampments in Lamport Stadium, Trinity Bellwoods Park, and Alexandra Park.

This angered many members of the public, community groups, advocates, and outreach organizations who were concerned about the impact the City's clearings were having on encampment residents. As City staff and members of the Toronto Police Service cleared out protestors and encamped residents, people and media posted pictures online, including images of encamped residents next to their destroyed tents and scattered belongings. There were also pictures of the clashes between encampment supporters and authorities.

Significant public interest and concern developed about the way the City was responding to encampments. The impact of these events echoes to this day, and public concern about the City's response to encampments remains strong.

Ombudsman Toronto's Investigation and Interim Report

The Investigation

In September 2021, we launched an investigation into the City's clearing of encampments. We did so in response to the significant public concern raised about the City's clearing of encampments at Lamport Stadium, Trinity Bellwoods Park, and Alexandra Park, and because the City's actions had a direct and immediate impact on vulnerable Torontonians.

Our investigation focused on the City's process for clearing encampments in City parks in 2021, and considered the following three main issues:

1. How the City planned the clearings,
2. How the City engaged stakeholders about the clearings, and
3. How the City communicated with the public about the clearings.

City Council has passed by-laws making it illegal to camp on City property, including parks. We do not have the power to order the City take any particular action, and we can't prevent staff from implementing City by-laws, including the by-law that makes



camping in parks illegal. In short, we can't order the City to clear or not clear encampments. Our role is to investigate the City's implementation and administration of City policies and services, and to make sure they are doing so fairly.

What We Did

We conducted 50 interviews over the course of approximately 100 hours, including 37 interviews with staff from 10 City divisions and 13 interviews with community stakeholders. We reviewed approximately 11,000 documents and received 54 complaints and submissions from members of the public.

Our investigators spoke with 43 people who have lived in encampments and have been unhoused. Our investigators also visited encampments in City parks and went to drop-in centres across the city to speak with people who have experience living in encampments.

What We Heard

We spoke with encampment residents, who told us they believe the City has a responsibility to treat them in a humane and compassionate way, particularly when it comes to clearings, and that being forced to leave an encampment can mean the loss of their home, their community, and their all-important support system.

Further, we heard broad concerns that the City's treatment of people living in encampments had eroded the public's trust in their municipal government, and we saw evidence that the City's actions have hurt its work with community organizations on other important City initiatives. Community groups told us that the clearings have increased the vulnerability, isolation, and trauma of people who have lived in encampments.

We also heard from members of the public who supported the City's decision to clear encampments and expressed concern about their ability to use public parks.

Our Interim Report

While Ombudsman Toronto has been working diligently and tirelessly to complete the report, our work is still not finished. However, given the importance of the issue and the fact that the City is continuing to clear encampments, we have decided to bring an interim report to City Council's meeting in July 2022 outlining issues of unfairness that we recommend the City address as an immediate priority.

Our interim report examines certain aspects of the City's response to the encampments. Specifically, we have focused on the City's Interdepartmental Service Protocol for Homeless People Camping in Public Spaces and its Encampment Office.



We will release our Final Investigation Report at the earliest possible opportunity in the next term of City Council.

Findings: The City's Interdepartmental Encampment Protocol

The City's Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (the "IDP"), adopted in 2005, is one of the City's primary documents outlining its approach to responding to encampments. During the course of our investigation, we found that the IDP is outdated and not consistently followed by City staff. Although the City knew that the IDP needed to be updated, it does not have a detailed plan or timeline to guide this work. We believe this is unreasonable.

Similarly, while the City recognizes the importance of hearing from members of the community and people with lived experience in encampments, we found that the City also does not have a detailed plan or timeline outlining this work, including how and when it will hold public consultations.

Findings: The Role and Mandate of the Encampment Office

In the late summer of 2020, the City created an "Encampment Office" to help coordinate its response to encampments.

The City, though, has not clearly defined the mandate of the Encampment Office, nor has it given the public a formal, detailed description about the role of the Office in the City's response to encampments.

We also heard from staff that the Encampment Office is under-resourced, impairing the Office's ability to take a larger, systemic view in its response to encampments.

Our Recommendations

Clearing encampments is not only extremely disruptive, but in some cases traumatizing to the people living in them. The City owes a particularly high duty of fairness to those residents, who are among the most vulnerable in Toronto.

The City's response to encampments, including its enforcement action, must be done in a consistent and coordinated way, following a process that is well-established, transparent, and understood by all—City staff and encampment residents alike—and this work must be carried out by a team with a clear mandate.



We have made eight recommendations to the City that we believe will increase the fairness, transparency, and accountability of the City's response to encampments in City parks, including:

- Developing a detailed plan outlining how and when it will update its protocol, and committing adequate resources to ensure the update's timely completion.
- Holding public consultations with the community, including people with lived experience in encampments, and ensuring their feedback informs the protocol's update.
- Clearly outlining the Encampment Office's role and mandate, sharing this information publicly, and ensuring it has enough resources to effectively carry out its duties.

We believe the City should begin working immediately on these recommendations, as we continue to work on a Final Investigation Report.

The City's Response and Follow-Up

In response to our report, the City administration says that it supports and accepts our recommendations and will undertake to implement all of them. The City will update our office on the status of its implementation of our recommendations by the end of 2022 and then quarterly thereafter. Ombudsman Toronto will follow up until we are satisfied that the City has implemented our recommendations.

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Introduction



INTRODUCTION

The City's Encampment Clearings of 2021

1. In the spring and summer of 2021, the City cleared encamped individuals out of large encampments from Lamport Stadium Park, Trinity Bellwoods Park, and Alexandra Park.
2. Media published articles with headlines like, "Homeless supporters, authorities clash as Toronto clears another homeless encampment," "26 arrested at Toronto's Lamport Stadium Park as city, police clear encampment," and "Advocates demand Toronto 'immediately cease and desist the violent displacement of encampment residents.'"¹ Community groups, advocates, and outreach organizations expressed anger about the impact that the City's clearings were having on encampment residents.² People posted pictures online from encampments as City staff and members of the Toronto Police Service cleared out protestors and encamped residents, including pictures of encamped residents next to their destroyed tents and scattered belongings. Clashes erupted between encampment supporters and authorities.
3. The result was significant public interest in, and concern about, the way the City was responding to encampments. Those events echo today and public concern about the City's response to encampments remains strong.

Encampments in Toronto: A Longstanding Presence

4. Encampments in Toronto are not new. It's also not new for the City to take enforcement action to clear encampments.³ Since 2005, the City has had a

¹ See [Toronto Star, Homeless supporters, authorities clash as Toronto clears another homeless encampment, July 21, 2021](#), [CBC News, 26 arrested at Toronto's Lamport Stadium park as city, police clear encampment, July 21, 2021](#), and [Toronto.com, Advocates demand Toronto 'immediately cease and desist the violent displacement of encampment residents'](#), June 16, 2021.

² See [Toronto Star, City effort to clear park encampments puts homeless people at risk, outreach workers warn, June 13, 2021](#).

³ In 2020 and 2021, the City cleared smaller encampments at, among others, George Hislop Park and Barbara Hall Park. See: [CBC News, City moves homeless people out of 2 downtown parks after residents say they feel unsafe, July 7, 2020](#), as well as [Toronto Star, Toronto clears three downtown encampments and ejects some occupants to unknown locations, May 12, 2021](#).



protocol to assist staff in responding to encampments, including guidance on “enforcement activities.”

5. The City’s response to encampments has always included offering support to people living in encampments and encouraging them to accept offers of inside space, which the City believes is a safer and healthier option than living outdoors.
6. According to the City, its response to encampments takes into consideration the health and well-being of those who are living in them. This includes offering programs to support the mental and physical health of people living in encampments, as well as programs to help them secure employment and permanent housing. During the COVID-19 pandemic, the City offered greater services and supports to people living in encampments.”⁴
7. The issue of encampments in parks was also discussed at City Council, with Council voting in June 2021 to, among other things, “adopt a goal of zero encampments” and “direct staff to continue working with those living in encampments to offer safe indoor space.”⁵
8. But the public reaction to what they saw as violent and disturbing actions on the part of the City at the clearing of encampments at Lamport Stadium Park, Trinity Bellwoods Park, and Alexandra Park was palpable. People complained to us about what they saw as heavy-handed tactics by the City against vulnerable people living in encampments.

Ombudsman Toronto Launches an Investigation

9. On September 28, 2021, we launched an investigation into the City’s clearing of encampments. We did this because of the significant public concern raised after the City’s encampment clearings at Lamport Stadium Park, Trinity Bellwoods Park, and Alexandra Park, and because the City’s actions had a direct and immediate impact on vulnerable Torontonians living in them.
10. The focus of the investigation was on the City’s process for clearing encampments in City parks in 2021. Our investigation considered three main

⁴ An example was the Pathway Inside Program. Launched in March 2021, the program focussed on four large encampment sites, including Alexandra Park, Trinity Bellwoods and Lamport Stadium by offering people living in these encampments “enhanced services and supports” to support them moving indoors. For more information see [City of Toronto supporting people living in encampments with safe, supportive indoor space – City of Toronto](#)

⁵ City Council, June 8-9, 2021, [COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System](#)



issues: (1) how the City planned the clearings, (2) how the City engaged stakeholders about the clearings, and (3) how the City communicated with the public about the clearings.

11. Like all Ombudsman investigations, the purpose of this investigation is not to point fingers or lay blame, but to determine if there is evidence to support recommendations to the City that could improve the fairness, transparency, and accountability of the City's process for clearing encampments.

Scope of Investigation

12. City Council has passed by-laws making it illegal to camp on City property, including parks.⁶ We do not have the power to order the City take any particular action, and we can't prevent staff from implementing City by-laws, including the by-law that makes camping in parks illegal. In short, we can't order the City to clear or not clear encampments. Our role is to investigate the City's implementation and administration of City policies and services, and to make sure they are doing so fairly.
13. We also do not have the ability to investigate the Toronto Police Service. While it plays a role in the City's encampments clearings, its actions are outside our authority to review.

What We've Done

14. The fact-finding portion of our investigation is complete.
15. We conducted 50 interviews over the course of approximately 100 hours, including 37 interviews with City staff from 10 divisions and 13 interviews with community stakeholders. We also received 54 complaints and submissions from members of the public. Our investigators spoke with 43 people who have lived in encampments and have experienced being unhoused. Our investigators also

⁶ Chapter 608-13 ("Parks") says "Unless authorized by permit, no person shall dwell, camp or lodge in a park;" Chapter 743-9.Q ("Streets and Sidewalks, Use of") says "No person shall, without the approval of the General Manager, camp, dwell or lodge on a street, subject to application of the City's Interdepartmental Protocol for Homeless People Camping in Public Spaces;" and Chapter 636-23.A ("Public Squares") says "No person shall, within the limits of a square as defined in § 636-22A, camp or erect or place a tent or temporary abode of any kind."



visited encampments in City parks and visited drop-in centres across the city to speak with people who have experienced living in encampments.

16. The amount of material we requested and received from the City was substantial and had to be sent to us in batches. It was not until April 2022, six months after we made our first request for documentation, that the City sent us the last of the information we requested. In total, the investigative team reviewed approximately 11,000 documents from the City, including over 4,600 staff emails.

The Complexity of Investigating Encampment Clearings

17. The issue of encampments is challenging. It relates to housing, poverty, mental and physical health, reconciliation, harm reduction, human rights, and equity. One City staff person that we spoke with told us that if anyone ever wants to see a prime example of “system failures,” then they should spend time in an encampment.
18. Due to many complex factors, people living in encampments are some of the most vulnerable people in our city.
19. Evidence suggests that unhoused people living outdoors are disproportionately members of equity-deserving groups, including Indigenous people and racialized people, particularly people who identify as Black. People who are unhoused and living outdoors are more likely to report experiencing mental health and substance use challenges.⁷

What We Heard from the Community and People with Lived Experience

20. People who have lived in encampments told us that they believe the City has a responsibility to treat them in a humane and compassionate way, particularly when it comes to clearings. Being forced to leave an encampment can mean the loss of a home, community, and support system. When we asked one individual to describe the impact of being cleared from an encampment, they told us:

As an unhoused person in Toronto, the impact of the clearings on my relationships with City service responders is the impact on my life. The absolute annihilation of trust destroys my ability to access affordable, or indeed, any housing through the City, to

⁷ Street Needs Assessment Results Report, 2021:
<https://www.toronto.ca/legdocs/mmis/2021/ec/bgrd/backgroundfile-171729.pdf>



move through public spaces without fear, even to exit my shelter-hotel room without apprehension.

21. During our investigation, we heard broad concerns that the public's trust in the City regarding its treatment of and response to people living in encampments has been eroded.
22. Community groups told us that the clearings have increased the vulnerability, isolation, and trauma of people who have lived in encampments. We heard that, for someone who had been "evicted" from an encampment, this was the equivalent of being evicted from their home, of losing their community. Additionally, we heard that, for those who had experienced being cleared from an encampment, their ability to accept offers of assistance and support from the City had been significantly harmed.
23. We also heard from members of the public who supported the City's decision to clear encampments and expressed concern about their ability to use public parks. Some commented on what they believed to be health and safety concerns for not only the public, but for those living in encampments. One person who contacted us spoke about how "distressing" it was to watch people living in encampments trying to "survive through the winter."

What We Heard from City Staff

24. Many staff that we spoke with said that the "encampment file" was one of the most complex files that they have ever worked on at the City.
25. We heard from some City staff about "negative interactions" that they had as part of their work responding to encampments. These included having offensive messages about them being posted online or spray painted onto city park monuments and having to endure personal attacks from some who disagreed with the City's decision to clear encampments.
26. We acknowledge the challenges that City staff responding to encampments have faced. We also acknowledge the views of those who do not wish to see encampments in City parks.
27. However, the City still has a responsibility to treat all residents fairly, and with dignity and compassion. That responsibility is particularly strong when it comes to vulnerable Torontonians.



28. A staff report from January 13, 2004, said the following about the City's duty to assist vulnerable residents:⁸

The test of a compassionate and inclusive city is its success in meeting the needs of its most vulnerable residents. Among the most vulnerable of Toronto's residents are those who live on its streets and in other public spaces. In many ways Toronto's success as a city can be measured by its ability to meet the fundamental right of its residents to live in safety and security.

29. This comment is just as relevant and important today.

Overview and Objectives of this Interim Report

30. The following sections set out our initial findings and recommendations to help the City come up with a clearer, transparent, and consistent way to respond to encampments. We have focused on one of the primary documents that should guide the City's work: the Interdepartmental Service Protocol for Homeless People Camping in Public Spaces. We also discuss the need for the City to take a hard look at the structure and resource requirements of its Encampment Office, which was created to help coordinate the City's response to encampments, but which lacks a clear and defined mandate.
31. Our goal is to have the City immediately begin working on these recommendations, as we continue to work on a Final Investigation Report. We will release our Final Investigation Report at the first possible opportunity in the next City Council term.

⁸ City of Toronto Staff Report, January 2004:

<https://www.toronto.ca/legdocs/2005/agendas/committees/pof/pof050119/it001.pdf>

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The City's Interdepartmental Encampment Protocol



THE CITY'S INTERDEPARTMENTAL ENCAMPMENT PROTOCOL

Updating the Protocol

32. The City has an interdivisional approach to responding to encampments. The City's goal is to ensure that any action that it takes, including enforcement action, is coordinated.
33. The Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (the "IDP") is a City Council-endorsed protocol adopted in 2005. According to the information contained in the IDP, it is "intended to guide City staff in providing outreach services to homeless individuals camping outside in public spaces to assist them access permanent solutions, prior to the enforcement of City by-laws which may cause their displacement and the removal of their belongings."⁹
34. While some staff that we spoke with said that they relied on the IDP to guide their response to encampments, others told us that they did not use it at all. All the staff that we spoke with said that the IDP needs to be updated to reflect the current social and human rights issues associated with responding to encampments.
35. An April 2021 internal City staff presentation about encampments referred to the fact that the IDP was outdated. It noted that the City's framework for responding to encampments was relying on "operational procedures that have been in place since 2005" and that, in some cases, staff had "altered" the procedures, resulting "in new approaches to working with encamped individuals." In addition, it was noted that the City's operational framework to respond to encampments needed to include a "rights-based approach to housing" to support its work responding to encampments.
36. Investigators heard from City staff that it was problematic that the IDP does not explicitly include a housing and human rights lens when considering the City's response towards encampments, both of which are critical pieces of the City's commitments in its HousingTO 2020-2030 Action Plan.¹⁰

⁹ [City of Toronto Staff Report, Strategies to Address Panhandling Within Specified Areas of the City, Appendix A, May 14](#)

¹⁰ [HousingTO 2020-2030 Action Plan – City of Toronto](#)



37. On June 8, 2021, Toronto City Council directed staff to work with individuals in encampments to develop individual and culturally appropriate housing plans on an accelerated basis regardless of whether the individual accepts a placement in an indoor space.¹¹ The IDP has not been updated to reflect this Council directive.
38. We reviewed City documents that identified other aspects of the IDP that needed to be updated, including:
- Clarifying the roles and responsibilities of each City division involved in responding to encampments.
 - Having consistent and clear notification procedures to encampment residents when the City has decided that it will clear encampments.
 - Having a plan to respond to protest sites at encampments.
39. Although we heard that City staff have been tasked with updating the IDP, and even that an IDP Working Group has been created, it was not clear to us how the work of updating the IDP was being done. The same April 2021 staff presentation did say that the City's operational procedures for responding to encampments needed to be updated, "formally documented," and "where possible, made public," but we did not see anything resembling a formal, detailed work plan outlining how, and when, the IDP will be updated.

Hearing from the Community and People with Lived Experiences

40. We saw evidence describing how the City's response to encampments was impacting its work with community organizations on other City initiatives.
41. In a May 2021 email exchange between City staff, staff reported that a "critical stakeholder" the City had been engaging with to help address issues related to Black community members that are unhoused or are shelter users decided that it would no longer engage with the City due to concern over the City's clearing of encampments. Senior City staff forwarded this email to a Deputy City Manager. In their message to the Deputy City Manager, the staff member noted that this was the "unintended consequences of a really complex file" and that "it makes solution-making harder on our side."
42. We reviewed City documents that discussed holding consultations with "a broad range of stakeholders" from the community about updating its "policy

¹¹ See Footnote 5.



framework” for responding to encampments. However, we did not see any plans describing how or when these consultations were going to take place.

43. We also reviewed City emails and documents that spoke about creating an advisory “table” or “group” made up of people with lived experiences in encampments. One of the documents that we reviewed was a draft plan for the creation of an Encampment Lived Experience Advisory Group “to seek advice from those with lived experience of residing in encampments” as part of updating the IDP. It does not appear that the City has moved forward with this plan.

Analysis & Findings

44. The IDP is supposed to be the City’s primary tool for ensuring that it takes a coordinated, interdivisional approach to responding to encampments, from providing services to people living in encampments to enforcing by-laws.
45. The evidence we gathered during this investigation showed that the City knows that the IDP needs to be updated—one document that we reviewed noted that City staff have had to “alter” its existing operational procedures in order to respond to the current issues arising from encampments. This raises a concern that aspects of the City’s response to encampments could be inconsistent and lacking transparency.
46. It is also concerning that, although the City has identified a need to update the protocol and appears to have tasked staff with that responsibility, there is no detailed plan to guide this important work. This, in our opinion, is unreasonable.
47. As a result, we are recommending that the City create a detailed plan to guide its work on updating the IDP, including project milestones and timelines. The City should develop this plan as an immediate priority. The City should also make sure that adequate staff resources are set aside to support the timely completion of the plan.

Recommendation 1

The City should immediately develop a detailed plan outlining how it will update the Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (IDP). This plan should include project milestones and timelines for when it will complete the update to the IDP.



Recommendation 2

The City should commit adequate staff resources to ensure the timely completion of the update to the IDP.

48. Evidence that we reviewed suggests that the City has identified the need to consult with the community, including people with lived experiences, as part of updating the IDP. However, there does not appear to be any formal plan showing how and when this will be done.
49. We believe that the City's plan to update the IDP should include holding public consultations to receive feedback from the community. The voices of all Torontonians who are impacted by encampments, especially those who have lived in one, should be considered as part of the City's work updating the IDP. The City should ensure that the feedback received informs its update to the IDP.

Recommendation 3

As part of its plan to update the IDP, the City should hold public consultations to receive feedback from the community. Groups that the City should consult with include people with lived experiences in encampments, community organizations that provide services to people who are unhoused, and internal and external stakeholders working in the fields of housing and human rights. The City should ensure that the feedback received informs its update to the IDP.

50. Updating the IDP will represent the City's first significant work on its encampment policy framework in almost 20 years. Because of the significant public interest in this topic, in addition to holding public consultations, the City should make public detailed summaries of the feedback that it receives. We believe that this will promote transparency and increase public confidence in the City's ongoing efforts to address encampments.

Recommendation 4

To promote transparency and public confidence, the City should make public detailed summaries of the feedback received from the consultations on the update to the IDP.

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**The Role and
Mandate of the
Encampment Office**



THE ROLE AND MANDATE OF THE ENCAMPMENT OFFICE

The City Creates an Encampment Office

51. In the late summer of 2020, the City created an “Encampment Office.” At the time that it was created, the office consisted of one staff member from the City's Shelter, Support and Housing Administration division (SSHA), who reported directly to a Deputy City Manager.
52. Based on our interviews with City staff and the documents we reviewed, it appears that the Encampment Office was created with the intention that it would coordinate the City's response to encampments. A presentation prepared by City staff explained that the Encampment Office would respond to encampments by taking a human rights approach and by using:
 - ...the skill sets, tools, relationships, and authorities of multiple City divisions and community partners to respond to the complex health and safety risks in and around encampments, facilitate access to safer inside spaces, clearing encampments of waste and debris and ensuring City of Toronto shared use spaces are accessible to all.
53. Some City staff that we spoke with said that the Encampment Office has been significantly under-resourced since “day one.” Staff commented that the workload for a small team was “overwhelming” and that it appeared that the office was just moving from “crisis to crisis” and incapable of taking a larger, systemic view of responding to encampments because of the lack resources. Another commented that the challenges and complexities of responding to encampments requires leadership, time, and resources. They said that responding to encampments “is not a file that can be managed from the corner of someone's desk.”
54. The City has taken steps to increase the resources of the office, which is now made up of a manager, a shift leader, a supervisor, a program development officer, a policy development officer, and a support assistant. During his interview with investigators, the manager said that the office still needs more resources, including more staff to better coordinate across City divisions and more resources to address the mental health issues of people living in encampments.
55. Unlike other City services and programs that play a role in responding to encampments, such as SSHA's Streets to Homes program and the Parks,



Forestry and Recreation division's Parks Ambassador program,¹² we did not see a formal, detailed description of the role and mandate of the Encampment Office, either in the City's public communications about its response to encampments or internally within the City.

Moving the Encampment Office to the Office of Emergency Management

56. In May 2021, the City's senior leadership team decided to transfer the coordination of the City's response to encampments to the Office of Emergency Management (the OEM). This meant that the Encampment Office became a part of the OEM's organizational structure.¹³
57. Currently, the Encampment Office sits within the OEM. Except for the manager, it is our understanding that the staff in the Encampment Office are on loan from SSHA. Senior City staff told us that the decision to transfer the Encampment Office to the OEM was driven by a need to have a central "oversight body" to coordinate the rapid clearance of large encampments at City parks, including Lamport Stadium Park, Trinity Bellwoods Park, and Alexandra Park. Staff told us that it was felt that moving the Encampment Office to the OEM would provide the office with more "structure."
58. During her interview with investigators, the Director of the OEM explained that the OEM's mandate is to engage City divisions to coordinate a response, regardless of the issue, through Ontario's "Incident Management System."¹⁴ With regards to encampments, she stressed that only the "coordination piece" was transferred to the OEM, namely, coordinating the clearance of the large encampments at the parks mentioned above. She told us that the OEM is not an expert on shelter and housing, and that the Encampment Office serves as a "key coordination piece" for SSHA on addressing the shelter and housing needs of people living in encampments.

¹² Information about Parks Ambassadors and their role in responding to encampments is available at [Encampment Safety & Clearing Protocols – City of Toronto](#) in the *Cleaning, Clearing and Enforcement* section. Information about Streets to Homes and its outreach and support program for people who are experiencing homelessness outdoors is available at the same web link in the section *Who to call for Questions or Concerns*.

¹³ The OEM is responsible for coordinating the City's emergency planning and management activities.

¹⁴ Ontario's 'Incident Management System' is a standardized approach to emergency management which includes overseeing personnel, facilities, equipment, procedures, and communications operating within a common organizational structure. For more information see: [Incident Management System \(IMS\) Guidance: version 2.0, Government of Ontario](#).



59. A Deputy City Manager who was initially involved with the Encampment Office told investigators that the City has “struggled” in deciding where the Encampment Office belongs. She explained that the struggle, in part, is in coming up with an operational structure that supports the Encampment Office’s unique responsibilities, which include supporting and assisting people who are sleeping outdoors, as well as the enforcement side of clearing encampments from parks and maintaining parks as a common recreational space. The Acting General Manager of SSHA echoed this sentiment, telling us that the Encampment Office needs a structure that will allow it to separate the “enforcement aspects from the social services aspects” as part of the City’s overall response to encampments.
60. During his interview with investigators, the City Manager said that he no longer sees the City’s response to encampments as being an “OEM-centric” matter, but rather the responsibility of SSHA. He said that, currently, the City’s approach to encampments is “really focussed on the bread and butter” of SSHA’s responsibility of supporting and assisting people who are experiencing homelessness. To illustrate his point, he noted that the City’s initiative at the encampment at Dufferin Grove Park was led by SSHA.
61. According to the City, between August 11 and December 23, 2021, it implemented an initiative at Dufferin Grove Park to help encamped individuals move into permanent housing or shelter hotel programs. The initiative, led by SSHA, brought comprehensive social and health service supports directly to encamped individuals. The City is reviewing findings from this initiative and considering how aspects of it can be implemented at future encampment sites.

