

**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

SUPPLEMENTAL RESPONDING RECORD INDEX

TAB		Page No.
1	Affidavit of Dr. Laua Pin, sworn September 7, 2022	1
	1	
2	Affidavit of Nancy Singer re Sean King, affirmed September 13, 2022	206
3	Supplemental Affidavit of Nancy Singer, affirmed September 14, 2022	215

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 LAURA PIN

I, LAURA PIN, of the City of Hamilton, in the Province of Ontario, AFFIRM AS FOLLOWS:

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.

CREDENTIALS AND NATURE OF WORK

2. A copy of my *Curriculum Vitae* is attached hereto as **Exhibit "A"**.
3. I am an Assistant Professor at Wilfrid Laurier University in the Department of Political Science. I hold a doctorate in Political Science from York University and completed postdoctoral training at the Community Engaged Scholarship Institute at the University of Guelph. My research examines

public policy, public engagement and housing policy. In the area of housing policy, in addition to producing academic research, I have been a research consultant for the National Housing Council and Services and Housing in the Province, a non-profit supportive housing provider in Ontario.

4. I have been asked by Waterloo Region Community Legal Services to provide an expert opinion on the approach to encampment management taken by the Region of Waterloo, in terms of its relationship to a human rights approach.
5. I have attached the publication “Homeless Encampments Through A Human Rights Lens: Municipal Policies and Recommendations” Brown, A., Gilles S., Marshall V., and Mcgurk H., and Pin,L (2022) that I led and co-authored and adopt as part of my opinion in this case, attached hereto as **Exhibit “B”**.
6. I have extrapolated the following significant findings from **Exhibit “B”** that relate to the issues raised in this case and they are as follows:
 - a) There is significant variation in approaches that municipalities in Canada take towards encampments, including clearance with no support, clearance with support, tacit acceptance and sanctioning.
 - b) Protocols consistent with a tacit acceptance and sanctioning approach to encampments are more likely to be consistent with human rights principles as articulated in *A National Protocol for Homeless Encampments in Canada* (hereafter the *National Protocol*)

produced by the United Nations Special Rapporteur on Housing in responding to encampments.¹ Attached as **Exhibit “C”** is the *National Protocol*.

- c) Sanctioning is most consistent with a human rights approach as articulated in the *National Protocol* because sanctioning is the only approach that positions encampment residents as human rights holders and does not include the forced removal of encampment residents as a regularized course of action by the municipality.
- d) Of the six encampment protocols we examined, Winnipeg (MB)’s encampment protocol was