Analysis & Findings

62. Based on the evidence that we gathered, it appears that the City created the Encampment Office with the intent that it would play a central, coordinating role as part of the City’s response to encampments. This, in our opinion, is a positive step forward in the evolution of the City’s response to encampments.
63. However, the City has more work to do on integrating the Encampment Office into the City’s interdivisional approach to encampments. The City has not given the Encampment Office clear and defined responsibilities, nor has it given the public any information about the role of the Encampment Office as part of the City’s response to encampments.
64. It is a matter of fairness, both for City staff involved in responding to encampments and the public, that the City immediately define the role and



mandate of the Encampment Office. This should include clearly explaining the Encampment Office's responsibilities and its role in relation to other City services that are involved in responding to encampments. Information about the Encampment Office should also be included in the City's public communications about its response to encampments.

Recommendation 5

The City should immediately define the role and mandate of the Encampment Office, including clearly outlining its responsibilities as part of the City's response to encampments, and how these responsibilities relate to the work of other City services involved in responding to encampments. Information about the role and mandate of the Encampment Office should be included in the City's public communications about its response to encampments.

65. When it was first created, the Encampment Office consisted of one employee reporting directly to a Deputy City Manager. It has since grown to include a manager with five full-time staff, although we heard that the office still needs more resources, particularly resources to address the mental health needs of people living in encampments.
66. We appreciate that the City is in a challenging financial position, especially coming out of its emergency response to the COVID-19 pandemic. At the same time, we believe it is necessary for the City to examine the resource and expertise needs of the Encampment Office while it is defining the role and mandate of the Encampment Office to ensure that it can effectively carry out its mandate.

Recommendation 6

As part of defining the role and mandate of the Encampment Office, the City should assess the resource and expertise needs of the Encampment Office to ensure it can effectively carry out its duties.

67. When the City decided to transfer the Encampment Office to the OEM, it was to allow the OEM to coordinate the clearings of large encampments at parks, as well as to provide the Encampment Office with more "structure."
68. According to the City Manager, the City's current strategy to responding to encampments is no longer "OEM-centric" and is instead being driven by SSHA. Given the shift in strategy, it is incumbent on the City to consider whether it makes sense to continue to keep the Encampment Office within the OEM.



Recommendation 7

As part of defining the role and mandate of the Encampment Office, the City should consider whether the office should continue to reside with the Office of Emergency Management.

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Conclusion



CONCLUSION

69. Clearing encampments is extremely disruptive and in some cases traumatizing to the people living in them. The City owes a particularly high duty of fairness to those residents, who are among the most vulnerable in Toronto.
70. The City's response to encampments, including its enforcement action, must be done in a consistent and coordinated way, following a process that is well-established, transparent, and understood by all—City staff and encampment residents alike. This work must be carried out by a team with a clear mandate.
71. The City doesn't have an up-to-date IDP to ensure it takes a coordinated interdivisional approach in responding to encampments. Its Encampment Office doesn't have a clear mandate, and it's not clear to some City staff we spoke to, that the encampments file belongs under the Office of Emergency Management.
72. The City must update its interdepartmental protocol for dealing with encampments. If it does, and does it well, the protocol will give staff and the public a clear understanding of how the City will approach encampments, including how it will help the vulnerable residents living in them.
73. In developing a plan to update its protocol, the City must hear from people directly impacted by encampment clearings, and others with relevant experience. It must also incorporate the feedback and insight it receives during those consultations into its protocol and planning.
74. Finally, the City must better define the role of the Encampment Office, and make sure it has the resources it needs to do its important job.
75. Encampments are extremely complicated, and there is no one simple solution to them. Unfortunately, given the housing crisis in Toronto, encampments will be with us for the foreseeable future.
76. We do not have the power to order the City take any particular action, and we can't prevent staff from implementing City by-laws, including the by-laws that make camping in parks illegal. Rather, our role is to investigate the City's actions and make recommendations to ensure that the City treats encamped residents with respect and fairness. We believe these recommendations will help move the City in that direction.
77. We will have more to say in our forthcoming report, but the City must immediately start working on implementing the recommendations laid out in this report.

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Recommendations



RECOMMENDATIONS

78. In consideration of the information gathered through this Investigation and our findings, we are making the following the recommendations, which the City should implement as soon as possible:

Recommendation 1

The City should immediately develop a detailed plan outlining how it will update the Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (IDP). This plan should include project milestones and timelines for when it will complete the update to the IDP.

Recommendation 2

The City should commit adequate staff resources to ensure the timely completion of the update to the IDP.

Recommendation 3

As part of its plan to update the IDP, the City should hold public consultations to receive feedback from the community. Groups that the City should consult with include people with lived experiences in encampments, community organizations that provide services to people who are unhoused, and internal and external stakeholders working in the fields of housing and human rights. The City should ensure that the feedback received informs its update to the IDP.

Recommendation 4

To promote transparency and public confidence, the City should make public detailed summaries of the feedback received from the consultations on the update to the IDP.

Recommendation 5

The City should immediately define the role and mandate of the Encampment Office, including clearly outlining its responsibilities as part of the City's response to encampments, and how these responsibilities relate to the work of other City services involved in responding to encampments. Information about the role and mandate of the Encampment Office should be included in the City's public communications about its response to encampments.

**Recommendation 6**

As part of defining the role and mandate of the Encampment Office, the City should assess the resource and expertise needs of the Encampment Office to ensure it can effectively carry out its duties.

Recommendation 7

As part of defining the role and mandate of the Encampment Office, the City should consider whether the office should continue to reside with the Office of Emergency Management.

Recommendation 8

The City should give Ombudsman Toronto an update on the status of its implementation of these recommendations by the end of 2022, and then quarterly updates thereafter.

Ombudsman Toronto
Interim Investigation
Report

The City's Response to our Recommendations



THE CITY'S RESPONSE TO OUR RECOMMENDATIONS

79. As a matter of procedural fairness, we shared a draft of this report with City leadership and their legal advisers. We also met with them to give them an opportunity to make representations on our findings and recommendations.
80. In response to our report, the City administration says that it supports and accepts our recommendations and will undertake to implement all of them. The City will update our office on the status of its implementation of our recommendations by the end of 2022 and then quarterly thereafter.
81. A copy of the City Manager's letter of July 6, 2022 is attached as Appendix A.

OMBUDSMAN TORONTO FOLLOW-UP

82. Ombudsman Toronto will follow up with the City quarterly until we are satisfied that implementation of our recommendations is complete.

(Original Signed)

 Kwame Addo
 Ombudsman

Appendix A: City Manager's July 6, 2022 Response to Ombudsman



Chris Murray, MCIP RPP
City Manager

City Hall
100 Queen Street West
East Tower, 4th Floor
Toronto, Ontario M5H 2N2

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chris.murray@toronto.ca
www.toronto.ca

July 6, 2022

Mr. Kwame Addo
Ombudsman
City of Toronto

Dear Mr. Addo,

Thank you for providing an opportunity to review your interim report, **"Investigation into the City's Processes for Clearing Encampments 2021"**. We appreciate the efforts of you and your team in conducting this review and providing the opportunity to comment.

We support and accept the recommendations made in the report. I assure you that City staff will undertake to implement all of these recommendations to continue in our efforts to improve and ensure fairness and transparency in the delivery of our services.

The City will provide your office with an update on the status of its implementation of these recommendations in the fourth quarter of 2022, and quarterly thereafter.

I want to thank you, once again, for your report, as well as the entire Toronto Public Service for their tireless commitment to the public they serve.


Sincerely,

A handwritten signature in black ink, appearing to read "Josie Scioli".

Josie Scioli
On behalf of Chris Murray
City Manager



THIS IS **EXHIBIT "T"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022

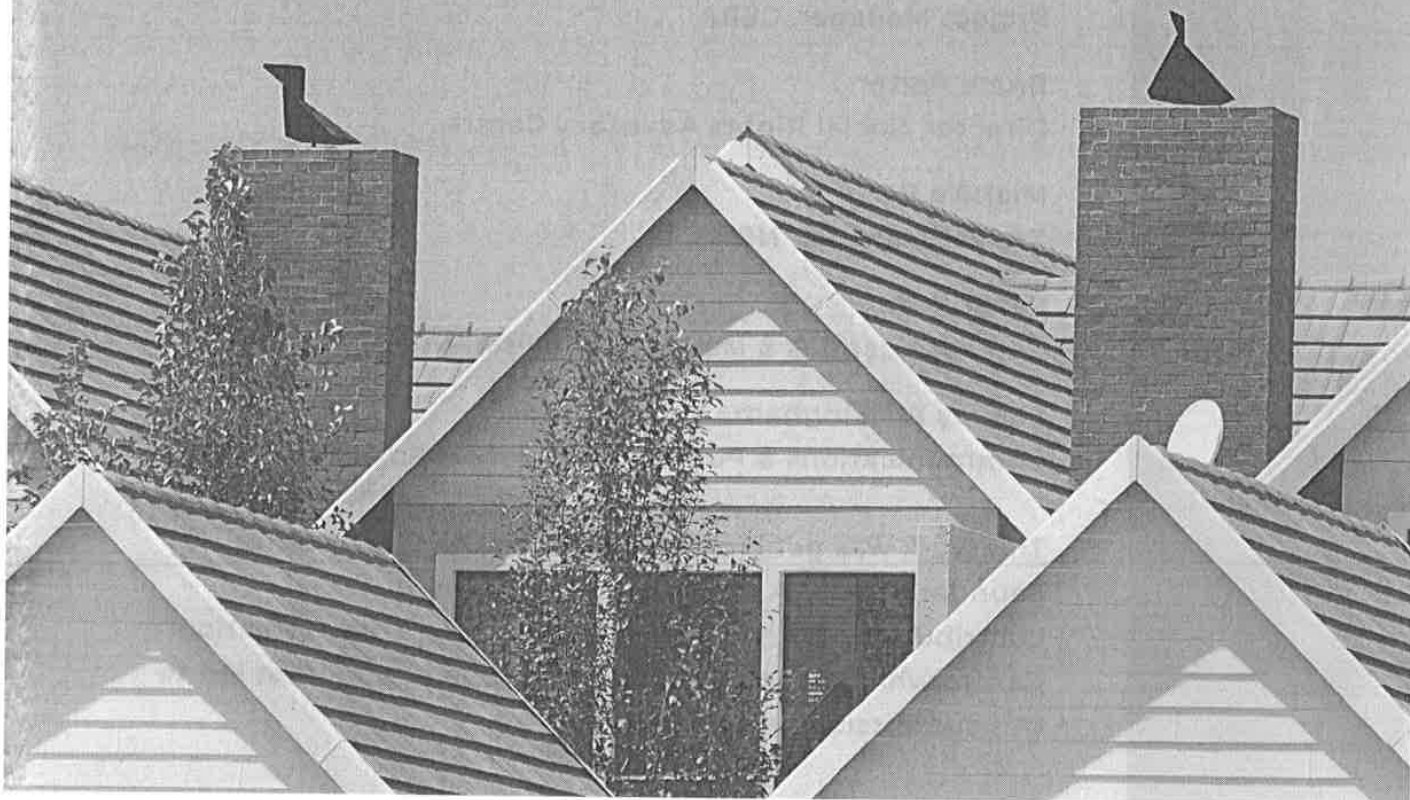


ASHLEY ELIZABETH SCHUITEMA

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

Addressing the Evictions and Arrears Crisis

Proposal for a Federal Government Residential Tenant Support Benefit



Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement



THE NATIONAL
RIGHT TO HOUSING
NETWORK

RÉSEAU NATIONAL
DU DROIT
AU LOGEMENT



ACKNOWLEDGEMENTS

Community Participants: CERA & NRHN gratefully acknowledge and thank the many people whose thoughtful contributions have helped to shape this proposal and submission. Over 120 people from across Canada provided their invaluable insight and analysis, some of whom are named at the end of this document.

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This work was generously funded by the P & L Odette Foundation. CERA is also grateful for the financial contributions of the Community Housing Transformation Centre which supported the engagement work that led to this submission and proposal.

Publish Date: February 18, 2021

OVERVIEW

This proposal is presented to the federal government as a submission under the National Housing Strategy Act (2019) (NHSA), addressing the systemic issue of unaffordable rent and accumulated arrears or debt among residential tenants as a result of the pandemic. In accordance with the rights-based approach adopted in the NHSA and the legislative commitment to the right to housing, this proposal is based on consultations with rights-holders, stakeholders, and experts regarding what measures are required from the federal government to address this systemic issue and to further the progressive realization of the right to housing as required under international human rights law.

The measure that is proposed is a “Federal Government Residential Tenant Support Benefit” for low and moderate income tenants who have faced heightened rent affordability challenges as a result of income loss during the pandemic. The benefit will provide what amounts to a retroactive rent subsidy to ensure that rent would make up the same percentage of income in 2020 as in 2019, prior to the pandemic. For tenants in arrears, some or all of the benefit can be directed to their landlords to cover arrears owing and prevent any eviction.

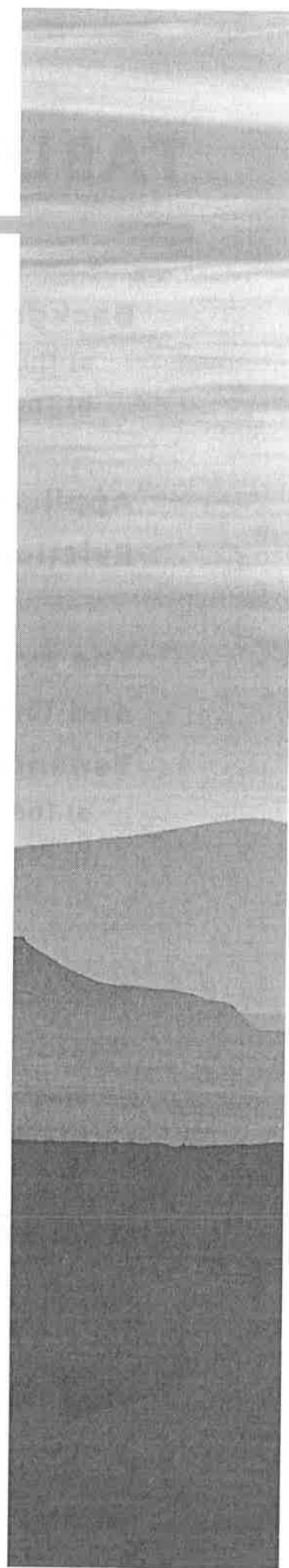


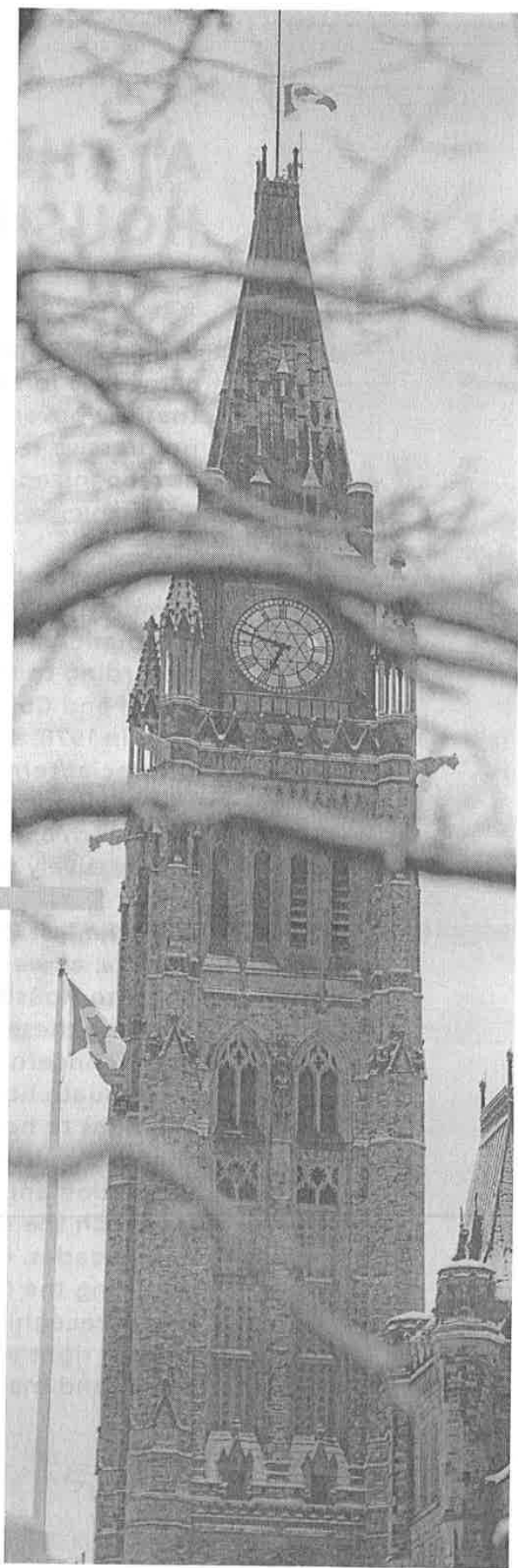
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1

BACKGROUND

**The National Housing Strategy Act (2019):
What it Means for
Claiming the Right to
Housing and
Addressing the Arrears
and Evictions Crisis**



A) THE NATIONAL HOUSING STRATEGY ACT

In July 2019 the National Housing Strategy Act (NHSA) came into force, affirming for the first time in legislation that the government of Canada commits to “further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.”

To understand exactly what this historic legislative commitment means, we need to look at the International Covenant referred to in the legislation. According to the International Covenant on Economic, Social and Cultural Rights (ICESCR) that Canada signed onto in 1976, all governments in Canada – federal, provincial/territorial and municipal – are committed to using “all appropriate means” and applying “the maximum of its available resources” to “achieving progressively the full realization” of the right to housing.

Over the last 25 years, UN human rights bodies in Geneva, as well as the UN Special Rapporteur on the Right to Housing have reviewed whether Canada is meeting these commitments. They have expressed grave concern about the extent of homelessness, inadequate housing, evictions, and other violations of the right to housing in Canada. They have told Canada that it should recognize housing as a human right in legislation and implement a national housing strategy based on the right to housing. Finally, after more than two decades, the federal government has responded by adopting the National Housing Strategy Act (NHSA) which recognizes the right to housing as a fundamental human right and requires the responsible Minister to adopt and maintain a rights-based National Housing



Strategy and appoint a National Housing Council. The NHSA also creates an independent Federal Housing Advocate, at the Canadian Human Rights Commission. The Advocate is empowered to receive and investigate submissions from affected groups on systemic issues and report to the Minister on findings and recommended measures for the progressive realization of the right to housing. The Housing Advocate may also refer particularly important systemic issues to a Review Panel comprised of three members of the National Housing Council which will hold hearings and report its findings and recommendations to the Minister and to parliament.

This historic commitment to realizing the right to housing through a rights-based approach relies on affected groups to bring their circumstances to light, identify critical systemic issues, and make submissions to the Housing Advocate. It does not address individual housing rights issues such as an eviction of a particular household or access to a particular apartment. Individual human rights claims and landlord and tenant issues must still be addressed through courts or tribunals. However, when many people are facing similar problems,

such as the threat facing thousands of tenants facing eviction for arrears that accumulated during the pandemic, or the need for financial assistance to pay unaffordable rents, that is a “systemic” problem that engages the commitments of the federal government under the National Housing Strategy Act and can be taken to the Housing Advocate or to a Review Panel to determine how the right to housing applies and what needs to be done.

B) THE CERA/NRHN INITIATIVE

The Centre for Equality Rights in Accommodation (CERA) and the National Right to Housing Network (NRHN) are working together with affected communities to use the new mechanisms under the NHSA to address systemic issues affecting the right to housing as it is defined under the NHSA and international human rights law. We are currently focusing on the urgent arrears and evictions crisis that has emerged with the pandemic.

Two workshops were held in the fall of 2020, with over 120 participants from across Canada, including persons with lived experience and advocates who spoke about their experience. Participants learned about the situation facing people across Canada, reviewed relevant obligations under international human rights law and considered what actions are required.

Since the NHSA applies to the federal government, and given the urgency of the arrears and evictions crisis, the consultations and meetings have concluded that the federal government should adopt measures within its own jurisdiction, pursuant to the federal spending power to provide necessary assistance, similar to the way in which it acted to address needs in the commercial rental sector.

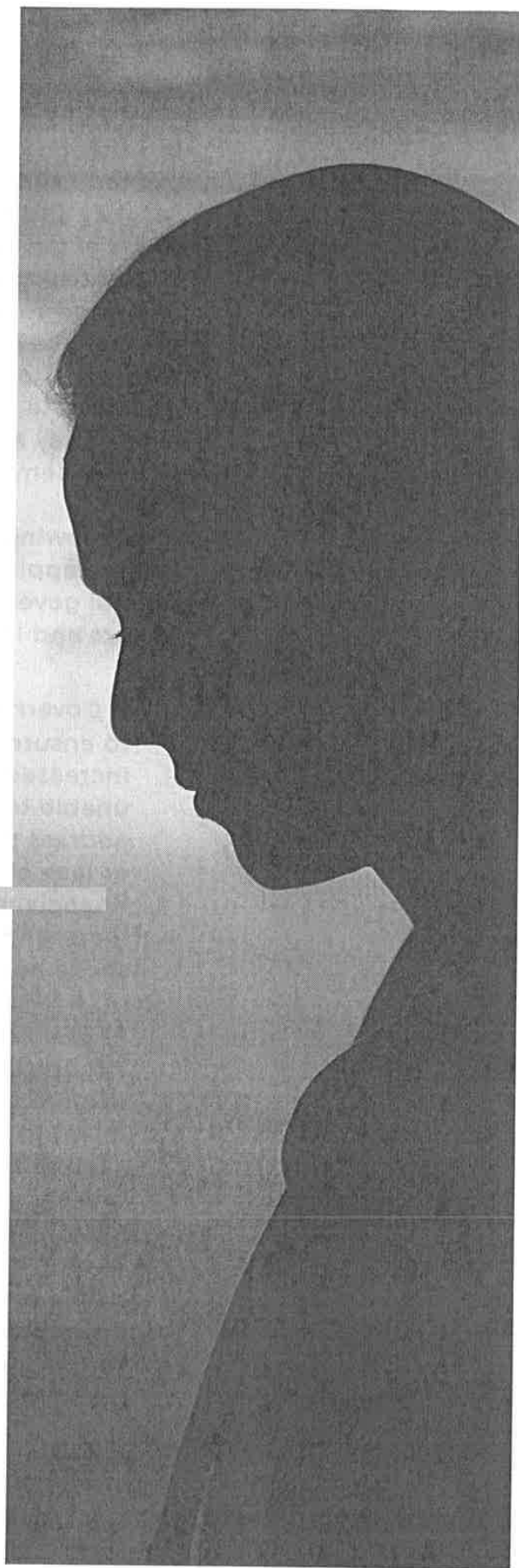
We see no reason why provinces and territories would not support an urgent federal initiative that avoids the necessity of time-consuming inter-governmental negotiations.



2

APPLICATION

What the
Commitment in the
NHSA to the Right to
Housing Under
International Human
Rights Law Means for
Evictions and Arrears
During the Pandemic





International human rights law recognizes that being evicted from one's home is a serious assault on dignity, security and may place health and life at risk.[1] All levels of government are required under international law to adopt appropriate measures to prevent evictions wherever possible.[2] While many of the legal protections of security of tenure fall within provincial/territorial jurisdiction, obligations to take appropriate measures to prevent evictions, particularly where they are caused by the economic consequences of a pandemic, also apply to the federal government.

The following elements of international human rights law are applicable and relevant to the obligations of the federal government in the current context of significant arrears and looming evictions:

- 1)** Governments must adopt all appropriate means to ensure that housing is affordable. Where increased or significant numbers of households are unable to afford their rent, governments must address the structural causes of unaffordable rents or lack of affordable housing, including through financial assistance to tenants to pay arrears and increased access to and supply of affordable and social housing.[3]
- 2)** Evictions can only be justified under exceptional circumstances after "all feasible alternatives are explored."[4] No eviction should be permitted where it would result in the violation of any human rights, such as the right to health or the right to life. No one should be evicted into homelessness.[5]
- 3)** In instances of rent arrears, evictions should only occur as a last resort and after a full exploration of alternative means to resolve outstanding debt, such as through emergency housing benefits, debt rescheduling or, if required, relocation to more

affordable housing units meeting adequacy standards.[6]

4) During the pandemic in particular, moratoriums on evictions should be implemented, but these should be accompanied by financial assistance to pay arrears and other necessary measures to ensure housing affordability.[7]

5) Particular attention must be directed to marginalized groups and those facing systemic discrimination, including women, racialized groups, Indigenous Peoples, persons with disabilities and sole support parents. The best interests of children and the protection of the family must always be ensured.[8]

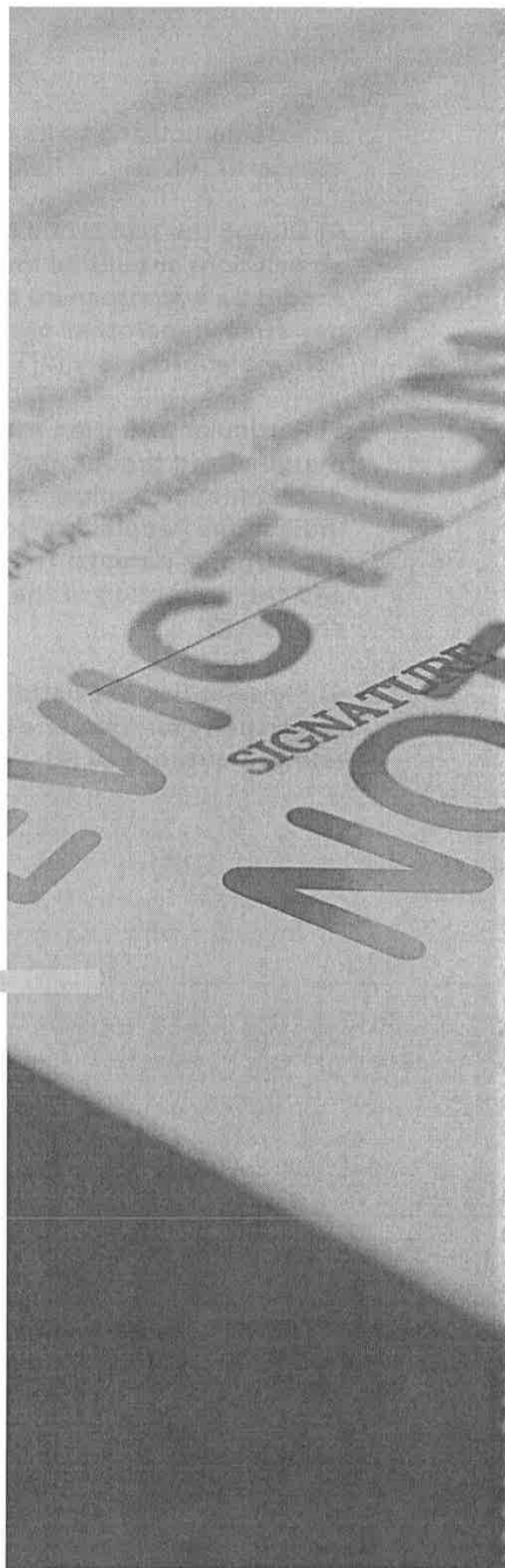
6) Those at risk of eviction must have the opportunity for "genuine prior consultation" with the relevant authorities.[9]



3

THE SYSTEMIC ISSUE

Accumulated Arrears
and Threat of Eviction
Facing Vulnerable
Tenants



A) THE EVICTIONS AND ARREARS CRISIS FACING TENANTS FROM COAST-TO-COAST-TO-COAST

The pandemic has caused an unprecedented assault on the right to safe and secure housing for tenants who were already paying unaffordable rents in many cities and towns.

Statistics Canada has found that 46 percent of tenants in Canada don't have enough money to pay their next month's rent unless they keep working.[10] During May-June 2020, 67 percent of food bank users went at least a full day without eating.[11] In March 2020, women accounted for two-thirds (63 percent) of all job losses and among workers aged 25 to 54 years, women represented 70 percent of all job losses.[12] 1.5 million women lost jobs over March and April, a 17 percent drop in employment from February levels.[13]

Income loss and job losses have been disproportionately experienced by women and lower income workers who predominantly rely on rental housing.[14] More than 20,000 women left the workforce between February and October, while about 68,000 men joined it.[15] Young women and women with children under 6 have been particularly hard hit by the pandemic. Women with children under 6 have represented two thirds of those exiting the labour force during the pandemic.[16] 80 percent of those losing jobs in the accommodation and food service sector in October were women.[17] Black and Indigenous People are 2.7 times more likely than the overall population to report difficulty making

rent payments and urban Indigenous Peoples are 8 times more likely to experience homelessness.[18] 53 percent of queer households have faced layoffs or reduced employment as compared to 39 percent of non-queer households.[19] 31 percent of persons with disabilities experienced decreased household income because of the shutdown.[20]

B) FEDERAL GOVERNMENT ACTION IS URGENTLY NEEDED

At two workshops hosted by CERA and the NRHN in the fall of 2020, participants heard from lived experts about the experience of living with arrears and the constant threat of eviction. Eviction is an unacceptable assault on dignity and security even in the absence of a pandemic, traumatizing children and throwing those affected into homelessness to face punishing rental markets in which a record of eviction and debt makes it impossible to find an affordable place to call home. As one participant noted in the session:

"I am a person who has not only experienced lengthy homelessness. I also suffered housing loss 2 years later while also having the responsibility of caring for my partner who suffered with mental health disabilities, the trauma is over-whelming. The anguish and guilt and loss of self-worth is so soul draining... Loss of housing is terrifying beyond belief. Loss of housing while responsible for someone, like a vulnerable partner or child is so traumatic that years later I still carry a deep internal fear of that



happening again. Today I work as an advocate in the homeless sector, everyday working for the homeless, poor and vulnerable, but the trauma of that time of eviction and following consequences, set back my recovery for several years. One cannot underestimate the terror that eviction brings."

In the pandemic, eviction is an unacceptable risk to health and life. One workshop participant noted that the impact of an eviction, particularly in Canada's north, has profound consequences on health:

"In the north temperatures can reach down to -50 or more. There needs to be another solution so that we are not evicting people and causing more homelessness in Canada's Arctic! We live in the coldest climate. We do not have much choice for landlords in the north, remote communities especially. Homelessness contributes to poverty, poor hygiene, social issues such as suicide, and a lack of interest for education and work."

These experiences are the result of severe economic inequality, failures of governments to regulate

housing markets and years of inadequate funding for social and affordable housing in Canada. Yet those affected are stigmatized and made to feel as if their situation is the result of personal failure and irresponsibility rather than systemic and structural failures.

The arrears and evictions crisis facing low-income tenants, particularly women and members of vulnerable groups, is a systemic issue resulting in potentially widespread violations of the right to housing, and as such should be addressed in a manner consistent with the National Housing Strategy Act. Indeed, the failure to address the needs of tenants falling into arrears has resulted in "retrogression" or backward movement, toward increasing marginalization and inequality, particularly for women, racialized households, Indigenous households, young people, and other vulnerable groups. This is contrary to the commitment to progressively realize the right to housing under international human rights law, affirmed in the NHTA. Additionally, the federal government has not ensured meaningful consultation with affected residential tenants, nor has it ensured that all alternative means are explored so that eviction is only employed as a last

resort, that no one is evicted into homelessness and that no one is evicted where this would result in the violation of other human rights or undermine the protection of the family – all of which are required by the NHSA.

While the CERB provided adequate income replacement for some low-income tenants, others, particularly those with dependents renting larger apartments in high rent areas, have had their income reduced dramatically and have often been unable to pay their rent, with many falling into arrears and facing the threat of eviction while others have borrowed money and are facing unmanageable debt going forward. Only one province (British Columbia) stepped up to provide a temporary rent supplement during the pandemic, which ended many months ago. Without further, prompt intervention from the government, vulnerable Canadians face eviction, displacement and personal catastrophe. Of note, those at risk are some of the most vulnerable individuals and households: low-income individuals, many of whom are the “front-line heroes” praised by all levels of government throughout the pandemic, persons with

disabilities, Black, Indigenous and other persons of colour, newcomers to Canada and other individuals, often with intersecting barriers to the full participation in Canadian society.

According to data from the Federation of Rental Housing Providers (FRPO), by October 2020 approximately \$80 million in monthly rent arrears had been incurred during the COVID crisis in Ontario. Available data on the scale of the problem throughout Canada on a provincial and territorial basis is included in the appendix. Without intervention, the loss of tenancies and the ensuing displacement of renters in Canada could be unprecedented. The Canadian Housing Policy Roundtable^[21] (CHPR) notes that CERB helped to avert a national evictions crisis, but arrears have become concentrated in the communities with relatively high rents and, as such, targeted support of rental assistance is required where rents are exorbitant. CHPR also notes that accumulated debt often affects tenant’s right to access future housing and may hinder a tenant’s ability to change their housing by choice. The need for action is well understood and a number of organizations and networks have developed

proposals of their own, including FRPO and CHPR, in recognition of the significance of this crisis.

Finally, jurisdictional concerns should not be a barrier to a federal government solution. While the regulation of contracts and landlord tenant relationships is within the purview of the provinces & territories, the federal government has the jurisdiction to provide financial assistance to tenants who had difficulty paying rent because of COVID-related income loss during the pandemic. Commercial tenancies also fall under provincial/territorial jurisdiction and this has not stopped the federal government from providing direct relief to commercial tenants and landlords, initially through the Canadian Emergency Commercial Rent (CECRA) and then through the Canada Emergency Rent Subsidy (CERS). The focus on commercial tenants instead of the most vulnerable tenants who may lose their homes is inconsistent with the obligation to prioritize the needs of those who are most vulnerable and to ensure the right to housing as a priority in the allocation of resources.

C) INTERNATIONAL COMPARISONS

One of the advantages in the NHSA's reliance on international human rights is that it allows for comparisons between Canada and other countries. Such comparisons are useful not only for exchanging good practices but also in assessing what can be reasonably expected of governments within their available resources.

The reluctance of governments in Canada to take action

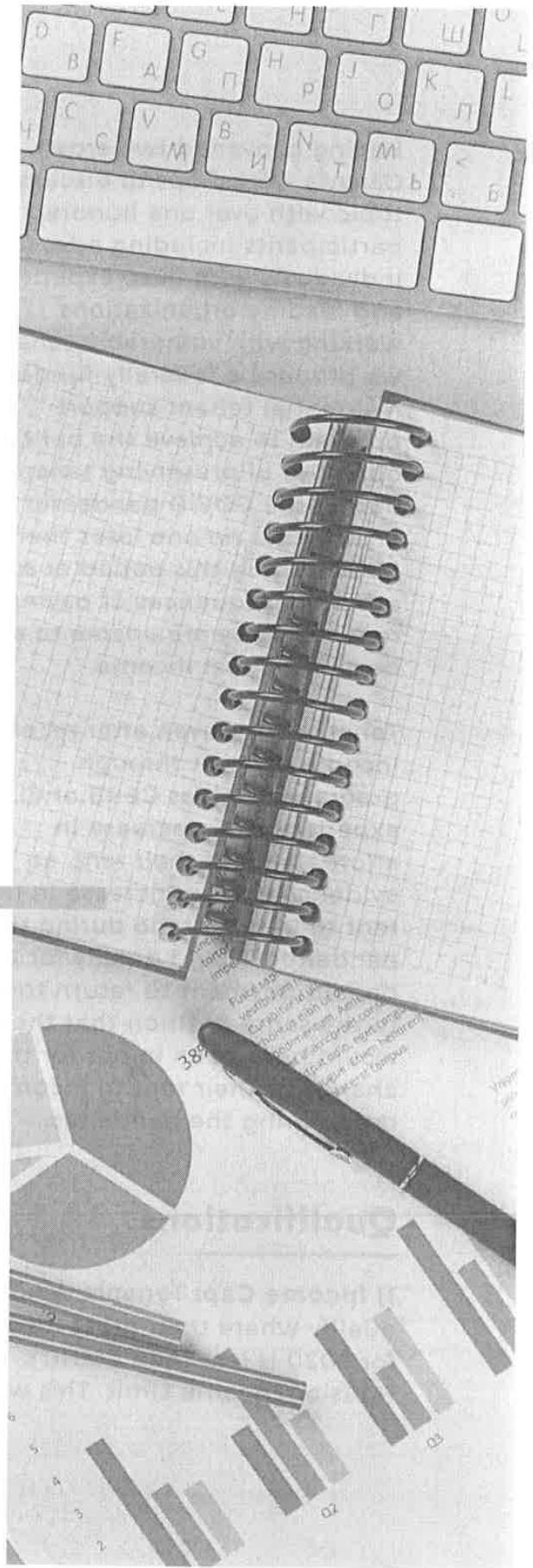
to address the looming crisis of arrears and evictions stands out in comparison to governments elsewhere. Even the U.S. federal government, which has not recognized the right to housing under international law, acted under the Trump administration to extend the moratorium on evictions through a CDC order, until the end of 2020, and President Biden has extended the moratorium until the end of March 2021.[22] Almost all European countries have instituted bans on evictions for arrears, as have many other countries around the world. [23] The federal government of Canada, by comparison, has acted to prevent eviction of commercial tenants but has taken no action to address the plight of residential tenants.



4

PROPOSAL

A Federal Government
Residential Tenant
Support Benefit



Having convened two cross-Canada workshops to discuss this topic with over one hundred participants including advocates, individuals with lived experience and leading organizations working with vulnerable tenants, we propose a federally-funded residential tenant support program to achieve the policy objective of preserving tenancies during the COVID pandemic to ensure that no one loses their home during this period or suffers other consequences of paying rent that they are unable to afford because of lost income.

Tenants who, even after receiving income support through programs such as CERB or EI, experienced a decrease in affordability of their rent, as evidenced by an increase in their rent to income ratio during the pandemic, would qualify for a benefit payment to return them to the same position that they would have been in but for the change to their rent to income ratio during the pandemic.

Qualifications

1) Income Cap: Tenants would qualify where their gross income for 2020 is less than CMHC's Housing Income Limit. This would

allow for benefits to be calculated in consideration of the varying rent levels across the country and in a manner responsive to individual circumstances.

2) Change to rent to income ratio: Where the 2020 rent to income ratio is greater than the 2019 rent to income ratio, the individual would qualify for assistance. Otherwise, the tenant would not be eligible.

Amount of benefit

The amount of assistance provided to tenants would be calculated based on an increase in shelter to income costs. The amount of assistance would be equal to the difference in the rent to income ratio, multiplied by the individual's 2020 gross income, which would have the effect of reducing the 2020 rent burden back to the level that the individual was paying prior to the pandemic.

Recognizing that tenants employed a variety of survival strategies during the pandemic period, this program would allow for funds to be transferred directly to tenants, to landlords or to both depending on the circumstances.

Sample calculation using average tenant income and average rent for a one-bedroom apartment in Toronto

An average income tenant paying the average rent for a one-bedroom apartment in Toronto pays \$17,000 in rent annually, and the rent is unchanged between 2019 and 2020. In 2019, they had an income of \$48,000, which dropped to \$2,000 per month in March 2020 when the pandemic hit, and they lost their job and relied on the CERB for the remainder of the year.

- 2019 Gross rent paid/2019 gross income =
\$17,000/ \$48,000 = 35%
- 2020 Gross rent paid/2020 gross income =
\$17,000 / \$28,000 = 61%

Since 61% > 35%, this individual would qualify for assistance.

The amount of the rental assistance to cover 12 months in 2020 would be calculated as follows: $(61 - 35) \% \times (\$28,000) = \$7,280$.

If the benefit was extended into 2021, it could be calculated on a monthly basis in order to provide support to renters in real time. This could be achieved by comparing the current rent burden to pre-COVID rent burden in a similar calculation as above but using the monthly rent burden.

Many tenants are currently facing significant arrears which threaten their ability to stay in their homes as governing legislation allows landlords to evict tenants with arrears balances, even where they are minimal. Tenants in these

circumstances may opt to have the government transfer all or part of the funds, in the amount of arrears owed, directly to their landlords in order to clear their arrears balances. In that case, landlords would be required to

sign an attestation that, in receiving the funds, they consent to waive their right to evict their tenant for any arrears incurred during the qualifying period, and also that they would be prohibited from using the existence of the arrears incurred during the period as evidence in any subsequent eviction proceeding (such as to demonstrate persistent late payment of rent).

However, in many cases, tenants have done everything they can to preserve their tenancies, terrified of losing their homes during a global pandemic. Many have gone without food, have borrowed money from family, friends or payday lenders, and are facing significant financial consequences, including not being able to make rent in the coming months, all of which they are not in a position to bear. In this case, funds would be transferred to tenants directly.

Application process and required documentation

Participating tenants would be required to obtain and retain documentation of the rent they were required to pay for the

qualifying period and any income for the period, including CERB or other income support. For the purposes of facilitating access to the program and to reduce administrative barriers, the program should be administered using a simple and barrier-free application process that prioritizes getting people the help they need on an expedited basis.

Anticipated uptake of the program

Given the variation of rental rates across the country and the wide availability of the CERB, which was structured as a flat benefit regardless of individual financial circumstances of the recipients or their housing costs, we anticipate the primary beneficiaries of this program will be individuals with higher than average rental rates, particularly households with children, which were not adequately covered by the CERB or EI (i.e. individuals in large urban centres and other areas where rental rates are particularly high).

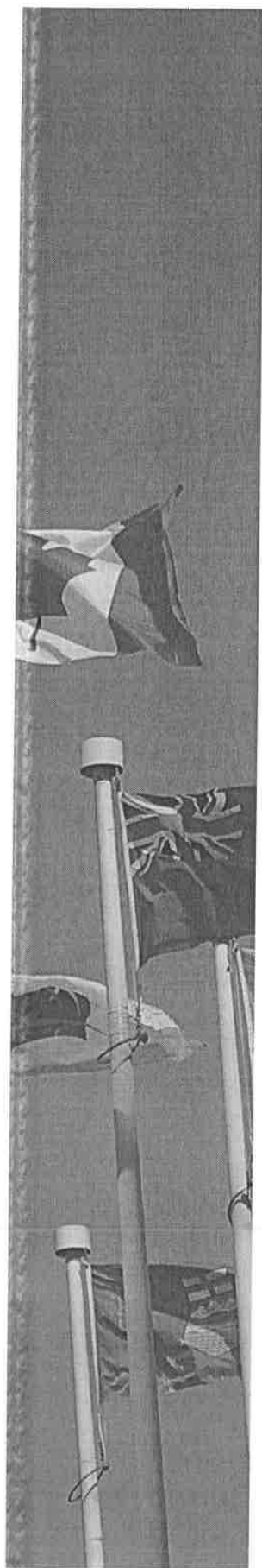
Such a program would provide retroactive benefits to the date of the eligible income loss, in order to ensure that affected tenants

are able to pay any accumulated arrears, as well as continue to pay their rent going forward.

A) PROVINCIAL/ TERRITORIAL RESPONSIBILITY

It is the responsibility of provinces and territories to address the needs of tenants on social assistance and others in arrears because of ongoing affordability challenges. In our stakeholder and expert consultations, considerable concern was expressed that many tenants may have fallen into arrears during the pandemic because of an ongoing problem of rent affordability rather than because of pandemic related income loss. Income for those on social assistance may not be affected by the pandemic, however there is a persistent affordability crisis that predates the pandemic and threatens those tenancies. International human rights obligations summarized above require that these tenants also be assisted and that all appropriate measures be adopted to prevent evictions.

Some programs have been implemented by different levels of government to address Canada's affordability crisis for tenants, including the Canada Housing Benefit, rent bank programs, and other benefits. However, as expressed by participants, implementation and outreach for these programs must be increased. Roll-out of the Canada Housing Benefit, for example, is taking a long time to reach tenants in need due to extremely lengthy negotiations between provinces/territories and the federal government. Provinces and territories are well placed to provide the



necessary assistance, particularly to social assistance recipients in this category. This does not mean that the federal government's commitment under the NHSA to apply all appropriate means to prevent arrears and evictions does not apply. The bilateral housing partnership agreements, negotiated with provinces and territories require those governments to adopt plans to "provide support for those in greatest need" and "help advance the progressive realization of the right to housing under the International Covenant on Economic, Social and Cultural Rights (ICESCR)."[24]

In conjunction with the federal benefit plan described above, we recommend that the federal government ensure that all provinces and territories have put in place a plan to prevent evictions and provide necessary assistance with arrears for tenants who have been unable to pay the rent because of ongoing affordability issues.

B) OBLIGATIONS GOING FORWARD

Another concern expressed during consultations was that while the pandemic has brought to the fore particularly urgent issues of unaffordable rent and unjustified, unnecessary evictions that must be addressed in accordance with the NHSA, these systemic issues are longstanding and the NHSA also requires longer term solutions. We wish to clarify, therefore, that our recommendation is that the government implement the above proposal as a first step in implementing a longer-term strategy to address the affordability and evictions crisis, and that this issue be given the highest priority in the National Housing Strategy.



APPENDIX A: THE STATE OF EVICTIONS AND ARREARS DURING COVID-19 ACROSS CANADA

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Alberta	Between March and October, 4,287 applications for non-payment had been filed compared to 5,351 through the same period in 2019.[25] indicating over 1300 eviction applications filed in September and October 2020. The Calgary Housing Company issued 500 eviction notices for the month of August 2020.	End of the eviction ban in Alberta was April 30, 2020.[26]	No rent increases permitted until June 2020.	Landlords and tenants are encouraged to develop payment plans. However, demonstration of a payment plan is no longer required to file an application to terminate a tenancy nor to recover possession due to non-payment of rent.[27] Partial cutoff in provincial assistance or claw back payments dollar-for-dollar by the amount recipients got from CERB.[28]
British Columbia	Around 15 per cent of rental households (approximately 90,000 households across B.C.) have not paid full rent during the pandemic. [29] 12% of tenants have been making partial payments. [30]	B.C. eviction ban ended on Sep 1 2020; tenants have until July 2021 to pay unpaid rent as long as monthly installments are paid. The payments need to be made in equal instalments.	Rent freeze until July 2021.[31]	BC Temporary Rental Supplement Program in place from April to August 2020 for more than 87,000 low- and moderate-income renters who lost income as a result of COVID-19. Rental benefit up to \$500/month paid directly to landlord. Tenants applied for the program and the details are verified with landlord.[32] Landlords have to give tenants until July 2021 to repay any outstanding rent; as long as monthly instalments are paid.[33]

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Manitoba	Among Manitoba's 60,629 renting households, 5,456 - 7,882 tenants are in arrears and cannot or could not pay all or part of their rent during COVID.	Eviction ban on non-payment of rent during COVID is ended September 30th. [35]	Rent increases are frozen from April 1 until September 30 and late fees are prohibited for failure to pay rent from April 1st. [36]	<p>Rent Assist shelter benefit for low-income tenants in the private market based on income and market rent for their family size. [37]</p> <p>Residential Tenancies Commission postponed all non-urgent hearings. Tenants cannot be evicted unless there is a risk to health and safety or concerns about illegal activity. [38]</p> <p>Partial Cut off in provincial assistance or claw back payments dollar-for-dollar by the amount recipients got from CERB. [39]</p>
Northwest Territories	No data available.	Eviction moratorium on evictions for arrears from April 9, 2020. [40] Tenants must write their landlords explaining significant loss of income or unemployment and outlining a payment plan.	None.	<p>Enacted legislation in April on Rental Agreement Dispute Resolution. [41]</p> <p>Dispute resolution process can be initiated by a landlord or tenant by filing an Application to a Rental Officer. [42]</p> <p>Transitional Rent Supplement Program (TRSP) for private market tenants up to \$500/month in force until end of August 2020.</p>
Nunavut	No data available.	None.	None.	None. [43]

**PROVINCE/
TERRITORY**

**DATA ON EVICTIONS
& ARREARS**

**DETAILS ON
BAN ON
EVICTION**

**ACTION TAKEN
TO LIMIT
RENT INCREASES**

**ANY OTHER ACTIONS ON
RENT RELIEF**

New Brunswick

In the first 10 months of 2020, there have been 1,525 requests for evictions in the province, down from 2,518 in the whole of 2019 and 1,688 in 2018. The province had previously put a freeze on evictions from March 19 to June 1st of this year, meaning the 1,525 requests for evictions actually cover just over seven months.[44]

Eviction ban lifted June 1st.

Huge rent hikes are allowed in New Brunswick because the Residential Tenancies Act does not restrict rent increases, as long as the landlord gives three-month notice.[45]

None in particular to rent. Workers emergency benefit was paid as a one-time income benefit of \$900 for residents who have lost their income due to the pandemic.[46]

The official opposition plans to table a bill amending the Residential Tenancies Act in the fall session, tying the percentage that a landlord can boost rent to the Consumer Price Index every year, and capping it at 2.5% a year.[47]

Nova Scotia

Investment Property Owners of Nova Scotia, estimated about 1,800 eviction applications had been filed to Access Nova Scotia One week before the ban was lifted.[48]

Eviction ban lifted July 1st.

Government introduced a two per cent cap on rental increases for existing tenants and a ban on renovations. This rent cap is retroactive to September 1, 2020. These changes are being made under the Emergency Management Act and will be in place until February 1, 2022, or until the state of emergency is lifted, whichever comes first.[49]

People on income assistance receive an extra \$50 per payment during COVID 19 pandemic.

PROVINCE/
TERRITORY

DATA ON EVICTIONS
& ARREARS

DETAILS ON
BAN ON
EVICTION

ACTION TAKEN
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RENT RELIEF

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Newfound- land and Labrador	The Newfoundland and Labrador Housing Corporation confirmed via phone call that the Province practices eviction prevention and there were only 3 evictions in 2019 and that there have been no evictions since the onslaught of COVID-19.[50]	Eviction ban lifted 31 May 2020. Tenants who lost employment income because of the COVID-19 can receive an eviction extension of 30 days from when a notice of eviction was served.[51]	None.	None.
Ontario	10 per cent of renters did not pay rent in April, a ten-fold increase from what is typical (1%). [52] Since March, over 6,000 Ontario tenants have had eviction applications filed against them for rent non-payment.[53] Since the reinstatement of virtual LTB hearings, eviction hearings are happening on a recurring basis all day, every day. Some 7,000 people are facing eviction this winter.[54] 6,500 eviction hearings scheduled for November 2020. This is 21% more than in November 2019. Some regions saw increases of over 300%.[55]	Eviction ban lifted July 31st.	Rent frozen at 2020 levels but rents may still be increased for new tenants.	Between April and September 2020, the Toronto Rent Bank granted 489 loans valued at \$1.9M and 36 rental deposit loans valued at \$98k.[56] Toronto is reporting a 32% increase in the number of approved loans for the Toronto Rent Bank between April-October 2020 as compared to January-March 2020, although the City notes that it is not possible to draw a direct correlation between an increase in loan approvals and the impact of COVID-19 on Torontonians.[57] Temporary pause on enforcing Eviction order effective from January 13, 2021.[58]

**PROVINCE/
TERRITORY**

**DATA ON EVICTIONS
& ARREARS**

**DETAILS ON
BAN ON
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RENT RELIEF**

**Prince
Edward Island**

According to Annual report of the Island Regulatory and Appeals Commission (IRAC) in 2020 the number of evictions rose to 531 with 82 over security deposits, 123 terminations, 280 breach of statutory conditions and 46 on rent increases. This is a 54% increase over the previous year. Of these, 90 were withdrawn and 76 were resolved between the parties. Of the rest, 180 were terminations, 55 were due to rent increases.[59]

The Prince Edward Island Housing Corporation had moratorium on evictions until June 2020.[60] No info on private rentals. Rental hearings resumed on May 25, 2020.[61]

The government has approved a 1% increase for January 1, 2021.[62] This is slightly lower than it has been in previous years (1.3% for 2020, 1.5-2% for 2019).

Minister of Social Development and Housing announced a \$1,000,000 Temporary Rental Assistance Benefit to assist Island households that are currently renting and have seen an unexpected loss of income due to COVID-19.[63]

Quebec

In May, at least 15% of Montreal tenants were at least a week late with their rent.[64]

Eviction ban ended on July 20, 2020.

Régie du Logement, suspended all hearings and put a moratorium on evictions and repossessions. Premier François Legault urged landlords to be accommodating, but did not announce any specific measures.[65]

The financial assistance program for tenants for the payment of their rent in the context of COVID-19 was intended to temporarily support tenants who did not have enough cash to pay, in whole or in part, their May rent and/or June due to the loss of their jobs in connection with the COVID-19 pandemic. This program ended on July 15, 2020.[66]

Under this program, tenants that have difficulty paying their May and/or June rent could be eligible for an interest-free loan of up to \$1,500 provided by the Société d'habitation du Québec. [67]

**PROVINCE/
TERRITORY**
**DATA ON EVICTIONS
& ARREARS**
**DETAILS ON
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RENT INCREASES**
**ANY OTHER ACTIONS ON
RENT RELIEF**
**Quebec
(cont'd.)**

The Société d'habitation du Québec also offers financial support for temporary accommodation for individuals whose plans to move into their main residence (property or dwelling) have been delayed because of the COVID-19 pandemic. The individuals that are eligible will receive up to \$2,000/month for a maximum of two months to cover the costs of temporary accommodation, and up to \$1,000 for expenses related to moving, transportation, and storage of their movable property.[68] This program also ended on July 15, 2020. Loans under these programs must be repaid to the SHQ by August 1, 2021.[69]

Saskatchewan

Landlord Association reports more than 400 eviction applications for non-payment since August 7, totaling \$30 million in arrears[70] landlords have filed more than 1,000 eviction applications to the Office of Residential Tenancies since Aug. 4 to get a sheriff to remove tenants.[71]

Eviction ban from March 26 until August 7, 2020.[72]

None.

In response to COVID-19, a monthly benefit (Saskatchewan Housing Benefit) is available to Saskatchewan renters (including seniors, families, couples and singles) who:

- Rent from a community housing provider, such as a non-profit housing provider or co-operative;
- Pay more than 50% of household income on rent and utilities;
- Have incomes and assets below the program limits; and
- Are not receiving another government benefit to help with their housing/shelter costs.

PROVINCE/
TERRITORY

DATA ON EVICTIONS
& ARREARS

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BAN ON
EVICTION

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RENT RELIEF

Saskatchewan
(cont'd.)

Clients will receive a benefit based on their household composition.[73] Cut off provincial assistance or claw back payments dollar-for-dollar by the amount recipients got from CERB.[74]

Yukon	No data available.	<p>From June 26 – December 2020 landlords cannot evict tenants for arrears due to COVID-19 income loss between March 26 and June 25, 2020. As of July 1, 2020, an individual must pay rent unless under a health-protection measure and rent arrears from March 26 to June 25, 2020 by December 31, 2020.[75]</p>	None.	<p>Tenants living in private non-subsidized market rental housing in Yukon who have lost 30% or more of their income due to COVID-19 are eligible for a grant for up to 50% of median market rent from April to June 2020. The grant will be paid directly to landlords on behalf of tenants.[76]</p>	<p>Eligible households can receive 50% of median market rent based on unit size using the Whitehorse median market rent.</p>
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APPENDIX B: COMMUNITY PARTICIPANTS

CERA and NRHN benefited from the insight and feedback of **over 120 people and organizations from across Canada** who participated in public and working group meetings that led to this submission and proposal. These participants included:

- ACORN Canada
- Al Wiebe, Canadian Lived Experience Leadership Network
- Aleksandra Petrovic, Social Development Centre Waterloo Region
- Amanda-Rose Bourget, Brandon Neighbourhood Renewal Corporation
- Anna Micah Irving, Mission Services of Hamilton
- Canadian Alliance to End Homelessness (CAEH)
- Christopher Bell
- Desiree McIvor, Make Poverty History Manitoba
- Douglas Kwan, Advocacy Centre for Tenants Ontario (ACTO)
- Jeff Kozolanka, New Beginnings
- Jeremy Withers, University of Toronto, School of Cities
- Justin Rain, Ryerson University
- Kaitlin Schwan, The Shift
- Larry Neufeld
- Le Front d'action populaire en réaménagement urbain (FRAPRU)
- Lesley Crompton, Social Development Centre Waterloo Region
- Lisa Smith, CHRA Tenant Leadership Group
- Marc Carroll
- Margo Brunner, Voice of Albertans with Disabilities
- Maria Christina Conlon, Davenport Perth Community Ministry
- Marie-Josée Houle, Action-Logement
- Michelle Bilek, Peel Alliance to End Homelessness
- New Beginnings Housing Project of Chatham Inc.
- Nirmal Kaur, NRHN & CERA
- Norman Laforce, RIL (Regroupement, Information, Logement in English : Unity, Information, Housing) Southwest, Montreal
- Rosemary Foulds, affordablehousingaction.org
- Sarah Buhler, University of Saskatchewan College of Law
- Sean Karmali, Osgoode Hall Law School
- Starr Smith, Mimico Estates Tenants' Association
- Steve Pomeroy, Carleton University Centre for Urban Research and Education (CURE)
- Vicky Levack, Nsleo

ENDNOTES

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- [2] Under the Vienna Convention on the Law of Treaties (1969), article 27, a state “may not invoke the provisions of its internal law as justification for its failure to perform a treaty.” International Covenant on Economic, Social and Cultural Rights, article 28. “The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.”
- [3] General Comment No. 7; Ben Djazia v Spain, para 15.3. CESCR, Concluding observations on the sixth periodic report of Canada E/C.12/CAN/CO/6 (23 March 2016) paras 39-40.
- [4] CESCR, General Comment No. 7, para 13.
- [5] CESCR, General Comment No. 7, paras 4, 16; CESCR, Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights, E/C.12/2020/1 (6 April 2020) para 15.
- [6] Special Rapporteur on the right to housing, Guidelines for the Implementation of the Right to Housing A/HRC/43/43 para 38(c); Special Rapporteur on the right to housing COVID-19 and the right to adequate housing A/75/148 (27 July 2020) paras 15, 34.
- [7] Special Rapporteur on the right to housing, COVID-19 and the right to adequate housing A/75/148 (27 July 2020) paras 15, 34.
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THIS IS **EXHIBIT "U"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022

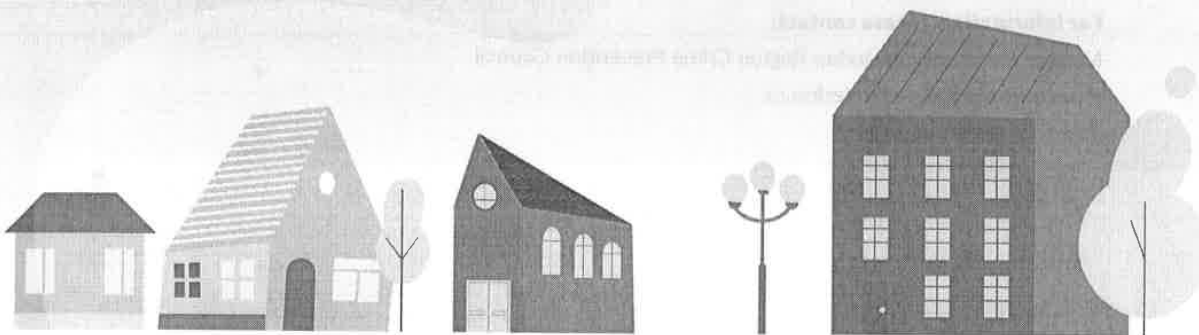


ASHLEY ELIZABETH SCHUITEMA

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

FOCUS ON: SAFE SUPPLY

FINDINGS FROM FOCUS
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USE UNREGULATED DRUGS



Focus On: Safe Supply

Acknowledgements

We are grateful for the participation of people who use unregulated drugs, without whom this study would not exist. Their time and effort to inform aspects of a potential 'safe supply' initiative will greatly assist local efforts. We sincerely hope their contributions will establish new opportunities for preventing deaths and injuries due to accidental poisoning.

A special thank you is due to Andrew Childerhose of The Working Centre, who assisted in many aspects of the focus group study.

A special thank you is also due to the Inner City Health Alliance for their collaborative efforts to advance initiatives grounded in equity.

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Executive Summary

This qualitative report follows from focus groups held with people using opioids from the unregulated market to assess the concept of safe supply, and provide operational design and delivery guidance. Safe supply initiatives provide pharmaceutical equivalents to contaminated and unregulated substances such as opioids, stimulants, and benzodiazepines. The focus groups revealed several themes.

Pervasive throughout the focus groups was a sense of limited time before participants or their friends faces another overdose emergency. Every participant had experienced multiple and escalating losses and trauma due to overdose poisoning, and all participants fear it is now the new normal.

Participants were overwhelmingly enthusiastic about the opportunity for a safe supply program, and anticipated strong demand. Such a program was thought to have very positive impacts on both individual and community health, safety and well-being. By stabilizing and decriminalizing the withdrawal – acquisition – purchase - use - withdrawal cycle, participants suggested other opportunities would become possible. Key to “settling the noise and chaos” was obtaining the optimal dose and formulation, and ensuring people who use unregulated drugs are involved in program design and delivery to avoid initiation and perpetuation of structural barriers.



Background

Opioid-related deaths in Ontario have risen from 111 fatalities in 2000 to 1,475 victims in 2018. While prescription opioids were previously a substance of concern following their addition to the Ontario Drug Benefits Plan, the presence of the bootleg fentanyls has been the leading contributor to escalating fatalities since 2015-16. The Waterloo Region Crime Prevention highlighted the potential for market contamination by bootleg fentanyls in 2008, and advised of the threat to public health and safety in 2013 and 2016.

The unregulated marketplace for opioids remains toxic and contaminated with a variety of bootleg fentanyls, benzodiazepine analogues (novel, unregulated, derivative substances), synthetic cannabinoids and dozens of potentially harmful bulking substances that affect weight and toxicity. There is little to no chance the unregulated market will become safer for consumers over time.

The Government of Canada announced an opportunity in August 2019 that would permit stakeholders to apply for funds to create 'safe supply' programs. Safe supply initiatives eliminate the individual and community harms associated with the unregulated market by providing prescription opioids (among other classes of drugs) such as hydromorphone, morphine, diacetylmorphine, etc. to people currently using unregulated opioids. Following evidence from injectable opioid programs in a therapeutic context, a safe supply approach is likely to reduce death and injuries, and improve both individual and community health and safety.

In September 2019, focus groups were held in Kitchener with people actively using opioids from the unregulated market. Participants were asked if a safe supply program would be appropriate locally and if so, what that program might look like.

We are grateful for those who were able to participate, and remember those who have passed away prematurely. Based on the feedback from people in the focus groups, and contributions from medical, safety and health practitioners, the Working Centre will lead a collaborative application through the Inner City Health Alliance to seek funds from Health Canada for a safe supply initiative.





Methodology

Two focus groups held in 2019 on September 5 and September 10, for male identified persons, and for female and trans-identified persons, followed the question framework found in Appendix A. A third focus group was envisioned for people who work in direct service with people who use drugs however this focus group has been deferred. Outreach workers and others in direct service to people lacking stable housing, however, have previously identified the provision of a safe supply as a priority locally.

Invitations were limited to people currently and regularly using opioids from the unregulated market. Persons were invited through networks of people who use drugs and/or through persons in direct service holding relationships with people who use drugs.

Invitations included the following information:

- A funding application is being considered for a new program
- The applicants are requesting 90 minutes of your time and expertise to assist with shaping the program
- The focus groups are confidential
- A cash payment of \$25 will be available after each focus group to each participant

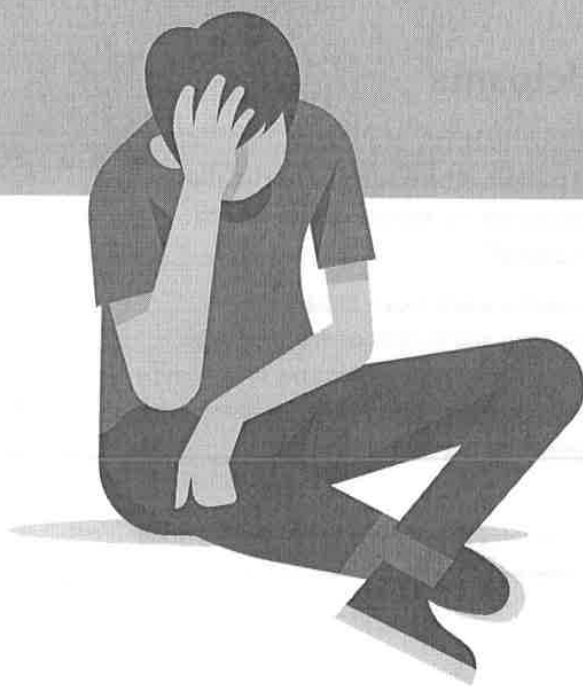
In total, 8 people who use drugs participated in these focus groups, 5 who identified as men and 3 who identified as women, ranging in age from early 20s to mid 60s. Focus group participants met at a downtown location. There was a facilitator and a recorder at each session. The recorder did not use names in the notes. A BSW student observed the second session.

A series of questions were verbally asked of the participants. Sometimes a discussion ensued, and those comments are included here. The main themes are summarized with direct quotes from participants. Persons or organizations named by participants are identified as XXX.



Limitations

This small study is the first in Waterloo Region to assess the potential impact of providing pharmaceutical equivalents to people using opioids from the local unregulated market in the Waterloo Region area. Participant selection grew from existing relationships and availability rather than from a random pool. Participants lived in downtown Kitchener and were primarily injecting opioids. The number of participants is low relative to the estimated number of people who use opioids from the unregulated market, and thus could provide input into a safe supply program. Opioid formulations such as pharmaceutical fentanyl and diacetylmorphine were not considered but should have been given escalating tolerance levels and despite the structural barriers imposed by the Ontario Drug Formulary (and thus drug benefit coverage and guidance). Safe supply for stimulants and benzodiazepines were not the subject of these focus groups but should be considered in any safe supply initiative. The findings provide unique insights but caution is advised given the scale and diversity of people who use unregulated drugs.



Findings: Concept

Overall impact



The nature of the project was briefly shared with participants, who were then asked if they had any questions.

“With methadone there are so many constraints, how clinical is it going to be? Will you have to go 3 times a day? These are some constraints.”

“I do feel positive as long as people don’t take advantage of it. Methadone people just keep going up & up & up. And I don’t know how that would look. What would the maximum (dosage) be?”

“People need more personal attention – we’re getting all kinds of negative attention. But to hear something other than that, that would be great.”

“Why is it hydromorphone?”

“Do more beyond saving lives.”

Impact on safe supply participants



Thinking of yourself and people who use opioids regularly, would you expect the impact of an initiative like this to be positive? Negative? Neutral?

All participants thought the impact of a safe supply initiative would be very positive, both for participants and for the community at large. Participants repeatedly noted the high risks and uncertainty of purchasing substances from the unregulated market, and shared the negative impacts arising from the craving – acquisition – use – withdrawal cycle.

“It’s hard to say something bad about something so good.”

“Nothing about this program is going to kill me today.”



“...YEAH, BECAUSE THEY CUT IT WITH EVERYTHING... AND YOU NEVER KNOW WHAT IT'S CUT WITH.”



“I think it's a great idea. It can keep you from working, from sex work.”

“The community, you're taking addicts and giving them drugs, and people don't realize there's a process to sobriety. I think the worst crime is neglect, abuse isn't as bad. I would say, just the attention in itself, getting attention on the subject, so they are depicted as people, damaged goods in some cases, and the most important, (for some people) there is no hope and we don't expect to get better. There are some folks that are lifers.”

“The end point isn't to get off drugs, it's not about getting off drugs, that's not the end goal.”

“Yeah, personally I have had to use fentanyl, but prefer prescription. Prescription takes away the risk, always the same thing. I do it by myself, and with fentanyl you never know if you're taking too much. For that reason I'd rather smoke.”

“If you're scared enough to switch to smoking, you know there's something wrong.”

“At the moment you're putting your life in the hands of your dealer.”

“...yeah, because they cut it with everything... and you never know what it's cut with.”

“Alprazolam — all of the shit that happens. Every terrible conceivable thing happens.”

“Importers — they bulk it up, dye it, sell it. They don't know what it is. You don't just have the toxic supply, you have a bunch of other shit in it.”

“I'm just worried about turning blue, like a smurf. And it's toxic in two ways. One, with carfentanil, it's easy to have a hotspot and then you die. And that's the thing — it's less than 1 percent drug, cut with everything. And two, there's a whole generation will die of endocarditis. It's something that will kill us in one of two ways. And with pharmaceuticals, they are made in sterile conditions. When you're buying drugs from China, sometimes they send the wrong chemical. That's pretty terrifying when you're buying stuff to inject.”

“...synthetic cannabinoids, fentanyls, and benzos. Nobody is gonna come back to that.”

“Benzo's used to pop up when there was a heroin drought years ago, every couple summers, you used to expect it would happen at some point. Now every third batch will put you out for 12 hours.”

“We got some stuff that was over half benzos, was that the green?” (Discussion about how it would put people out for hours.)





Demand: After 6 months using a safe supply initiative, what might the impact on the use of opioid and non-opioid substances be?

“Older people would probably stabilize and consider reducing. Younger people would probably just keep going.”

“After 6 months, not much change for most but for those that change their dose, it would be a lot.”

“Definitely slow down – optimal dose is key. Few people will want more.”

“Once optimal dose, it wouldn't change.”

“If someone started the program using stimulants...well, not sure there would be any change. Maybe free opioids would free up time to not do non-opioids.”

“If you can get what you need for free, why use more?”

“A lot of people over 45....more of the old age group...seems to be a lot of older people... we're tired, and just want to stop. The really young they would experiment with going up and down.”

“Depends on if they used stimulant or not, if they didn't use them already they wouldn't go seek them out. It's such a hard question to answer, because it's so personal. It completely depends on the person. If they're getting what they need from the opiates, they aren't hustling for the fix as much and then they are looking for a job, they wouldn't need the drugs as much, it depends if someone would even do that.”

“Stimulants, if they are use to that. If somebody does speedballs, that could be hard, because you don't have stimulants, you don't have that. Have you looked into a synthetic stimulant? Because I'm so productive on stimulants, you can do a bunch. With stimulants your body is on high, and with opioids it's slower, I get less done. Carries would fix this.”

“DEFINITELY SLOW
DOWN — OPTIMAL DOSE IS
KEY. FEW PEOPLE WILL
WANT MORE.”





What might be the impact on people receiving methadone or Suboxone®? Or on people not receiving methadone or Suboxone?

"Methadone, people only use it as a safety net. Less than 10 percent of people use it as designed. People would go for this, they wouldn't commit crimes, or for women, they don't need to sell themselves if they don't want to. People end up taking their lives over it."

"I know a few people on methadone. It just doesn't scratch the itch. I've tried to lower my dose, but I start to use again. If I had a steady supply, in terms of keeping me well, and the mental jonzie, and could shoot up—that's half the addiction. It's the process, it's the ritual. I might actually have a chance. You can get use to it, bit by bit by bit. With methadone, it's not what I actually want to be using. No safety net, it's what I actually want."

"There wouldn't be intermingling between people wanting to stay clean at a methadone clinic, and those just using it as a safety net, those still using."

"You had to go through hell (to obtain Suboxone®), you can't get up to anything that works. All it takes is one thing."

"My reason, methadone puts me on a permanent nod. Heroin gives me a get up and go. Yeah, methadone makes me sluggish, sweaty, all kinds of shit."

"I'm on methadone, we still use drugs a lot. The methadone isn't working for me. I don't get high, all the methadone does is gets me from not getting sick. Hydro would give me euphoria, or something close, at least a release from anxiety."

"Methadone fried my mom's brain, illegally."

"I would be curious about the process, [from methadone to hydro] I have no idea what that would look like."

"It's really hard (for methadone) to come out of your system."

"I would quit the drugs, once the void has been met. I know what it looks like, a business, kids, a house, a partner. I was clean. I had important relationships, kids, mortgages, things to fill my life. Once those things weren't there I used drugs. I would like something else to fill my life."

Impact on crime and victimization

"Big time - people don't have to go out to get what they need."

"I can't think of anything that would be safer."

"My dad retired 3 years later because I injected his retirement fund."



“There would be less car hopping, b&e, robberies, violent crimes. There’d be less sex workers, less people dealing, wouldn’t need to get it from their dealer, from this program instead.”

“Crime would go down, for sure. You don’t have to be on the grind for 12, or 24 hours a day. It takes all your money. Three days dope sick, you’d do things you never wanted to do in your life.”

“You don’t break into houses, or cars for fun. It’s the desperation. Crime would drop off in a massive way. You’ll still have tweakers stealing bikes.”

“Alternative to the grind and hustle all day long everyday. Once you get the money, then you gotta find the shit.”

“By taking 12-24 hours out of someone’s life, they will have time to do things.” (Like housing, income, health care, social services, etc.)
[Emphatically affirmed by a second person]

“You take the criminal aspect out of it, you make everyone healthier and happier.”

“I am sick of being sick.”

“This would take the least flack. If they legalized drugs. It would change. It takes the criminal aspect out of it. That’s how you make communities out of it. If you legalize it, it takes the criminal aspect out of it.”

“Most people think of the crime associated with drugs. But with this, everything gets paid. Rent gets paid, bills get paid, the idea of being able to live like a human being that isn’t impoverished is so tempting. I do dope because it’s my medicine. I can’t talk to people without opioids, and various drugs in my system. I can’t imagine going out in the day without not having to spend every cent on drugs. What would I even spend my money on? Buy records, or whatever people do — that’s the dream.”

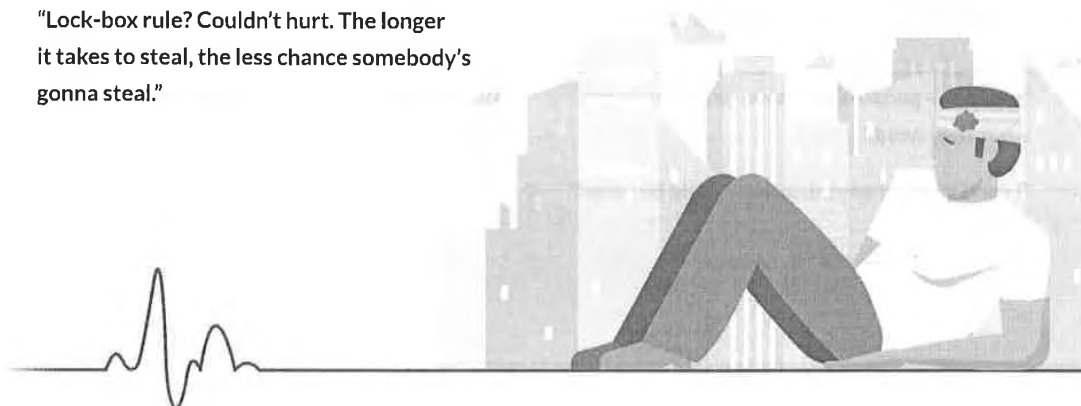
Potential risks of safe supply to women or vulnerable persons

“It’s not as dangerous as having to buy fentanyl. I don’t think it’s an issue.”

“Daily carries (take-home prescriptions) – the chance of getting robbed. Women? People who are small?”

“Lock-box rule? Couldn’t hurt. The longer it takes to steal, the less chance somebody’s gonna steal.”

“Women might be at risk of getting robbed. The intimate partners of women might be jealous.”



“YOU TAKE THE CRIMINAL ASPECT OUT OF IT, YOU MAKE EVERYONE HEALTHIER AND HAPPIER.”



“Partners being resentful, got more shots. If they are with someone...an ex, an abusive partner...they might not feel comfortable going there.”

“Clients would often come at similar times, women who were uncomfortable leaving (could use a buddy system). Just the fact that people aren’t leaving at the same time. I’d be more worried about people leaving alone.”

“I’m more worried about the people [using] on their own.”

“Jealousy could be a big thing [if not everyone gets into the program].”

“A one day carry probably wouldn’t get you robbed. But it’s possibly a concern.”



Safety: the changing cultural landscape

Participants talked about how culture has changed over the last few years. Trust is declining and violence, and the threat of violence appears to be increasing.

“Robberies, being jumped - we need to watch our own friends. It’s more violent than it was before. I will shaft someone in a heartbeat, I am so ready. It’s because people have gotten so goddam greedy with rent, keep it to a decent price. I can afford a place, I’m on ODSP, but there’s nowhere to rent. They say it’s because their costs are so much.”

“In terms of greed, it’s desperation. They are desperate to get their fix. I’ve seen so many people fuck over their so called friends.”

“Yeah, it’s worse than it was before. Like at the XXX you can’t leave your knapsack unattended. Before I could leave stuff and come back to it. Now if I want to nap, I need to sleep with it under my head, or hold onto it. Your phone is never safe, I would never be able to plug it in and go a table away.”



Impact on area surrounding fixed site location(s)



In a fixed site model – not the only model available – participants thought the impact on surrounding neighbours would be positive given the expected decline in crimes committed to acquire opioids by a subset of people who use unregulated drugs and survive on low or no income. Some participants thought nuisance issues are more accurately attributable to the behaviours of some people who use stimulants, due to issues of psychosis, sleep deprivation, etc.

“It will make the neighbourhood happy, it will give them peace of mind.”

“[It would] improve the lives of users, and the way people look at addiction in community. People would feel safer, not about to steal their cars. Some people would say you’re getting dope for free. But it’s about hope, not just saving lives, but making the connections where you can change your life.”

“Impact on surrounding neighbours — a lot of it is perceived. In reality, it lowers the crime rate. If the neighbours actually notice. They will be hyper-vigilant. A bunch of calls given the nature of the program. Not the same kind of desperation (for participants). None of us act like freaks. You don’t want to lose the program.”

“I think people will think negative [impacts] but it will be positive.”

“People will be on their best behaviour. Will lower crime, negative impacts.”

“It would be good to connect with neighbours.”

“Use existing research. Surrounding neighborhood would be positive, fewer people breaking into cars.”

“Needs to be a connection – community and mental health. How is there going to be anything that comes from it? Connection at least. If there is connection it starts somewhere and goes from there.”

“I was thinking more like security cameras, things like that.”

“IT WILL MAKE THE
NEIGHBOURHOOD HAPPY, IT WILL
GIVE THEM PEACE OF MIND.”



Findings

Operational Design Considerations

Unmet Demand



Demand: How many people might use a safe supply program?

We attempted to gauge participant's perceptions about what kind of demand exists for a program like this, since no evidence of prevalence exists. Potentially thousands of people across Waterloo Region are using unregulated opioids regularly however the demand for a safe supply program is unknown, and it is likely an early initiative that will not be able to serve all who could benefit. Participants sensed structural limits to funding and program capacity.

"300-400 people."

"250? 500?"

"Every serious user in the tri-cities."

"For people who can't use methadone, they would choose this. It's a different kind of stability."

"I couldn't even guess. People would drive in from the suburbs. Now they're going to (methadone/Suboxone® clinics). They are all packed. To be fair, not all of those methadone folks are gonna jump in from a 12 step program to this."

"Don't just serve the hardest of the hard to serve."





What kind of qualities in staff would you like to see?

There was a clear consensus that focus group participants are deeply affected by stigmatization, stereotyping and discrimination emanating from service providers, governments, the labour and housing markets, and the public discourse generally. Participants spoke about the need for staff to be tolerant and non-judgemental.

“Yeah, a couple years ago my dad told me to watch a TED Talk, and it was about addiction. The opposite of addiction is attention, relationship. That’s what we need. The staff should have to watch that.”

“Acceptance, no judgement in the eyes of the workers. Like when XXX first started the XXX [a program], just love and acceptance. With food you do not limit them, you give them as much as they want, they will stop when they need to. But like a dog that’s been abandoned, they will be starving and we need to expect that. The first couple months they will overeat, but when they know they are safe they will eat less, and less. Behaviours, manners, having an open mind (are good staff qualities).”

“Something similar to XXX, or whoever is involved in their community, so their outreach worker goes with them, so there is no judgement.”

“Yeah, judgement is a huge issue, like at XXX hospital. If you’ve had past use, years and years ago, they still judge you, and that affects the care that you get.”

“People need some sort of... common sense. These people, this is what you’re going to get, worst case, eyes wide open. If you can’t handle this then don’t take the jobs. There’s going to be a high burnout.”

“Something like peers? The kind of staff at the SIS (safe injection site) is supposed to have-non-judgmental.”

“No staff should be 12-steppers.”



Demand: What kind of hours would you recommend for a fixed site?

"24 hours? Early enough to go to work... opening at 6 would be better, or maybe 7 or 8 am."

"6 am - 6 pm would be super."

"8 am until late, or a carry, then 5 pm."

"There are a lot of working people. Open till 9 pm or 10 pm. If you have carries (several days of take-home medication) it's different."

"7 am - 10 pm. 6 am is early."

"9-9. Sick people start work early, you're on the roof until your done, sometimes you don't get off work til 8. I don't think it takes an hour to get downtown."

"12 hours, it all depends on funding. Wouldn't want to miss shift workers."

"8 am till midnight. They would show up for sure."



Demand: Estimated frequency of site visits at initiation

There was general agreement that participants would visit 3-4 times per day at initiation. In addition to the specific prescriptions offered, options such as carries, or providing an overnight dose, or permission to take the wash (residue) home are variables affecting the frequency of visits.

"Bare minimum 2 visits, probably 3. Are you allowed to take your wash [with you]?"

"Could I have one carry for the night?"

"I don't know many junkies to hold onto the morning dose."

"Are you allowed to take your wash home?"

"We would max it out. I would show up as many times as you would let me, until I filled the void. When I was safe, and then I would move on to something else."

"People would come back a bunch because it isn't high enough. We would need to find the perfect dose."

"I grew up in group homes - 32. They are pretty clear and desperate in their ways. Different then when you've had safety and been loved. Once kids left and got three meals and love, then they got proper. They felt safe quickly. And they tried to teach their loved ones. Once people feel safe, and it's not something they have to sell their soul for. They would want to do more."



"From my perspective, it depends on the day. Work day - once during my day. I could maybe go three times. If I had the times, I'd go on three times on the weekend. If I was off methadone, (I would ask) is it holding me long-enough?"

"It depends, without three, I'm hesitant. It's annoying to go back, and back. That's why carries would be great. If you had the 8-12. If they could travel. Carries would be much better."

"I was thinking people that don't have a lot to do, they would go more often. People that do would go less often. If someone wants to stop - it will kill me, it's killing my family - they would go."

"This is a dream come-true for me. An outreach program that could bring people their doses if they were far away, or couldn't make it. My pharmacist is willing to deliver."



Pharmacy Pick Up

Involving pharmacies had unanimous support in both focus groups. Participants raised no concerns. Some people reported great relationships with their pharmacist and noted it would be convenient to pick up with other prescriptions.

Pharmaceutical considerations, mode of use, urine drug screens



Drug Formulations

There was a unanimous preference for brand name vs. generic brands, and a clear preference for powder vs. tablets or liquid formulations. Participants also talked about the high importance of preparing their substances for consumption. The availability of other formulations would break that habit but participants indicated the trade off would be worth it. Participants raised concerns about the risks of endocarditis associated with bulking or filler materials used in tablets throughout the focus group discussions.

"I don't want fillers." [endocarditis]

"Tablets—I'd rather make it myself."

[Some formulations] "...gets them away from the ritual of addict."



Focus On: Safe Supply

"Tablets unless the formula is concentrated enough. So much is the ritual."

"Some of us are more addicted to the process. To the ritual."

"Dilaudid is as close to the heroin as you can get."



Modes of Consumption

Most participants preferred injection for themselves. For the most part, it was thought that most other program participants would prefer injection but accounts of a significant number of smokers were noted throughout the discussion. Participants anticipate that the prevalence of use by oral or snorting methods would be low to non-existent.

Thinking of other people who use substances, how do people prefer to consume their opioids? Would program participants switch their consumption methods over time?

"50% smoke, 50% bang."

"Orally it takes too long to kick in."

"Maybe 60:40 in terms of smoking to injection – a little more (smoking) for folks using fentanyl. Some people are scared of needles."

"Would a nurse administer (inject) it? If it's a nurse doing it... they don't know how."

If a safe supply initiative cannot offer a supervised smoking, would that be a problem?

"Some smokers would switch, but not every smoker is going to switch to IV. It's the ritual."

"And smoking stops working for them. And then they turn to banging (injecting) it."

"It would be a challenge. From accessing, they don't want to go to the next point. And then go onto the next point."





Urine Screens

Participants were generally accepting of urine screens if required, and opportunities for research that would inform the program. Two of eight participants expressed deep reservation about observed urine screens.

"I can't have cameras and people watch me. I have issues where I can't have someone actively watch me. I can't imagine being penalized."

"I can pee on demand!"

Criteria of Participants



Should any requirements or criteria be added before allowing people to take home their substances? If so, what requirements would you suggest?

"I kinda feel like people should feel like there should be a small amount of time that you should be there. Consistency. To show that you're committed but at the same time you want as few barriers as possible."

"Figure out the optimal dose."

"Develop relationships. Observe."

"Do a mental health check up first."

Should there be any criteria for removing people from a program like this? If so, what might that be?

Most participants thought that violence onsite, towards other participants or staff should not be tolerated.

"Threats towards staff."

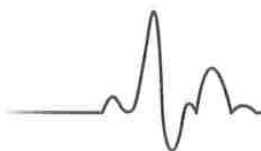
"I could end up using meth because I'm camping. I don't want to be kicked out for that."

"I wouldn't want there to be a lot of things to get people kicked off. If something comes up, you should have the chance to explain yourself."

"Maybe selling doses."

"Stealing from the pharmacy."

"I wouldn't sell if it's helping you get better."



“...GOING DOWN A PATH, OF WHO WE ARE, WHO WE COULD BE...”



Additional Services



What other programs/services would be helpful?

In both focus groups, a housing discussion ensued, particularly around aspects of affordability, suitability, and gentrification. Participants indicated that the provision of safe opioids would free up significant time to take care of other basic needs, other services and opportunities.

“Services for single people.”

“Services and referrals for housing, identification, income, addiction treatment.”

“Peer support groups, lobby groups.”

“Art therapy, music therapy, other therapeutic groups.”

“A letter for carries/take-home prescription (in case of questioning by a physician or by police). The person’s name on the script bottle.”

“A night shift if you need it.”

“Rehab for anyone that wants it.”

“What has been listed for the CTS/SCS/SIS/OPS (supervised consumption site): OW/ODSP support, income, housing....just having things more streamlined.”

“Serious counselling. A lot of counsellors are judgmental. I accessed XXX for 12 years. Staff come and go. XXX is now a probation officer, I can’t talk to her anymore. It’s hard when it comes to that. Shouldn’t be a place where people are trained, should be where they stay.”

“A simple way - get involved in the clinic to cause an activity in the brain. Alarm clock to get some sort of idea on what they want to do. Using and using and using. Going down a path, of who we are, who we could be. I’m so sleepwalking myself. I would like someone wide awake.”



Advisory Committee



Would you be willing to assist with an advisory group, paid or unpaid?

Participants unanimously expressed a desire to assist in program development and possibly, program delivery should funding materialize.

The preference was to be paid for their time and expertise however volunteering was seen as an option. Two advisory groups – one for men, one for women only – are recommended by participants.

“Volunteer for sure but less hours are available than if I was paid.”

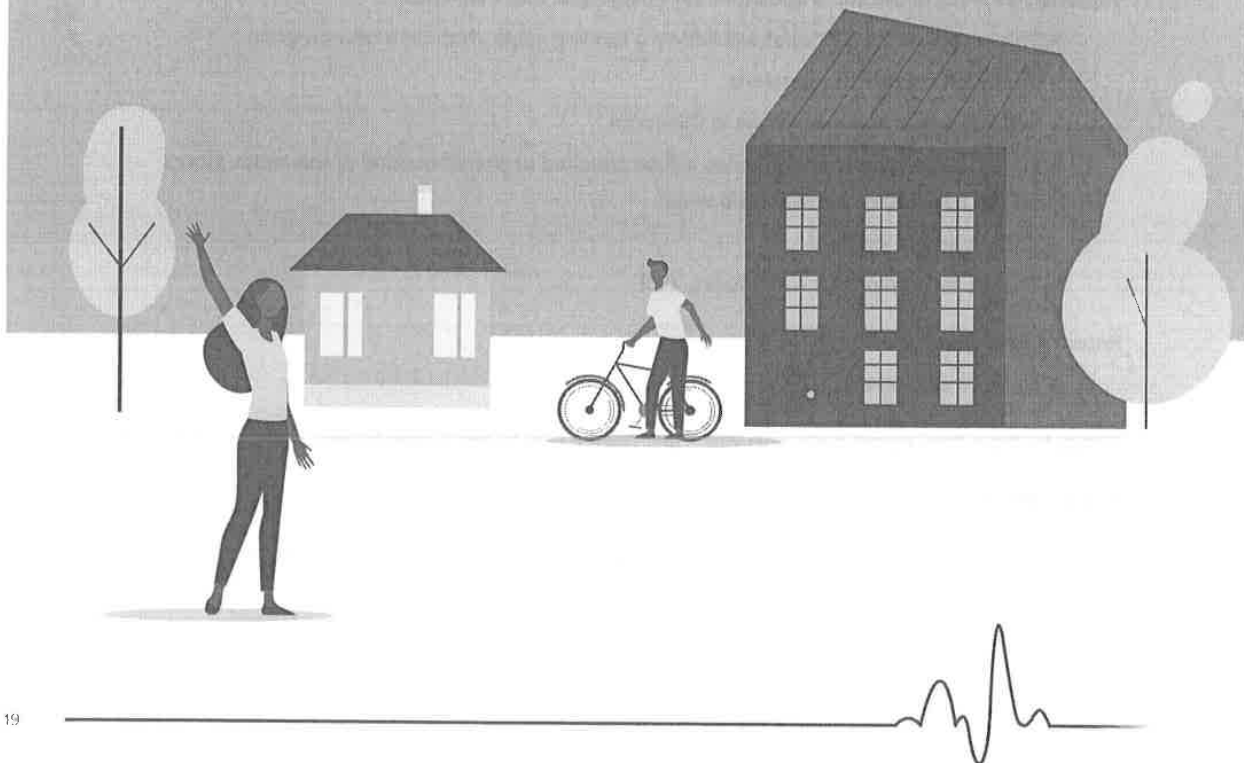
“Paid is better, a bonus.”



Conclusion

There was clear support for establishing a low-barrier safe supply program. Participants and their peers expressed being terrified of the unregulated opioid market but also saw a lack options. Participants identified significant benefits in health, safety, and well-being for people regularly using unregulated opioids, and for the community at large. While the results are not generalizable to all people using unregulated opioids, participants provided key insights that may be common to many potential participants.

The focus groups provided key considerations for program design and delivery. Qualitative evidence of individual and community benefits in health and safety align with international findings from studies of similar initiatives in a therapeutic context. Participants repeatedly emphasized that achieving the optimal dose is critical to success. Potential participants are willing, and should be, involved in both program design and delivery to avoid the initiation and perpetuation of structural barriers that limit access.



Appendix A:

Oral Questionnaire Template Guide

Date: _____ # of participants: _____

Facilitator copy: _____

Focus Group Outline

1. (5-10m)

Introduction to the session, facilitators

Thanks for coming out to share your time and expertise. My name is _____ and I am _____.

Together, we want to ask some questions we really need your help with.

- This session is 1 of 3(?) that will inform a funding application for a new program.
- These are confidential sessions.
- What is said in this room stays in this room.
- Notes will be taken but no names will be attached or shared outside of this room. Notes will be a summary, not who said what.
- Cash at end of session.
- Thanks for coming out – it matters, a lot.

Reportable statements

- Harm to self, others

Happy to share final report back with you – just need a way to get it back to you.

Any questions?



2. (5-10m)

Could we quickly introduce ourselves to each other? (First name/alias fine)

Before we describe the project and get into the conversation, we want to be clear about our hopes for our short time together:

- Aim is for an open and honest conversation, without judgement or fear of judgement. We may have to cut you off if we are running out of time or to give others a chance to speak.
- Everyone gets to participate. Be patient, allow others to speak, do not interrupt.
- What is said in this room stays in this room.
- There are no wrong answers!
- My job is to keep time – we only have so much of it and lots to get through.
- Any other suggestions for an open and respectful conversation you would like to add?

Program Description:

A local group is interested in applying for funding to support an initiative that would provide pharmaceutical hydromorphone free of charge to people who currently use opioids purchased from the unregulated market. There is no guarantee of funding.

The program aims to have as few barriers to participation as possible. Briefly, the idea is people who are regularly using opioids would meet with a medical practitioner at a downtown location to be assessed for suitability for the program. If accepted into the program, participants would then work with medical professionals to be provided optimal doses of hydromorphone. At the beginning of the program, participants would obtain and use the hydromorphone on site under supervision of a medical practitioner. It is possible that 'carries' or 'take-home hydromorphone' will be permitted after a period of time.

There are many details still to be worked out, and the deadline for applications is just a few weeks away. We want your honest opinions and perspectives as your comments will very much help shape the application.



Qualitative assessment and demand for MOP (20-25m)

Q1 (10m)

1. Before we begin with our questions, are there any questions or impressions come to your mind about a program like this?
(Brainstorm questions, and not necessary to provide answers. Hearing what questions people have is the goal. Use flipchart.)

Q2 (10-15m)

- 2a. Thinking of yourself and people who use opioids regularly, would you expect the impact of a program like this to be:
 - Positive or mostly positive?
____ Why ?
 - Negative or mostly negative?
____ Why ?
 - If neutral, why neutral
____ Why ?
- 2b. Can you think of any benefits or negative impacts not yet mentioned?
Probe for impact on people currently receiving mmt or suboxone AND people not on mmt or suboxone.
- 2c. Would a program like this have any impact on people currently receiving mmt or suboxone?
If so, what might the impact be?
- 2d. Would a program like this have any impact on people NOT currently receiving mmt or suboxone? If so, what might the impact be?
- 2e. If crime and victimization impact has not been substantially discussed, ask: Would a program like this have any impact on crime and victimization?
- 2f. How many people do you think would want to use a program like this if it were in downtown Kitchener?



- 2g. Do you think people would travel to downtown from the suburbs to use a program like this?
- 2h. The program, if funded, would be open 7 days a week all year long. What daily hours should the program be open?
- 2i. How frequently do you think people would use the site each day?
- 2j. Infrequent urine screens might be a requirement. Do you see this as a major barrier to the program?

Opioids and consumption (15m)

3. Hydromorphone comes in a variety of formulations. In thinking of yourself and other people who use opioids, what formulation would people prefer? (Rank or percentage):

Brand name or generic? Long acting or short acting? Pills or powder or liquid?

- _____ Short acting generic hydro
- _____ Long acting generic hydro
- _____ Short acting brand name hydro tabs - Dilaudid 8mg
- _____ Long acting brand name hydro tabs - Dilaudid
- _____ Powdered hydro
- _____ Pre-loaded injectable liquid hydro - 10mg

- 4a. In thinking about how people consume opioids, what % of people using a program like this would prefer to mostly:

- _____ Snort
- _____ Inject
- _____ Oral
- _____ Smoke

- 4b. When you are or were using opioids, what is your preference?

- _____ Snort
- _____ Inject
- _____ Oral
- _____ Smoke



- 4c. Smoking presents program challenges. Given the availability of a safer and free supply of hydromorphone, do you think smokers would switch to other methods if smoking was not permitted onsite?
- 4d. Given the availability of a safer and free supply of hydromorphone, do you think people might switch from injecting to other methods of consumption?
- 4e. On a scale of 1-5, with 5 being the most important, how important do you think it is for people to prepare their own opioids vs someone else doing the preparation?

1

2

3

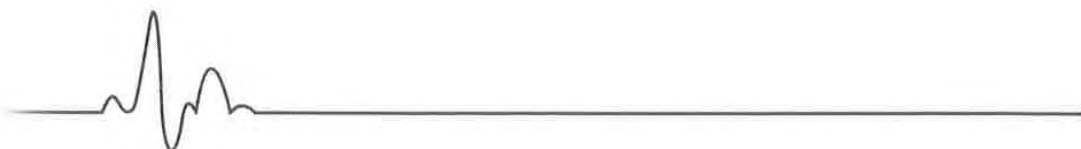
4

5

(Not important someone prepares their own)

(Very important)

- 4f. After 6 months or so, do you think people participating in the program would:
- Increase their use of MOP hydromorphone
 - Decrease their use of MOP hydromorphone
 - Maintain their use of MOP hydromorphone
 - Not sure
- 4g. After 6 months or so, do you think people participating in the program would:
- Continue to seek fentanyl and/or other opioids from unregulated market
 - Stop seeking fentanyl and/or other opioids from unregulated market
 - Seek less fentanyl and/or other opioids from unregulated market
 - Not sure
- 4h. After 6 months or so, do you think people participating in the program would:
- Increase their use of non-opioid substances
 - Decrease their use of non-opioid substances
 - Maintain their use of non-opioid substances
 - Not sure



Location (15m)

5a. Should people be allowed to take the substances off site or pick up from a pharmacy to use later?

Yes: _____ No: _____ Unsure: _____

(Possible probe: any concerns with pharmacy pick up?)

5b. Should any requirements or criteria be added before allowing people to take home their substances? If so, what requirements would you suggest?

5c. Should there be any criteria for removing people from a program like this? If so, what might that be?

5d. In thinking about surrounding neighbourhood, can you think of any negative impacts on neighbours?

5e. Can you think of any ways to minimize negative impacts on neighbours?

5f. Do you see any health and/or safety risks for people participating in this kind of program? (Testing for theft of drugs here, potential for diversion)

5g. Do you see any health and/or safety risks to women and/or 'vulnerable' people participating in this kind of program? (Testing for theft of drugs here, potential for diversion, abuse of person)

Additional services (15m)

6. What programs/services would be most needed to provide additional service to participants of this kind of program?

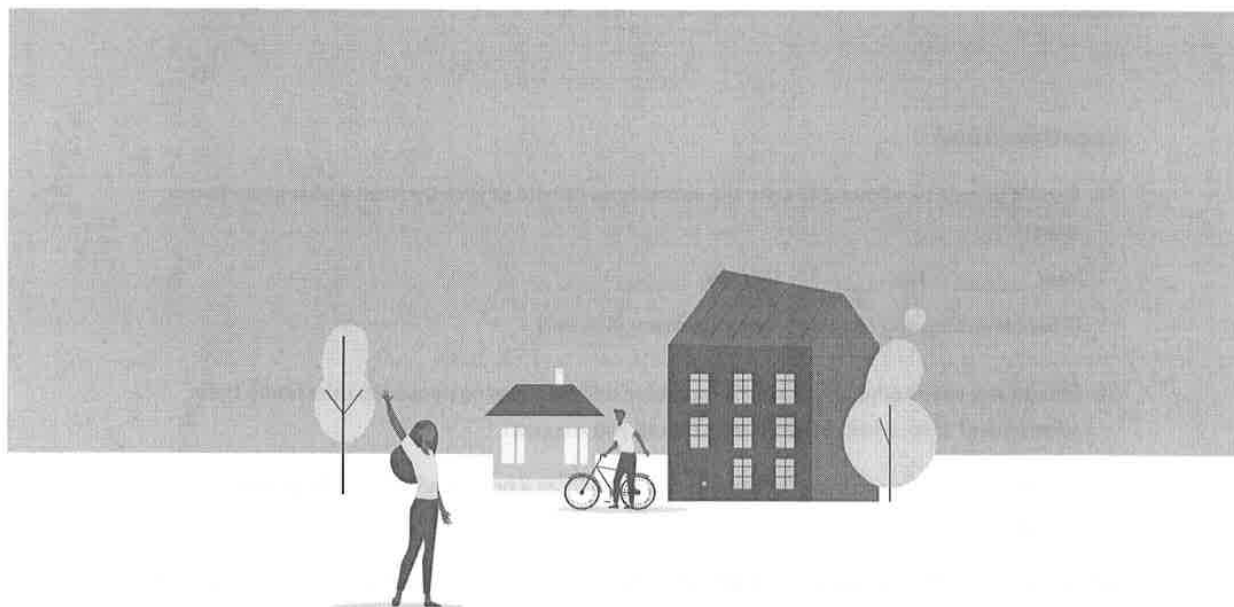
7a. Would you be willing to join an Advisory Group for a project like this?

7b. Would you be willing to volunteer or is payment required?

8. Any other questions, comments, concerns, advice or reflections about a Managed Opioid Program?

9. Any other questions or comments?





Published by Waterloo Region Crime Prevention Council (WRCPC) September 2019.

For more information please contact 519.575.4400 ext. 3474.

www.preventingcrime.ca | www.overdoseprevention.ca

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THIS IS **EXHIBIT "V"** REFERRED TO
IN THE AFFIDAVIT OF LYNN KUBIS
AFFIRMED THIS 31ST DAY OF AUGUST, 2022



ASHLEY ELIZABETH SCHUIITEMA

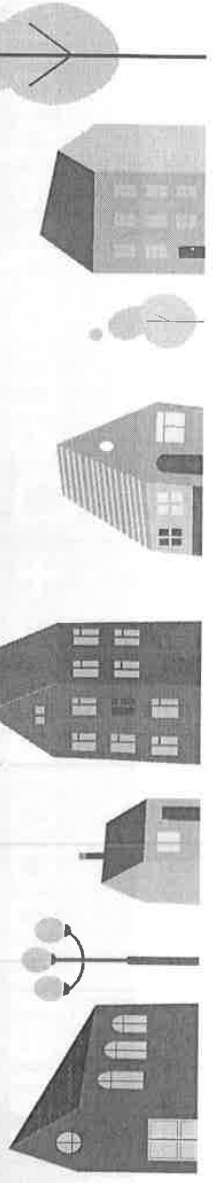
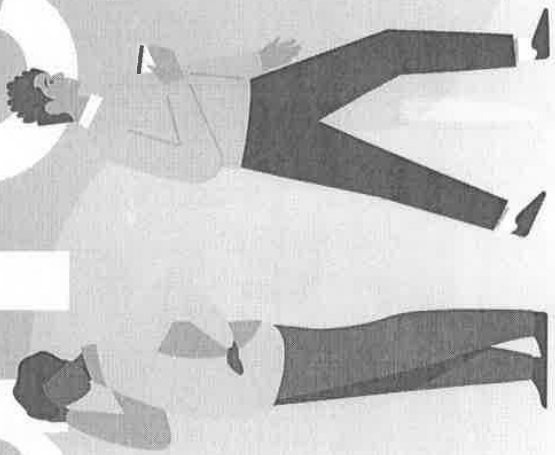
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G

(Un)Safe

Advancing Safe Supply

The impacts from the acquisition and consumption of unregulated substances in a criminalized environment continues to be a leading concern for individuals and communities across Canada. In particular, accidental poisoning fatalities have overwhelmed the capacity of individuals, communities, service providers, and others, with little end in sight.

This research shares insights from people who use unregulated drugs and lack stable housing, highlighting the intersection of multiple opportunities for improving health, safety, and well-being. By removing criminalization and replacing the toxic, unregulated market through 'safe supply' initiatives, the findings suggest immediate and cost-effective benefits for individuals, communities, not-for-profit, public, and private sectors.



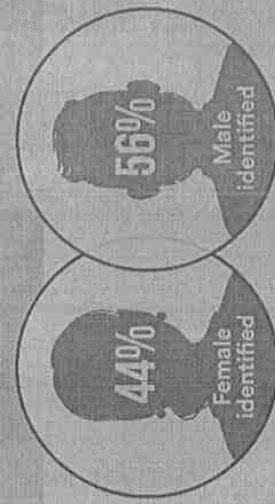
www.overdoseprevention.ca

Methodology + Demographics

In 2020, the Waterloo Region Crime Prevention Council surveyed people who regularly purchase and consume drugs from the unregulated market and who lack stable housing. People were asked about crime and victimization, housing and shelter, impacts related to COVID-19, and issues related to their acquisition, consumption, and criminalization of unregulated substances. Participants were asked about the current criminalized model and a legal model known as 'safe supply'.

Survey interviews were voluntary, confidential, and conducted by outreach workers from July to September at shelters, encampments, and supportive housing sites in Kitchener, Ontario. A convenience sample was used to select participants, who were compensated for their participation. The findings are not characteristic of all persons who use unregulated substances and/or lack stable housing.

Who we spoke with:



43 people were surveyed

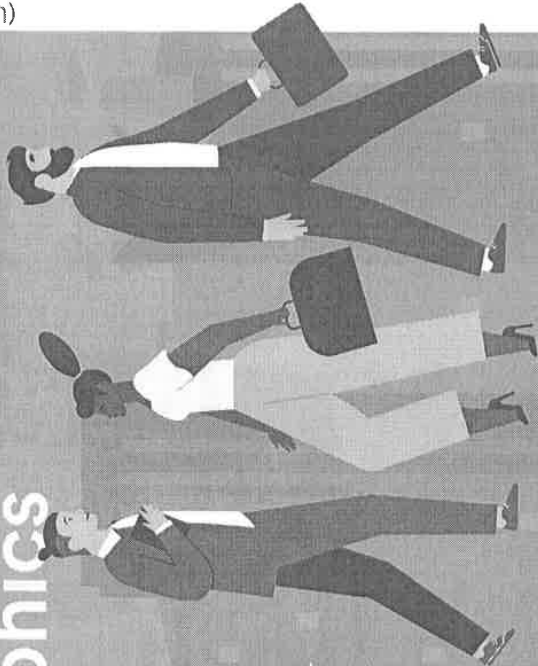
35 average age

14% identified as Black, Indigenous, or a person of colour

35% of people surveyed had been in Government care as a child and/or youth

Most participants are receiving Ontario Works or Ontario Disability Income, sometimes supplemented by other income-generating activities

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Housing + Shelter

74%
were in temporary shelters

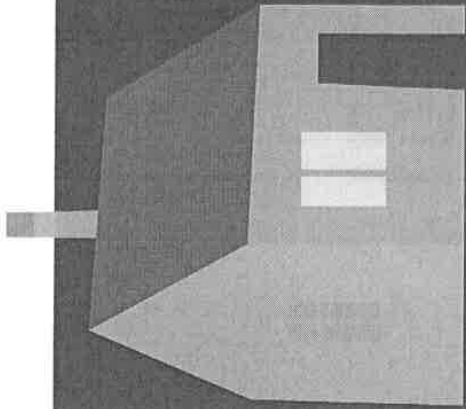
26%

had no shelter

93% indicated that harm reduction supplies on site at shelters is essential or important

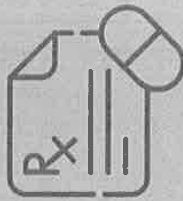
91% indicated that permitting substance use on site in shelters is essential or important

80% indicated a self-contained apartment is their first housing choice, if a choice were available



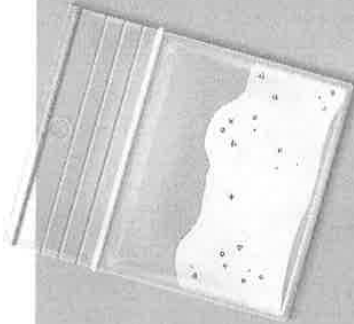
“MANY OF MY FRIENDS HAVE DIED IN SHELTERS. THEY DIDN’T HAVE TO IF THEY DIDN’T HAVE TO HIDE THEIR DRUG USE.”

Substance Use



77%

have tried methadone and/or buprenorphine as prescribed by a physician to treat opioid addiction



77%
use fentanyl
regularly



65% use crystal methamphetamine regularly

51% use both opioids/fentanyl and stimulants regularly

Average daily expenditure on unregulated drugs:

> \$120



Smoking is the preferred method of consuming opioids, including fentanyl



Injecting is the preferred method of consuming crystal methamphetamine

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COVID-19 Impacts

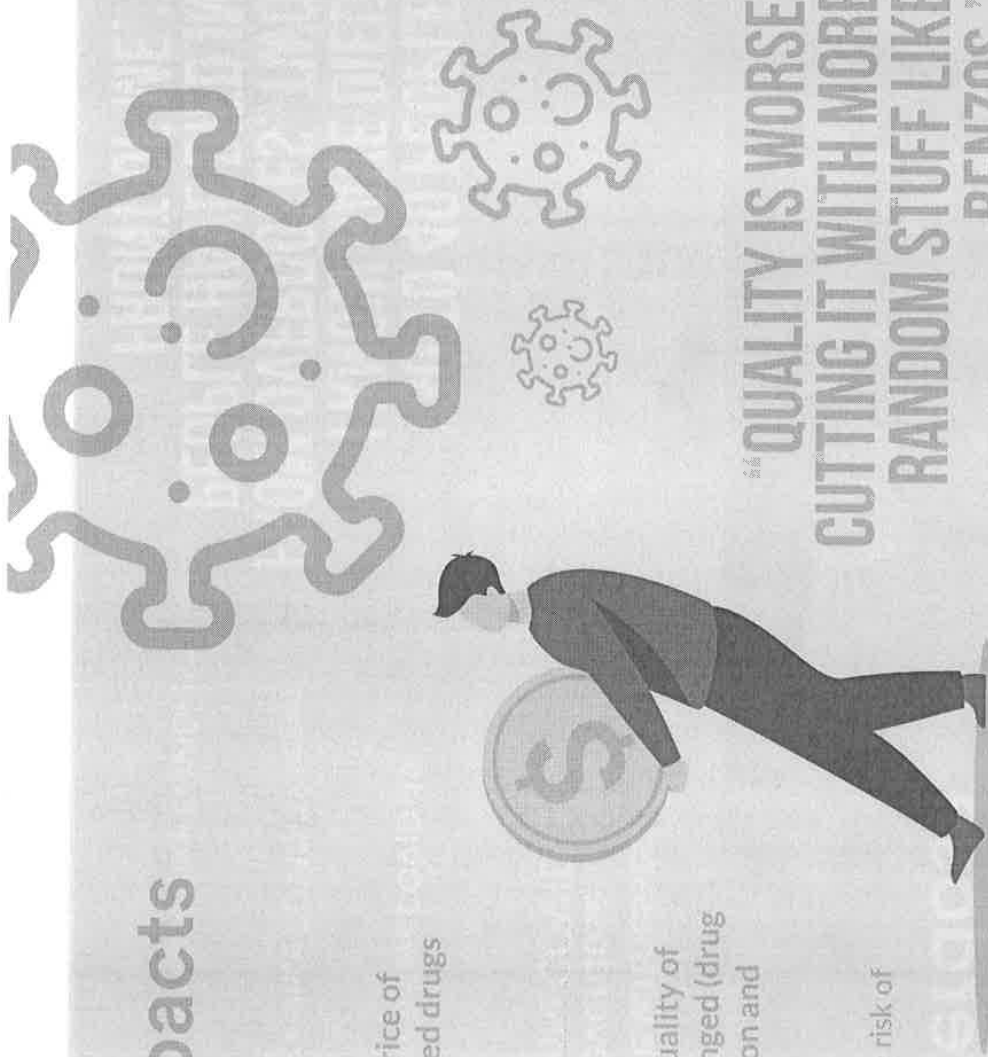
84%

said the price of unregulated drugs has risen

67%

said the quality of drugs changed (drug composition and toxicity)*

*Unknown drug composition increases the risk of accidental poisoning.



**“QUALITY IS WORSE
CUTTING IT WITH MORE
RANDOM STUFF LIKE
BENZOS.”**

Accidental Overdose Poisoning

100%

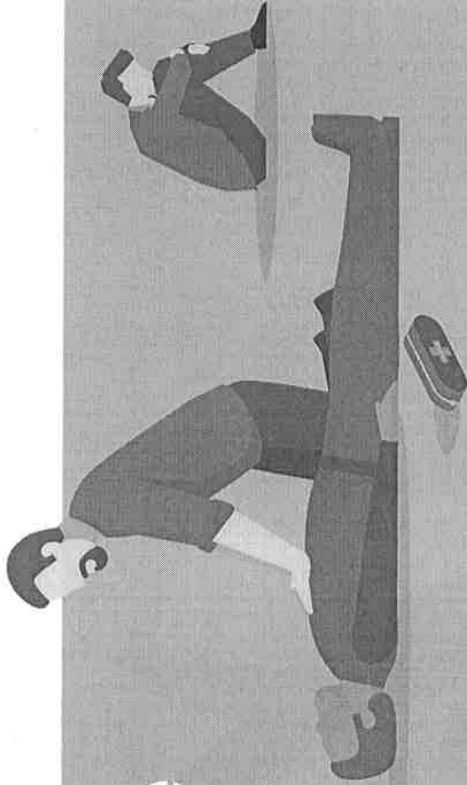
have witnessed
an overdose
before COVID-19

74% have overdosed at least once before COVID-19

33% have overdosed at least once since COVID-19 began*

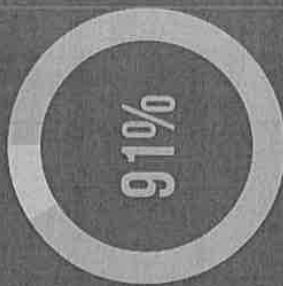
88% have witnessed at least one overdose since COVID-19*

*March 17 - September 18, 2020

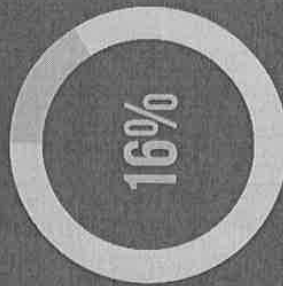


**“30 TO 40 PEOPLE
I KNOW HAVE DIED
FROM OVERDOSES. TWO
PEOPLE HAVE DIED IN
FRONT OF ME.”**

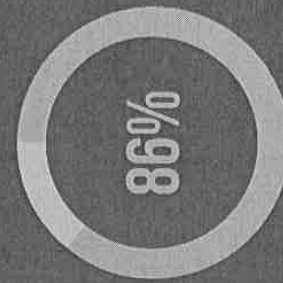
Crime + Victimization



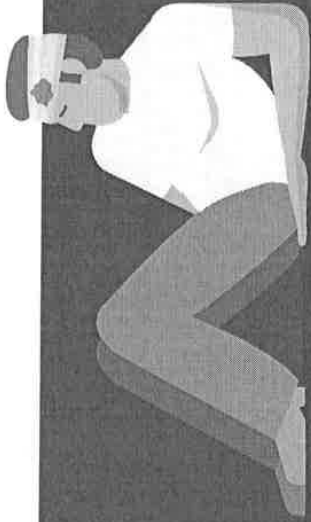
have been a victim of crime since COVID-19 began



report being victimized every day



of victimized participants never informed police



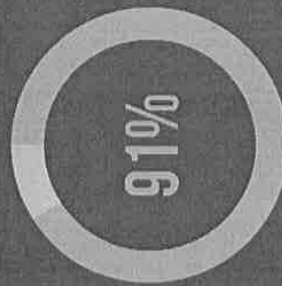
(Un)Safe

“A PIMP WILL TRY AND SELL ME, PUSH ME, BECAUSE HE KNOWS I DON’T HAVE ANY MONEY. MY SAFETY IS AT RISK EVERY DAY.”

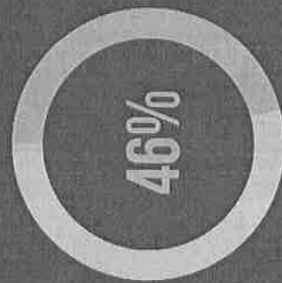
“THE DANGERS OF GETTING ATTACKED IS EVERY DAY.”

Rates of victimization were similar preceding COVID-19

Crime + Victimization

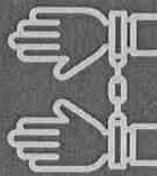


have participated in an activity, excluding simple possession, that could put them in conflict with the law

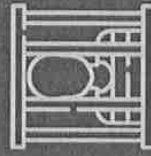


of participants reported such activities occurring daily

Incarceration



95% have been incarcerated as an adult



12 average number of incarceration periods per participant



“EVERYONE THAT I MET IN JAIL HAD AN ADDICTION. NO ONE WANTED TO BE A CRIMINAL, NO ONE WANTED TO STEAL.”

“I DON’T EVER THINK ABOUT GETTING CAUGHT WHEN I’M DOPESICK.”

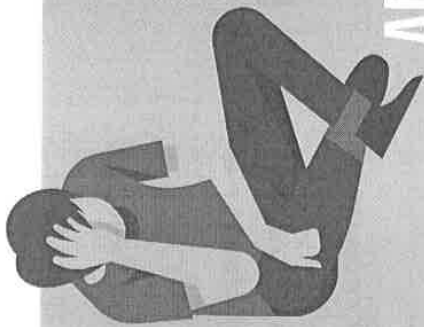
Similar rates for the period preceding COVID-19 were reported

Acquisition of the means to purchase unregulated drugs

Participants were asked about the process required to acquire the means needed to purchase unregulated drugs, and about the purchasing and consumption experience.

It is critical to note that many, if not most, people who use unregulated drugs to manage withdrawal do not engage in activities that could put them in conflict with the law. However, there is a relationship between addiction or dependency, and acquisitive crimes such as break and enter, theft, etc., when other options do not exist. Survey participants spoke frequently about the shame of committing criminal activities to fund substance use, and the absence of alternatives.

The “hustle” describes the activities needed to obtain funds to avoid withdrawal and can include theft, dealing drugs, scrapping-scavenging, panhandling, and sex work.



“I WAS PUTTING MY FREEDOM AT RISK EVERY DAY. MY CHARGES ARE ALL ADDICTION-RELATED.”




Participants indicated that the hustle is more than a full time job requiring significant time, energy, and resources. The hustle is risky, with increased exposure to violence and victimization.

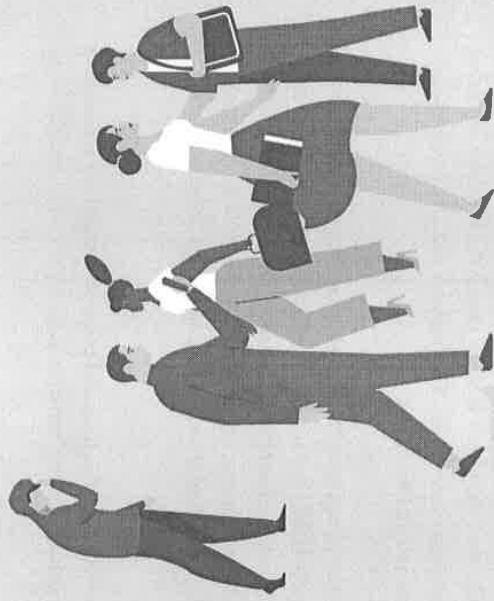
Acquiring the means to purchase unregulated drugs opens individuals to the expensive and potentially harmful cycle of criminal charges, courts, and corrections. Most participants have had multiple experiences with enforcement and justice systems, highlighted the harms of incarceration, and stated that enforcement of the criminal code is not an effective deterrent.

Participants often mentioned the financial costs of acquisition activities to public budgets, the private sector, individuals, and the community at large.

UnSafe Supply: The Unregulated Market

Participants identified several key themes related to 1) acquiring the means to purchase unregulated substances, 2) the purchasing transaction, and 3) the consumption of unregulated drugs in a criminalized environment:

-  Avoiding withdrawal is paramount.
-  Drug supplies are chronically toxic and uncertain.
-  Witnessing multiple friends and/or family members die from overdose is common.
- Experiencing an overdose emergency is common.
- Drug dependence is expensive.
- Financing unregulated drugs is time-consuming, dangerous, and demanding.
- Unhealthy relationships are often tied to drug acquisition.
- Broken relationships with families and friends are common and not desired.
- The absence of harm reduction supplies and drug consumption facilities in area shelters facilitates poor health outcomes, including death.
- Feelings of shame, stigma, and isolation are common.
- The criminalization of drug consumption affects service eligibility and delivery.



**“GETTING DOPE TAKES
UP MY WHOLE LIFE,”
EVERY DAY.”**

Safe Supply: Individual-Level Expectations

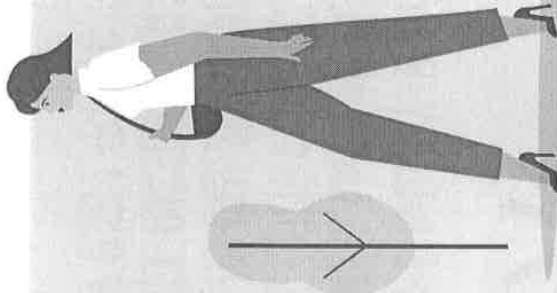
Safe supply initiatives provide pharmaceutical equivalents - currently by prescription only - to people using unregulated opioids, stimulants, and benzodiazepines.

Participants were asked about what the impacts might be for themselves and other people using unregulated drugs if those substances were made available through a pharmacy. Overwhelmingly, participants expected significant improvements in health and safety, saying safe supply would:

- Eliminate the need to hustle.
- Free up significant time, energy, and resources.
- Enable re-directing of income to basic needs.
- Provide clarity and stability.
- Enable ways and means to stable housing.
- Improve mental health.
- Enable health care engagement, healthier choices.
- Improve agency and autonomy.
- Provide an opportunity to leave abusive relationships.
- Allow for re-establishing relationships and authentic friendships.
- Reduce stigma and discrimination.
- Improve positive community engagement.
- Reduce crime and victimization.
- Reduce overdose emergencies.

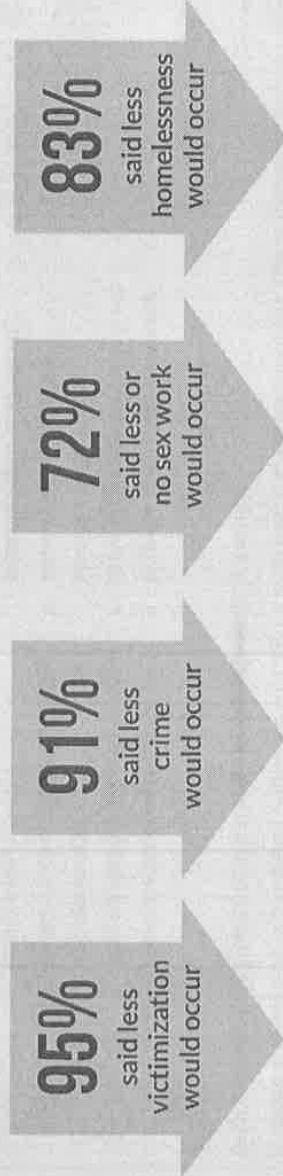


“IT WOULD BE MORE DIGNIFIED GOING TO A PHARMACY, IT WOULD CHANGE THE WAY I LOOK AT MYSELF, THEREFORE, THE WAY I ACT IN THE WORLD.”



(Un)Safe

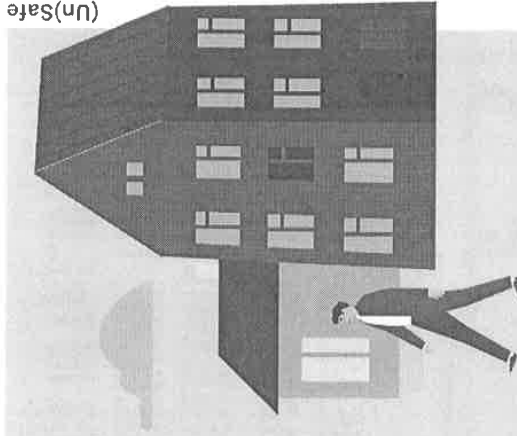
Safe Supply: Community-Level Expectations



- Fewer people in the enforcement - courts - corrections - probation cycle.
- Reduced burden to first responders, health-medical systems, enforcement-justice systems, service providers, and community members.
- Reduced financial burden on public, private, and not-for-profit sectors.

"IT WOULD REDUCE CRIME, IT WOULD STOP THE CYCLE OF DAILY IN AND OUT OF JAIL ALL THE TIME."

"SAVE TAXPAYERS MONEY, WAY LESS SMALL CRIMES, LESS NEED FOR POLICE, LESS COURT CASES. 80% OF PEOPLE IN JAIL IS DRUG RELATED. OVERALL INCREASE IN COMMUNITY WELL-BEING."

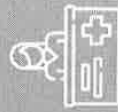


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Summary



Access to employment, housing, health care, social services, etc. is highly affected by the acquisition, consumption, and criminalization of unregulated drugs.



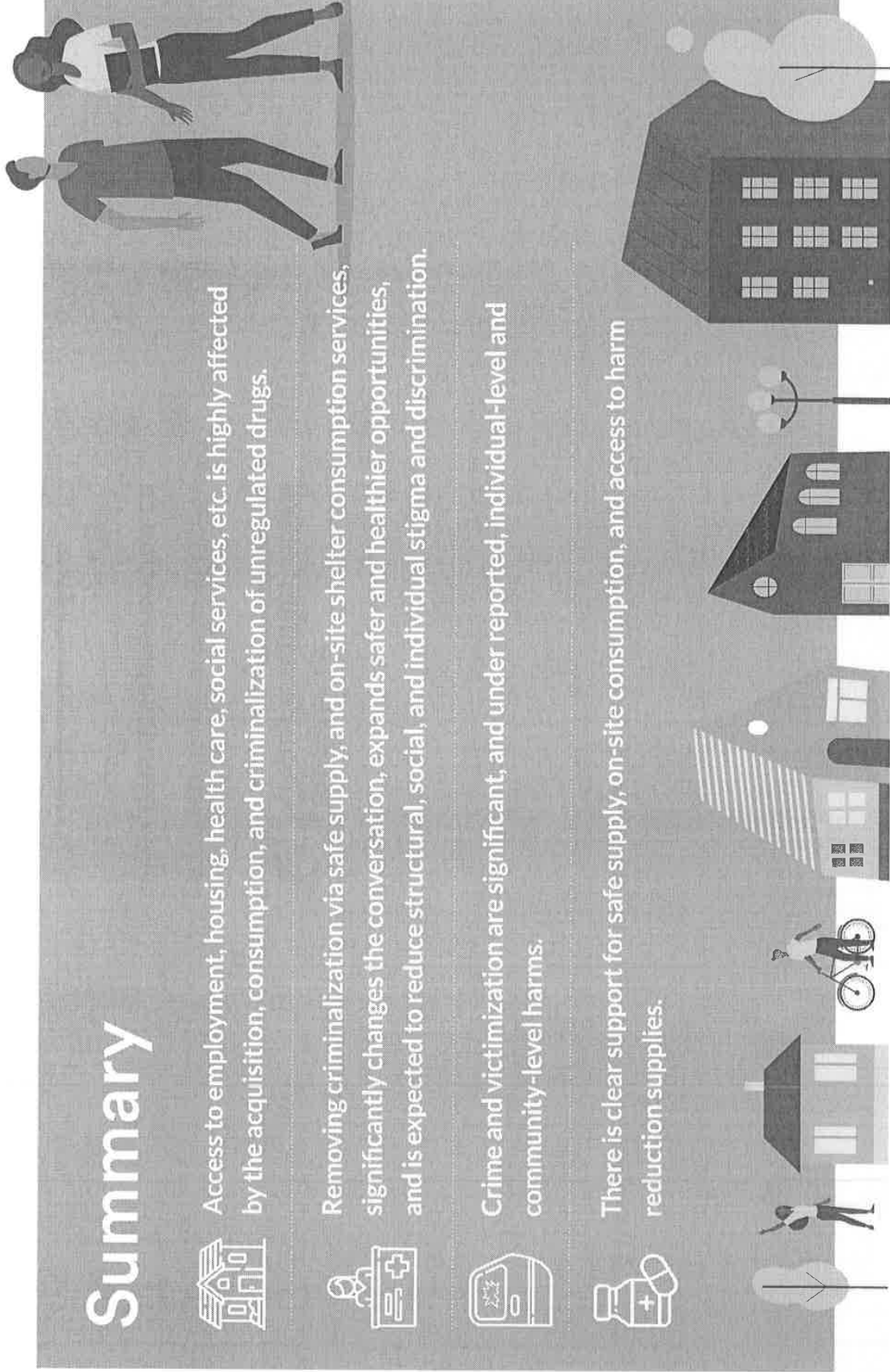
Removing criminalization via safe supply, and on-site shelter consumption services, significantly changes the conversation, expands safer and healthier opportunities, and is expected to reduce structural, social, and individual stigma and discrimination.



Crime and victimization are significant; and under reported, individual-level and community-level harms.



There is clear support for safe supply, on-site consumption, and access to harm reduction supplies.



(Un)Safe

Acknowledgements

Conversations and related research efforts were held on the Haldimand Tract, land that was granted to the Haudenosaunee of the Six Nations of the Grand River, and within the territory of the Neutral, Anishinaabe, and Haudenosaunee peoples.

We are grateful for the generous involvement of study participants, without whom this research would not exist. We sincerely hope their contributions inspire equity-based improvements in health, safety, and well-being.



For more information please contact 519.575.4400

www.overdoseprevention.ca

THE REGIONAL MUNICIPALITY OF
WATERLOO
Applicants

and

PERSONS UNKNOWN AND TO BE
ASCERTAINED
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

**AFFIDAVIT OF LYNN KUBIS
(AFFIRMED AUGUST 31, 2022)**

**WATERLOO REGION COMMUNITY LEGAL
SERVICES**
450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

Shannon K. Down LSO#43894D,
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Email: ashley_schuitema@wrcls.clcj.ca

Lawyers for the Respondents

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF JORDAN AYLOTT

I, Jordan Aylott, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 26 years old male.
3. I have a two-year-old son who currently lives with my sister.
4. I am a person that receives Ontario Works benefits.

5. I receive approximately \$325 a month from Ontario Works. I am not sure if I am eligible for shelter subsidy.
6. I suffer from several disabilities: Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder, and Dyslexia. As a result, I struggled with math and reading in school. During grades 5 to 8, I was put in a special class and was given an Individualized Education Program.
7. I did not finish high school because I dropped out in grade 11.
8. I have a history of drug use, including meth, ketamine, fentanyl, tobacco, and heroin.
9. I have worked several short-term jobs in the past. Last month, I did some lawn care work and helped to put up a shed. I have also done driveway sealing and worked for Walmart for three months.
10. I have been experiencing homelessness since 2018.
11. Prior to becoming homeless, I lived in an apartment on Onward Avenue in Kitchener. In 2018, I went to jail and was evicted from my apartment. I later lived in an encampment behind a Circle K store.
12. I have lived in other encampments as well. I was displaced from an encampment at Ira Needles in Waterloo. As a result, I lost many possessions due to a fire.

13. While living at these encampments, I have been robbed and assaulted. On one occasion, I was kidnapped by someone who claimed that I owed him \$300. I was zip-tied, shot with an air gun, and stabbed in the calf. I have also had belongings stolen from me, including bicycle parts.
14. Since becoming homeless, I have accessed shelters such as OneRoof, Argus, and Bridges. I lived in shelters for approximately 18 months.
15. On December 5th, 2020, I was required to leave the OneRoof youth shelter because I had aged out of the program.
16. There are struggles and barriers to accessing shelters. For example, One Roof will only let you stay for three weeks and then ban you for three days for not finding another place to go. You are also not able to have physical contact with anyone. Moreover, other people living in the shelter do not have common sense or decency towards each other.
17. The Region has consulted me on a few occasions regarding housing options and unmet needs. I am currently on a waiting list for the Dorms residence in Waterloo. I am willing to go there even though I have heard that the security is inadequate.
18. One of the barriers that I have faced to being housed is my income. I cannot afford the current rent prices and do not have anyone to split the rent with. I have applied for affordable housing on a few occasions, but someone else was given the accommodations each time.

19. I have been staying at the encampment at 100 Victoria Street since October of 2021.

20. There are significant issues with garbage and rats at the encampment.

21. I have never had any issues with the neighbouring businesses.

22. The encampment seems to have its own set of rules. Will and Jen seem to be the leaders here. They look out for Carly and I and will even set aside extra food for us.

23. I have never gone hungry at this encampment because it is close to the Soup Kitchen. The encampment is also close enough to access other resources and treatment options. For example, I often go to the CTS for first aid treatment.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 15 day of)
August, 2022)
In the Regional Municipality of Waterloo



ANNIKA MARIE ARNOLD,
a Commissioner etc.,
Province of Ontario,
while a licensed Paralegal.
LSO #P17289


JORDAN AYLOTT

THE REGIONAL MUNICIPALITY OF WATERLOO
Applicants

PERSONS UNKNOWN AND TO BE ASCERTAINED
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF JORDAN AYLOTT

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

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Lawyers for the Respondents Jennifer Draper, Sandra Hayward, Caleb Watson,
Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew
Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF KATHRYN (KATIE) BULGIN

I, Kathryn Bulgin, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. My date of birth is May 17, 1990.
3. I am 32 years old and identify as a female.
4. I am in receipt of Ontario Works benefits. I do not receive Ontario Disability Support Program benefits.

5. I receive approximately \$730 a month from Ontario Works. I pay between \$200-\$300 per month in rent for a place at my mother's boyfriend's house. I do not live at that address because I do not feel comfortable there. I am allowed to use that address to receive my shelter allowance. I only began receiving Ontario Works recently as I did not want to depend on it in the past.
6. I completed high school and used to work as a Customer Service Manager for Walmart for 3-5 years. I last worked there approximately ten years ago. I also worked as an escort and at adult massage parlours for six years. These jobs allowed me to afford an apartment and hotels temporarily. I stopped working as an escort because of the risks to my safety. I have been robbed, assaulted, and sexually assaulted during my time as an escort.
7. Before becoming homeless, I lived in my mother's basement. I moved out because my mother did not want to support me anymore. We lost contact for 3 years but have recently started to rebuild our relationship. After leaving home, I stayed with my mother's boyfriend for a short period; however, I left because I did not feel comfortable there. I then began living on the streets. This led to sleeping behind Tim Horton's dumpsters, in hotel rooms with friends, and on friends' couches.
8. During this period, a friend offered me a place to stay. Rather than allowing me to stay in a separate bedroom, he made me share a room with him and told me not to withhold sex. He also restricted my phone use and forced me to spend time with him. He also would give me drugs.

I decided to leave his house as it was better to live on the streets or in the encampment than to be controlled and compelled to have sex in order to have a roof over my head.

9. I have used drugs in the past, specifically crack cocaine. I have tried detoxification treatment but did not last more than days there. I eventually ended up quitting on my own and I no longer use crack cocaine. I am currently experiencing an addiction to fentanyl, but I do not allow myself to take enough to be unable to function. I do not feel ready to seek treatment.
10. I have been experiencing homelessness for approximately six years.
11. Three years ago, I was living at Fairway Inn. I got into an argument with another resident. I do not remember what happened but I somehow hit my head on the ground and suffered a brain bleed. I was hospitalized in a coma for two weeks. I lost five years of my memory and now suffer seizures. I have not been the same since.
12. This past winter, I accessed the St. Andrew's Emergency Shelter. I stayed there for approximately one month and have not accessed any other shelters. I fear shelters because of what I have heard from others. The shelters are crowded and living in one reinforces the reality of being homeless.
13. Lining up for a bed at the shelter was also very stressful. There were times when I could not get a bed. If a bed was available, I was instructed to come back at various times. If I were late, they would give away my bed. I did not have a watch or a phone and often lost track of time.

When I could access the shelter, there was limited storage space, and my belongings were limited to what I could carry on my person.

14. If I could not get a bed at the shelter, I would wander the city all night long so that I would not fall asleep. If I fell asleep, I would risk having the few belongings that I had stolen.
15. I personally have not been offered any housing, supports or shelter from the Region.
16. I have lost hope of finding housing. I am afraid of being let down after experiencing many disappointments in my life. I do not have any documents, credit, or references to obtain housing. No one is willing to rent to me because I am homeless. Moreover, the money I receive from Ontario Works is insufficient for the first and last rent payments.
17. I am not on the list for subsidized housing because I believe the wait is several years and I do not feel that it will help me to be on the list. I am also reluctant to attempt to find affordable housing because I do not want to be disappointed.
18. I have been living at the encampment at 100 Victoria Street since June 2022.
19. As a woman, I do not feel threatened living here at the encampment. I feel 100% safe because my boyfriend lives with me and some of the neighbours look out for me. The other encampment residents also act as security for each other.

20. I have been assaulted while living at the encampment, however the assaults occurred away from the encampment by people who were not residents of the encampment.
21. Some of the conditions at the encampment are not pleasant. There is a serious issue with pests. We have not been offered any assistance from Public Health to deal with the issue of pests.
22. I am also frustrated with the security guards that the Region hired to monitor the encampment. They do not help the residents in the encampment in any way or intervene in fights at the encampment. I have not personally interacted much with the security guards, but they often look into my tent through my tent window.
23. During my time at the encampment, I primarily stay in my tent or the area around my tent.
24. Living at the encampment means that I have good access to food as the encampment is across the street from St. John's Soup Kitchen. Many people and groups also bring food to the encampment.
25. I also have access to showers and washroom facilities at St. John's Kitchen.
26. Using the washrooms at the St. John's Soup Kitchen at night can be difficult. Only one person is allowed to use the washroom at a time. This rule is not enforced during the day. On one occasion, a security guard even asked me why I had flushed the toilet twice. This made me feel belittled as it felt like he was abusing his authority over me.

27. If I am evicted from the encampment, I will find another place to set up my tent until I am also evicted from that location. I do not believe I will be as safe in another location as I am at this encampment, especially if I am in a tent away from others.

28. Moving to a new location is scary because I would risk being alone. Strangers could come into my tent at any time. My neighbours look out for my safety here.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 16th day of)
August, 2022)
In the Regional Municipality of Waterloo)



SHANNON KATHLEEN DOWN,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #43894D



KATHRYN (KATIE) BULGIN

THE REGIONAL MUNICIPALITY OF WATERLOO
Applicants

PERSONS UNKNOWN AND TO BE ASCERTAINED
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF KATHRYN BULGIN

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

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Lawyers for the Respondents Jennifer Draper, Sandra Hayward, Caleb Watson, Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew Entwistle and Sean King

Court File No. CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF JENNIFER DRAPER

I, Jennifer Draper, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 41 year old woman.
3. My maternal great-grandmother was Indigenous and my mother is one quarter Indigenous. My maternal grandmother died when my mother was a baby causing my family to become disconnected from the community and cultural practices.

4. I am currently receiving approximately \$353 per month from Ontario Works. From approximately September 2021 to June 2022, I was surviving off the Trillium benefit alone of \$85 per month.
5. When I have eligible shelter costs I am entitled to \$368 per month for shelter allowance from Ontario Works (for a total of \$771), but since becoming homeless I no longer receive this amount. I cannot afford to rent a unit in the private rental market because of my low income.
6. I have been homeless for over two years and during this time I have been in and out of shelters alternating between sleeping in a shelter and sleeping on the streets.
7. My medical conditions include depression, anxiety and panic disorder. I am also currently suffering from a kidney infection. I have used drugs in the past and continue to use drugs. I was previously prescribed lorazepam for my mental health but I am no longer taking it.
8. I began living at 100 Victoria on December 21, 2021. My partner, Albert William Patrick Tugwood ("Will") and I were the first to set up a tent and lived there with just two other tenants until March of 2022.
9. I am a single mother to three children. In and around 2018 I lost my job and was without work for approximately six months. During that time, in 2019 my landlord sold the house I was living in. I applied to twenty-seven other rental units and never even got a call back. I moved my children in with a friend and started living out of my van. I began working full time during

the day at Rogers and delivering food through Uber Eats, Door Dash and Skip the Dishes in the evenings, sometimes working until 4:00 a.m. Not long after moving my children in with my friend they were apprehended by Child and Family Services.

10. When my children were taken from me, I started using cocaine and crystal meth. I don't use cocaine anymore unless I can afford it. From time to time I will use crack and meth. I avoid using opioids.
11. For a period of time I was living at a motel in Kitchener, which is where I met Will in September of 2019.
12. Since becoming homeless I have stayed at Mary's Place, an emergency shelter in Kitchener, and lived outdoors. I lived at Mary's Place alone for a number of weeks while Will remained outdoors. Will and I lived outside in various locations around Kitchener together for approximately 57 days while Mary's Place was in a Covid-outbreak. I also lived in the couple's unit of Mary's Place with Will for approximately six weeks. Since getting kicked out of Mary's Place, Will and I have lived in various outdoor locations around Kitchener and Waterloo.
13. While living in Mary's Place I was assaulted with a garbage can by my female roommate, I was also assaulted by other women in the shelter. I was robbed multiple times, my cellphone was stolen and I had my dirty laundry stolen right out of the washing machine.

14. At Mary's Place all your belongings have to fit within two clear plastic containers, including the backpack on your back. The staff would conduct room inspections and all of your belongings were still required to fit within those containers even if you had been living there for a number of weeks. It makes it difficult to gather things in the hopes of finding a home one day. When you are homeless you stop valuing stuff. Most of us have about three days' worth of clothing, only what you can carry on your back, otherwise it gets stolen or left behind.

15. While I lived at Mary's Place, Will continued to live outside. On some nights that I tried to go and be with Will, the staff at Mary's Place would threaten to give away my bed. I was also worried about my stuff and would usually try to take everything with me on my back on those nights. I was forced to choose between being with my spouse or having a roof over my head.

16. At Mary's Place they have a rule that you can't help someone if they are having an overdose, you are supposed to wait for a staff member to intervene. Despite this indoor rule, the staff at Mary's Place won't assist someone if they are having an overdose right outside the building. Myself and Will have assisted a number of people by administering Naloxone both inside Mary's Place and right in front of the building, while the staff just stood there.

17. Will and I stayed together in a couples room at Mary's Place for approximately six weeks. During this time I had a very bad kidney infection. We ended up missing three meetings with the housing coordinator because I couldn't get out of bed. Will asked if he could attend the meetings without me and was told no. We were eventually kicked out of Mary's place because of these missed appointments. We were also accused of selling drugs by staff.

18. Since leaving Mary's Place, Will and I have slept in various locations, including the church behind Mary's Place, behind the soup kitchen at St. John's, and in the woods. While sleeping outside we were often told to move along by police, by-law and security officers. While sleeping outside we were robbed and our stuff was gone through almost every night. Will and I started sleeping in shifts. I almost never got a decent night's sleep. I would usually feel groggy, scattered, and have difficulty concentrating. My mental health symptoms increased.

19. I spent one night camping alone without Will in the woods and it was absolutely terrifying. Even though this was a terrifying experience I would rather be alone in the woods than back at Mary's Place.

20. Someone from St. John's kitchen suggested that we set up across the street at the lot at 100 Victoria and that we likely would not be bothered there. From approximately December 2021 to March 2022, it was just Will and I, and two other tents. In January people began to drop off donations, including firewood, which we used to survive during the winter months.

21. In the Spring of 2022, more and more people started to set up tents. Will and I established some ground rules for the community living here, including: picking up after yourself, no drama, no stealing and the donations are to be shared. We try to keep it drug free but if people do drugs that's none of our business, we just ask people to use in their tents. I genuinely respect and care for the others living here.

22. The encampment feels like a community and there is a lot of support for one another. A lot of the people living here have never had a family. I know the feeling of going out at night and knowing that if you don't make it back no one will notice or care, you will just be another name on a whiteboard. This is how it felt at Mary's Place. My mission to be the person that cares if you don't come home.
23. In May and June it was mostly women living here, there are still quite a few women living here now. At first some of the women wouldn't even come out of their tents. There was a lot of fear because of living in shelters and being beaten up, raped, robbed and drugged on the streets. Now a lot of the women that live here that engage in sex work will share their location with me and tell me where they are going.
24. While staying at the encampment, I access St. John's soup kitchen regularly for food during the week, and rely on community donations. I was using the bathrooms at the soup kitchen in the evenings and weekends but we now have portable toilets right on site. I still use the shower across the street at the soup kitchen from time to time. Sanguen and ACCKWA are on site regularly, with harm reduction supplies being dropped off two or three times a week. There is a safe injection site (Consumption and Treatment Services) close by where we are able to use the washroom and we are central to two community fridges. We also access the local community gardens at Queen and Frederick Street to get fresh produce.
25. I no longer feel food insecure. When I first became homeless I lost 100 lbs. I have gained 40 lbs since living here. Even if no one in the community dropped off food for a week I would be

okay. I have canned food saved from donations and from dumpster diving. I have extra blankets and tents saved for when someone needs it. Although I still try not to care about things, it is nice to have extra in case someone needs it.

26. To date, I have not received any offers for permanent housing from the Region. The barriers we face to accessing housing are that there are very few units available and nothing is affordable. We are supposed to be on the list for subsidized housing but I don't think we are on the list. I understand the waiting list is seven years long. I have contacted the SOS outreach team and we were supposed to be put on the list for the dorms, but I am not certain we are on the list because nothing has ever materialized. Aside from all the bad experiences I have had with shelters, we also do not want to live apart.

27. There was an increase in fear throughout the encampment and I experienced a significant increase in anxiety when the Region posted the eviction notice on June 6, 2022. I feel like the Region is trying to punish me for just being alive. If we are forced to move from this location we will be back to moving from place to place trying to sleep on the sidewalk, or in the bush. There is no place for us to go. Maybe we will set up a camp at City Hall.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 15 day of)
August, 2022)
In the Regional Municipality of Waterloo)



ANNIKA MARIE ARNOLD,
a Commissioner etc.,
Province of Ontario,
while a licensed Paralegal.
LSO #P17289



JENNIFER DRAPER

**THE REGIONAL
MUNICIPALITY OF
WATERLOO**
Applicants

and

**PERSONS UNKNOWN
AND TO BE
ASCERTAINED**
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF JENNIFER DRAPER

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
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Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF MARK DUKE

I, Mark Duke, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 53 year old male. I am status Indian, registered with the Walpole Island First Nation.
3. I have never been married. I do not have any children, nor do I own any pets.
4. I receive approximately \$400 a month from Ontario Works. It is challenging to obtain housing in the current private rental market because my Ontario Works benefits are so low.

5. I suffer from disabilities including, Attention-Deficit/Hyperactivity Disorder (“ADHD”) and addiction. I also had a number of heart attacks a few years ago while I was in a rehabilitation facility in Edmonton. I stopped taking drugs and drinking alcohol when that happened. I am currently supposed to be taking medication for my heart and high blood pressure, but this is challenging to do while homeless. Currently, I would describe myself as a binge substance user rather than an addict.
6. I applied for Ontario Disability Support Program (“ODSP”) benefits, but unfortunately I missed my appeal hearing and was denied.
7. I have a college-level education, receiving a welding engineering technician diploma. Before being homeless, I worked as a welder in Edmonton, Kitchener, Waterloo, Cambridge and Guelph. My last job was a temporary contract with a Kitchener-based company. During my employment, I made \$26 per hour. I quit this job because it was just a temporary contract.
8. I have been homeless since July 2021.
9. Before becoming homeless, I was renting a room. The landlady, who lived offsite, told me she wanted me out and was evicting me. She did not provide paperwork, nor was there a Landlord and Tenant Board hearing. When my landlady approached me, she tried to grab my phone out of my hand and attacked me. The police were called, and the landlady alleged that I had attacked her. The police believed her story ~~and I was arrested~~ ^{and I was not}. I did not receive any jail time for that incident. When I returned to the unit, the door was locked. The landlady told me that

she was going to throw out my belongings. When I tried to explain this to the police, they ignored me and walked away. I eventually obtained my belongings and left.

10. After this incident, I began sleeping in shelters and couch surfing. If I could not find a place to sleep, I would wander the city and try to stay awake.
11. I have attempted to look for housing and places to stay. I have asked to stay with people I know, but nothing has come out of it. I have not approached my family as I do not speak with them.
12. I have stayed at the St. Andrew's Church Shelter and the House of Friendship, but I haven't stayed in shelters for very long. One of the main barriers that I have faced is the shelter staff. They are disrespectful and rude to people trying to access services and they steal from the people staying there.
13. I have attempted to access services at Indigenous organizations, including Healing of the Seven Generations and KW Urban Native Wigwam Project. I find I am often in conflict with staff and other clients at these organizations. I don't feel like I'm able to get the help I need from these organizations. That includes all organizations in the community I have tried to access, not just Indigenous service providers.
14. I do not have many possessions. However, while being homeless, I have been robbed and have had items stolen from me, including money and a bicycle. I eventually got my bicycle back.

15. I have lived in the encampment at 100 Victoria Street for a few months. I have never lived in any other encampment before this one.
16. I am often hassled by the security guards hired by the Region. They have even called me a liar. On one occasion a security guard threatened to burn down my tent.
17. As a homeless person, I feel like the public judge us. People driving by have called me a “bum” and told me to “get a job”. On one occasion, someone shot at me with a bb gun. Luckily, he missed. I was furious about this incident.
18. I mainly go to the St. John’s Kitchen across the street to get my meals. I get most of my meals from there. Occasionally, people bring food to the encampment.
19. I have difficulty using the St. John’s washroom facilities. The security guards often hassle me, and people use the bathrooms there for drug use.
20. If evicted from the encampment, I have nowhere to go, and I will probably move to another outdoor spot in the area.

21. I have not been offered housing from the Region. I am on the Region's housing list; however, the list for housing is very long. This is one of the many barriers that I encounter to be housed. The Region has never consulted me about any housing options or unmet needs.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 11 day of)
August, 2022)
In the Regional Municipality of Waterloo)


MARK DUKE

ANNIKA MARIE ARNOLD,
a Commissioner etc.,
Province of Ontario,
while a licensed Paralegal.
LSO #P17289

THE REGIONAL
MUNICIPALITY OF
WATERLOO
Applicants

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PERSONS UNKNOWN
AND TO BE
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Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF MARK DUKE

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

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Lawyers for the Respondents Jennifer Draper, Sandra Hayward, Caleb Watson,
Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew
Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF LIAM FLANAGAN

I, Liam Flanagan, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 30 year old male.
3. I receive approximately \$690 a month from Ontario Works. I am not eligible for shelter allowance.

4. I suffer from a disability including depression, since becoming homeless. I have applied for Ontario Disability Support Program (“ODSP”) benefits but have been denied. I am in the process of appealing that decision.
5. Prior to becoming homeless, I lived with my parents.
6. I have been homeless for over 100 days, and primarily stay in shelters.
7. I stayed at the St. Andrew’s shelter for approximately two to three weeks. The shelter often has a long waiting list and there are regularly issues and disputes when waiting in line. Sometimes the shelter was full and I could not enter. Moreover, there were often conflicts between the security guards, staff, and the people staying at the shelter.
8. I have also stayed at the Edith MacIntosh Emergency Shelter for approximately three to four weeks. I currently stay there on and off. The primary issue there is overcrowding. There are only four rooms available, with 10 to 15 beds per room. One of the rooms is for those using substances. There is also no storage space available there.
9. I have also stayed at Bridges in Cambridge. I have service restrictions from there which I do not understand.

10. I have been staying at the encampment at 100 Victoria Street, on and off, for approximately two weeks. I don't know too many of the others here yet. I have no friends since experiencing homelessness.
11. I choose to stay at the encampment in comparison to the shelter for several reasons:
- a. I have received supports at the St. John's Soup Kitchen, Lutherwood, and Ray of Hope, which I can access more easily from here.
 - b. I do not have to wait in line for a bed that I might not get.
 - c. I have not been robbed or assaulted at the encampment. It feels like a safer environment.
 - d. It is less chaotic than shelters and less crowded.
 - e. It is a safe fall-back option if I am not able to get into a shelter.
12. My biggest barriers to being housed is that I do not have a job or post-secondary education, and my Ontario Works benefits are too low to be able to afford a place.
13. I am trying to find affordable housing and have been referred to Lutherwood for housing supports. I am currently not sure whether I am on the subsidized housing list. I am also trying to access a drug treatment program.

14. If I am evicted from this encampment, I may try moving to another encampment in the area or try accessing some shelters in Toronto.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 11th day of)
August, 2022)
In the Regional Municipality of Waterloo)



SHANNON KATHLEEN DOWN,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #43894D



LIAM FLANAGAN

**THE REGIONAL
MUNICIPALITY OF
WATERLOO**
Applicants

**PERSONS UNKNOWN
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Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF LIAM FLANAGAN

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Lawyers for the Respondents Jennifer Draper, Sandra Hayward, Caleb Watson,
Drew Zekai, Michael Vosik, Albert Tugwood, Mark Duke, John Slade, Andrew
Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF ANDREW MANDIC

I, Andrew Mandic, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 32 year old male.
3. I receive about \$630 a month from Ontario Disability Support Plan (ODSP) benefits.
4. It would be rare, if not impossible for me to obtain housing in the private rental market because my ODSP benefits are so low. I am not entitled to shelter benefits when I do not have shelter costs, which means that I do not receive this benefit when I am unhoused.

5. I suffer from disabilities including, mental health issues and addictions. I have struggled with substance abuse issues since I was 11 years old. There is a family history of substance use. Being homeless has fueled my addictions and depression. I was approved for ODSP benefits three months ago.
6. I have been homeless on and off for about five years, and have resided at the encampment off and on since the beginning.
7. Prior to being homeless, I was employed doing geothermal drilling for six years. I was laid off due to reasons beyond my control. I have also worked at construction sites doing various jobs, working about 70 hours a week.
8. I have a daughter that I have not seen in over five months and she is not able to stay with me as I am homeless.
9. I have accessed the services of the House of Friendship prior to going to the encampment. I have also stayed at the Edith MacIntosh Shelter and Bridges. I did not like Bridges due to their environment. I did not feel safe there during COVID as you had to sleep with other people on a mattress on the floor. The shelters are generally only open from 7:00 pm to 9:00 am, so it is challenging to find some place to go during the day and to carry all your stuff with you.

10. I have also stayed at the House of Friendship rehabilitation facility. I was asked to leave after two months because staff found a laptop and a projector in my room. The program was supposed to be for six months.

11. I have also lived at the encampment under the bridge on Stirling Avenue. There were approximately 15 people there and police came to that encampment almost every day. When not living at an encampment, I would couch surf, sleep in bus shelters, stairwells, lobbies or anywhere else I could find a spot. I have been assaulted numerous times while being homeless.

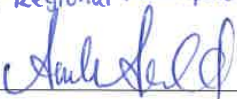
12. While staying at this encampment, I have access to St. John's Kitchen for food and washroom facilities. Other community resources such as the House of Friendship, Edith MacIntosh, Ray of Hope are close by. It can be difficult to have regular meals on the weekends, as we rely on community donations because the soup kitchen is closed. There are issues with rats as garbage is not regularly picked up. Generally everyone here is in the same situation and looks out for one another.

13. Homelessness is a cycle that is so hard to get out of. You can't get a job without an address and you can't get an address without a job, therefore you can't get housed. There are long wait times for housing and a huge demand for units, and very little units available. I am currently on the waiting list for housing, and am actively looking for a one bedroom unit that is within my price range. If I had shelter, I would be eligible for a shelter allowance from ODSP of around \$1150 per month. I access Lutherwood regularly to try to find a rental unit. I am also waiting to get on the Paths2Home Program.

14. The Region has not consulted with me about my needs, nor have they arranged to meet with me. I have not been offered shelter or permanent housing by the Region.

15. If I get evicted from this encampment, I'm not sure what I will do. The weather in November is harsh and I'm not sure where I will go.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 11 day of)
August, 2022)
In the Regional Municipality of Waterloo.)



AFFIRMED at the City of Kitchener,
in the Province of Ontario, this 11 day of
August, 2022



ANNIKA MARIE ARNOLD,
a Commissioner etc.,
Province of Ontario,
while a licensed Paralegal.
LSO #P17289

THE REGIONAL MUNICIPALITY OF WATERLOO Applicants
and PERSONS UNKNOWN AND TO BE ASCERTAINED Respondents

Court File No.: CV-22-00000717-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at KITCHENER

AFFIDAVIT OF ANDREW MANDIC

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew
Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF LEE-ANNE MASON

I, Lee-Anne Mason, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 50 year old woman.
3. I receive about \$300 a month from Ontario Works as a street allowance. I am eligible for some sort of shelter allowance from Lutherwood if I am able to find a place to rent. I am unsure of the amount of the shelter allowance.
4. I have been homeless for approximately the last year and a half.

5. I suffer from disabilities including, drug addiction. I am addicted to fentanyl. I did a two week intense day rehabilitation program once and I was on methadone for a while to try to recover from an oxycodone addiction.
6. I have one adult daughter.
7. I have a University business degree and have worked since I was 15 years old. I worked as a scheduler for an auditing company until COVID hit and I was laid off
8. I have been living at the encampment for the last two months.
9. Prior to being homeless, I resided with my sister. I moved out because of my addictions. I did not want to be around my nephew while I was using drugs.
10. I tried really hard to find my own housing prior to moving out, checking many, many online ads for apartments. But without a job and with only my social assistance income, nothing was affordable.
11. I was also tenting in Cambridge and was evicted by bylaw. I came back to my tent one day and everything was gone, it was like we were never there. I cried a lot after that eviction, I felt isolated and alone, and all my stuff was gone.

12. I have stayed at Mary's Place shelter and the Bridges Shelter in the past. I stayed at Mary's Place on and off for about a year. While staying at Mary's Place, I woke up one night and was pushed by another resident. I got received a head injury and needed 12 stitches. I was hospitalized after that for about two months when I developed complications from the head injury.
13. While at Bridges, my belongings were thrown out; they said I had abandoned it. Being in Shelter is hard because your belongings can get stolen and you have no permanent place to call your own.
14. I have been robbed and assaulted many times since being homeless.
15. The benefits of being at the encampment, are that I have access to St. John's Kitchen for food and washroom facilities. It can be difficult to get regular meals on the weekends. There is access to Sanguen Health Centre and volunteers regularly come and check on people, with food and water. There is also access to medical attention if anyone needs it.
16. There are rules at the encampment, such as being respectful of others and keeping the noise down at night. I generally feel safe here and get along well with those living here. I tend to be a mother hen here and take on some of the care taking tasks like checking if community members are okay, doing over dose checks and bed checks.
17. I have not seen any incidences of people at the encampment causing problems for the neighbouring commercial properties. The security guards hired to walk around the outside of

the encampment are not here for us, they are here to protect the businesses. Once when there was a tent fire, we asked the security guards to call the Fire Department and the guards did nothing.

18. At the encampment ^{Adm} I have appreciate the privacy I have here. I can come and go as I please and have my own space. The volunteers from the community that come here are amazing and I can also get help from the Sanguen nurses for anything I need.

19. The Region has not consulted with me about my needs, nor have they arranged to meet with me. I have not been offered shelter or permanent housing from the Region. I met with my Ontario Works case worker for the first time the first week of August 2022. One of the significant barriers I face to being housed is the cost of finding a rental unit. I'm not sure if I'm on the list for subsidized housing.

20. If I am evicted from this encampment, I will go back to camping somewhere in Cambridge. I would miss the close access to services and community that I have been able to find here.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 24 day of)
August, 2022)
In the Regional Municipality of Waterloo)



ANNIKA MARIE ARNOLD,
a Commissioner etc.,
Province of Ontario,
while a licensed Paralegal.
LSO #P17289



LEE-ANNE MASON

**THE REGIONAL
MUNICIPALITY OF
WATERLOO**
Applicants

**PERSONS UNKNOWN
AND TO BE
ASCERTAINED**
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF LEE-ANNE MASON

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Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew
Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF SEAN SIMPELL

I, Sean Simpell, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 37 year old male.
3. I receive Ontario Works benefits at \$325.85 per month. I am not entitled to shelter benefits when I do not have shelter costs, which means that I do not receive this benefit when I am unhoused.

4. Between the ages of 4 and 17, I was severely physically and mentally abused from my father. My mother often had to take us to women and children shelters.
5. When my wife and I split up, I went through a lot of emotional pain and started using drugs.
6. I suffer from disabilities including, drug addiction and back pain. I have slipped discs in my lower back and suffer from daily chronic pain. I have a history of using meth and fentanyl.
7. I have been homeless since approximately July 2020 when I got out of jail.
8. I completed College and used to work as a gas fitter, with commercial refrigeration and HVAC.
9. I have lived at the shelter at St. Andrews Church, and sometimes at Mary's Place if there were no beds at St. Andrews. The staff at Mary's Place treat people poorly. They give you five minutes in the morning to gather your belongings and get out. If you are not out in five minutes, they ban you from the shelter for three days. There is no privacy at the shelters and you have to carry all of your belongings with you every day as there is no storage. I have walked around all night when no beds were available. I would warm up in parking garages, or stairwells in buildings until security would come.
10. Being a drug user makes it difficult to be around other people in shelters, there is a lot of judgment and shame.

11. At one time, I had a trailer and bounced back and forth between the trailer and an encampment.
I was living at the Dundas overpass encampment in Cambridge but was evicted from there. I lost everything in that eviction.
12. I have been at this Victoria Street encampment since March 2021.
13. While staying at the encampment, I have access to St. John's Kitchen for food and washroom facilities. I also regularly access the safe injection site nearby to get supplies. There is a lot more help here at this location and services that are easily accessible. Trying to stay clean and stay in treatment is a full time job. It is easier when you have somewhere stable and consistent to live.
14. There are unspoken rules at the encampment: we respect each other, we consider each other family and we don't touch each other's stuff. I have privacy here and no one steals from me. If there is a person here that can't protect themselves, if they are mentally ill or something, the people here look out for them.
15. The Region has not offered me shelter, nor have they offered me any permanent housing. Nothing has been offered to me by the Region whatsoever. I have been connected to Lutherwood Housing and I am waiting to hear from them. I have many barriers to being housed, I feel like there is no chance of getting a place and there is nothing to help me. I am not on the list for subsidized housing.

16. I'm ready to give up, it's too much to deal with. For every step forward, there are at least two steps back. There are so many homeless people and the Region doesn't respond to the issues. If we are forced to leave the encampment, then I will lose everything. It is my greatest fear. This encampment may seem like garbage to some people, but to the people living there, it's everything.

AFFIRMED BEFORE ME in the)
 City of Kitchener, this 15 day of)
 August, 2022)
 In the Regional Municipality of Waterloo)

ANNIKA MARIE ARNOLD,
 a Commissioner etc.,
 Province of Ontario,
 while a licensed Paralegal.
 LSO #P17289

SEAN SIMPELL

THE REGIONAL MUNICIPALITY OF WATERLOO
Applicants

and

PERSONS UNKNOWN AND TO BE ASCERTAINED
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF SEAN SIMPELL

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Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew
Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF ALBERT WILLIAM PATRICK TUGWOOD

I, Albert William Patrick (“Will”) Tugwood, of the City of Kitchener, in the Province of Ontario,

AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 43 year old Indigenous man.
3. My father was from the Tyendinaga Mohawk Reserve, however I do not have any ties to the reserve as my father left my mother before I was born.

4. I currently receive approximately \$353 per month from Ontario Works. When I have shelter costs I am entitled to an additional \$368 per month for shelter allowance from Ontario Works (for a total of \$721). I am not currently receiving this amount. It is impossible for me to obtain housing in the private rental market because my income is so low.
5. I have been homeless for over two years and during this time I have been in and out of shelters bouncing between sleeping in a shelter and sleeping on the streets.
6. My medical conditions include chronic low back pain and I have developed depression since being homeless.
7. I began living at 100 Victoria Street on December 21, 2021. My partner, Jennifer Draper (“Jenn”) and I were the first to set up a tent and we lived there with just two other tenants until around March of 2022.
8. I have three children and one step-child that live with their mother. I owned and operated a successful construction company for eleven years, including at one time employing eleven staff. In approximately 2017 I had a bad fall from 17 feet up while building a cottage on Muskoka Lake and I have not worked since. I suffer from chronic daily back pain, with limitations around carrying heavy items, walking long distances and standing for extended periods of time. Sleeping on the ground is very difficult for me.

9. I have not applied for Ontario Disability Support Program (“ODSP”) Benefits because I do not have a family doctor and I find it challenging to get regular medical treatment anywhere.

10. Prior to becoming homeless, I was living with my parents in a separate unit in their home on Marshall Street in Waterloo. My father died in 2019. In 2020 my mother sold the family house and moved out of town to live with my brother. After that, Jenn and I were renting a room in Kitchener from a friend but I had a disagreement with my friend and we got kicked out. We had no time to look for a new place and ended up homeless.

11. When I first became homeless, on occasion I would stay at Mary’s Place overflow shelter for men. Typically I would arrive around 11:00 p.m. for bed check, and wake up at 5:00 a.m. and take off. Sometimes I would sleep sitting up with my backpack on my chest, or I would lie down, but I never removed any of my clothes or belongings. There was a lot of theft there and I never felt fully safe falling asleep.

12. I snore loudly when I sleep and this is a trait that gets you beat up in a shelter. One night I was sleeping and when I woke up I had a really odd feeling. Some of the other guys staying at the shelter told me the staff were laughing and videotaping me while I was asleep.

13. I have also stayed at the YW Winter Overflow Shelter and the House of Friendship, and I would wander around outside. I tended to sleep outside of Mary’s Place so I could be close to Jenn. We could be together until it was time for her bed check at 11:00 pm. Sometimes she would bring me her blankets to warm up. On one occasion she ever brought her space heater

to the front porch and put it under a blanket to allow me to warm up. We were scolded by Mary's Place staff for 'wasting electricity'. There were a number of times where shelter staff would call the police on me for sleeping outside, just because I wanted to be close to Jenn.

14. When I first entered the shelter system even some of my basic tools like my Dremel tool was confiscated because it was viewed as a 'weapon' by shelter staff. I have lost all of my carpentry tools that I used to own and use to make a living.
15. Jenn and I lived in the couple's unit at Mary's Place for approximately six weeks. At that time Jenn had a bad kidney infection and couldn't get out of bed. We ended up missing three meetings with the housing coordinator. I asked if I could attend the meetings without Jenn and was told no. The coordinator told me she didn't like working with couples because they always fight. We were eventually kicked out of our couples room at Mary's place because of these missed appointments. We were also accused of selling drugs by the staff.
16. I am also incredibly sensitive to scents and I faint and stop breathing around certain scents. This has happened in the past from febreze and gasoline, for example. Shelter staff have tried to administer Naloxone when this happens and luckily Jenn has always been around to tell them not to and that I don't use opiates.
17. The staff at Mary's Place won't assist someone if they are having an overdose right outside the building. I have assisted a number of people by administering Naloxone both inside Mary's Place and right in front of the building, while the staff just stood there. There are 14 people

that would be dead today if I had not intervened. Witnessing constant overdoses and having to intervene so many times really takes a toll on you.

18. In the winter of 2021, before we moved to Victoria Street, I was camping outside of Mary's Place, while Jenn was living inside. I was accused of having a fire by Mary's Place staff. It was a candle. The police department was called and a bucket of water was thrown on me during the freezing cold winter. This was when Jenn and I decided we were done with Mary's Place for good.
19. Since leaving Mary's Place, Jenn and I have slept in various locations, including the church behind Mary's Place, behind the soup kitchen at St. John's, and in the woods. I would typically sleep for three or four nights per month, the rest of the time was spent walking around or guarding our stuff.
20. From approximately December 2021 to March 2022, Jenn and I set up at 100 Victoria Street along with just two other tents. In 2022 people began to drop off donations, including food and firewood. I taught the other people living there how to chop firewood so we could make it through the winter.
21. In the Spring of 2022, more and more people started to set up tents. Jenn and I established some ground rules for the community living here and we try to enforce them. The rules are clean up your own mess, no drama, no stealing and share the donations, don't hoard them. People refer to me as the 'Mayor of Tent City'. I wasn't looking for that title, I just wanted a

safe and stable place to live. People come by our tent at all times of day and night looking for support, anything from a sandwich or a tampon. I'm happy to be able to provide a space where people feel safe to sleep and live.

22. While staying at the encampment, I access St. John's soup kitchen regularly for food during the week, and rely on community donations. We were using the bathrooms at the soup kitchen in the evenings and weekends but we now have portable toilets right on site. We still use the shower across the street at the soup kitchen.
23. People drive by and yell at us at all times of day and night, usually profanities and things like 'get a job'. I feel stuck in an endless cycle, it is very difficult to get a job without a home, and it is very difficult to get a home without a job. I feel the shelter system just perpetuates this cycle and there is no support for that next step out of the system, it feels like a hospice house where everyone is just waiting to die.
24. To date, I have not spoken to any of the Ontario Works employees who have been at the encampment. I walk past them whenever they are here but none of them have ever spoken to me. In late July or early August, long after the court documents were served on us, I was asked some survey questions about living at the encampment and housing needs.
25. I have not received any offers for permanent housing from the Region since living at the encampment. The barriers we face to accessing housing are that there are very few units available and nothing is affordable. We are supposed to be on the list for subsidized housing

but I don't think we are on the list. We were supposed to be on the list for the dorms, but I am not sure if we are.

26. If Jenn and I are evicted from the encampment, we have nowhere else to go.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 15 day of)
August, 2022)
In the Regional Municipality of Waterloo)



ALBERT WILLIAM PATRICK
TUGWOOD

ANNIKA MARIE ARNOLD,
a Commissioner etc.,
Province of Ontario,
while a licensed Paralegal.
LSO #P17289

THE REGIONAL MUNICIPALITY OF WATERLOO
Applicants

PERSONS UNKNOWN AND TO BE ASCERTAINED
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF ALBERT WILLIAM PATRICK TUGWOOD

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Lawyers for the Respondents Jennifer Draper, Sandra Hayward, Caleb Watson, Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew Entwistle and Sean King

Court File No. CV-22-00000717-0000

**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 Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF MICHAEL WOSIK

I, Michael Wosik, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 52 year old male.
3. I have been experiencing homelessness since December 2020.
4. I currently receive \$325.85 a month from Ontario Works. I am not entitled to shelter benefits when I do not have shelter costs, which means that I do not receive this benefit when I am unhoused.

5. I am eligible for the Canada-Ontario Housing Benefit (“COHB”) program for shelter allowance, and would receive approximately \$900 to assist with rental costs if I was able to find a unit to rent.
6. I suffer from disabilities including alcohol addiction, depression and chronic back pain. I am supposed to take trazodone and duloxetine for my mental health, but found it challenging to do this while in and out of shelters. My pharmacy that I deal with is in Waterloo and I find it hard to get there. I have trouble trusting new people so I am reluctant to find a new pharmacy.
7. My wife left me in August 2020. I became homeless in December 2020. I left the place I was residing at after I was physically threatened with a knife.
8. In 2021, I resided in Cambridge at an encampment at Beverly & Dundas Streets. I walked around Cambridge day and night. I briefly stayed with a friend, and ended up in the hospital due to drug issues. I also stayed with another friend that I met at Bridges shelter, but was not able to stay as he passed away a week later. I ended up in the hospital with pneumonia and when I was released, I came to Kitchener to access shelter. I have briefly resided at Mary’s Place and St. Andrews Church.
9. I did not stay at the various shelters very long due to theft, drug use, and the constant chaos. A bed was not guaranteed which is a constant source of stress and anxiety. The local shelters have a general in and out rule, if you left for more than an hour, your bed would be given away.

I also found it incredibly difficult to carry my belongings on my back from 8:00 am when the shelter closed, until 9:00 pm when it re-opened.

10. While staying at a shelter I developed a severe infection in my leg. I was hospitalized and nearly lost my leg.
11. I've been living at the Victoria Street encampment since mid-April 2022. I feel more stable here and don't have to pack my belongings up daily. There are also core resources and services close by that are accessible. I have been able to focus on some of my health issues during this time of stability.
12. Since residing in the Victoria Street encampment, I have received services at Sanguen Health Centre, had my taxes prepared, and have regular use of the soup kitchen and their facilities, including bathrooms, showers and laundry.
13. I feel safe living at the encampment. There are general rules at the encampment like keeping your site clean, violence is a last resort, and the place is self-governed with each person to use their own ethics and honour. If there is violence, justice is swift and usually the punishment is fitting. There are issues with garbage not being picked up regularly and I have heard rats at night. Public Health came here once to do an inspection but we were not given any advice or assistance with the problems of the rats.

14. There is a sense of community in the encampment. Everyone treats others with respect and equality, and people look out for each other. Security is provided by tenants living at the encampment and I feel a sense of safety in numbers here.
15. As the soup kitchen is across the street, meals are readily available during the week, less so on the weekends. Donations of drinking water is an issue during the summer months and community donations have dropped off significantly.
16. There are also services at St. John's Kitchen like the nurse practitioner. I was able to see the nurse practitioner when I was having a lot of problems with my back.
17. It was challenging having to go to the soup kitchen for washroom facilities. The security staff were no longer downstairs at the door and they would take a long time to answer the door. You should not have to provide your name prior to being able to use washroom facilities. There are now onsite washrooms and it would be an improvement except that the portable washrooms are not being serviced enough and are unsanitary.
18. If I am evicted from this encampment it will throw me into a tailspin of insecurity, anxiety and depression. I am hopeful that something transitional will become available before that happens.
19. I connected with Lutherwood Housing staff and did a "self-directed" housing search. It is virtually impossible to be successful in a "self-directed" housing search as a homeless person. I have no access to a computer, the distance walking back and forth to view listings is an issue

due to my back issues, and I have a history of bad credit. Despite the COHB allowance, there are many barriers to finding a rental unit in the private rental market.

20. I have not been offered any permanent housing by the Region. I have not been placed on the list for subsidized housing. I feel my individual housing needs are not being recognized or met by the Region.

21. If evicted from the encampment, I have nowhere to go and I have no idea what I will do.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 11 day of)
August, 2022)
In the Regional Municipality of Waterloo)



ANNIKA MARIE ARNOLD,
a Commissioner etc.,
Province of Ontario,
while a licensed Paralegal.
LSO #P17289



MICHAEL WOSIK

**THE REGIONAL
MUNICIPALITY OF
WATERLOO**
Applicants

**PERSONS UNKNOWN
AND TO BE
ASCERTAINED**
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF MICHAEL WOSIK

WATERLOO REGION COMMUNITY LEGAL SERVICES
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Lawyers for the Respondents Jennifer Draper, Sandra Hayward, Caleb Watson,
Drew Zekai, Michael Wosik, Albert Tugwood, Mark Duke, John Slade, Andrew
Entwistle and Sean King

Court File No. CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Section 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended

AFFIDAVIT OF ANDREW ZEKAI

I, Andrew Zekai, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 27 year old male who identifies as Indigenous.

3. I have been in and out of jail for the last 7 ½ years and homeless for most of the time when not incarcerated. The longest time that I have been out of jail has been four months.
4. I am in receipt of Ontario Works benefits.
5. It is impossible for me to obtain housing in the private market rental market because my Ontario Works benefits are so low. I receive \$325.85 a month. I am not entitled to shelter benefits when I do not have shelter costs, which means that I do not receive this benefit when I am unhoused. I spoke to a lady in April 2021 about the PATHS housing list program while I was in Guelph but was returned to jail and did not complete the process to get on the list.
6. I struggle with addiction issues, mainly meth and opioids and was on methadone until I went to jail.
7. I have been living at the encampment for the past two months and stayed at the St. Andrews Church overflow shelter previously.
8. Prior to living at the encampment, I would sleep in parks, benches, stairwells and people's backyards. I was robbed and assaulted many times while staying in various places for the night.
9. In my experience, the Bridges shelter in Cambridge has too many issues with drugs, and favouritism. I left the shelter system due to the rampant drug use there, which is hard for me

when I am trying to stop using. I was also accused of selling drugs while at the Bridges shelter
and I ~~am banned from that particular shelter.~~ *was banned for seven days as a result. A.Z*
A.D.

10. I have also experienced problems having my belongings stolen while staying at a shelter. Most of the shelters have little or no storage for personal belongings and require you to take everything with you when you go out.
11. To date, I have not received any offers for permanent housing, which is not affordable in this area. I am not currently on the list for subsidized housing. I believe the waiting list is years long.
12. The Region has not consulted with me about my needs, nor have they arranged to meet with me during the time that I have lived at the encampment. I have seen various workers from the Region at the encampment but none of them have approached me to talk to me.
13. While staying at the encampment, I have access to St. John's Kitchen for food and washroom facilities. It can be difficult to find regular meals on the weekends but during the week I have decent access to food because we are so close to St. John's Kitchen.
14. One of the benefits for me of being at the encampment is that I have access to safe injection supplies from Sanguen and the nearby Consumption and Treatment Site ("CTS"). A nurse from Sanguen comes to my tent to do blood tests.

- 15. While we have some problems at the encampment such as garbage and rats, we also have rules to try to deal with these problems such as keeping your site clean.

- 16. At the encampment I have my own area and no one steals from me. I have privacy and I feel safe. While there is occasional violence at the encampment, I have experienced violence everywhere I have lived for all of my life.

- 17. I have been on the streets since 2015 and have been robbed of all my belongings, have been awake for days and pass out for hours. At the encampment, I have some stability and ability to just live my life and have some belongings that I can keep.

- 18. If I am evicted, I have nowhere to go and I will probably lose most of my belongings and my stability.

AFFIRMED BEFORE ME in the)
 City of Kitchener, this 16th day of)
 August, 2022)
 In the Regional Municipality of Waterloo)




ANDREW ZEKAI

SHANNON KATHLEEN DOWN,
 a Commissioner, etc.,
 Province of Ontario,
 while a Barrister and Solicitor.
 LSO #43894D

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicants

**PERSONS UNKNOWN AND TO BE
ASCERTAINED**
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

AFFIDAVIT OF ANDREW ZEKAI

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John Slade, Andrew Entwistle and Sean King

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RESPONDING RECORD- VOL 1

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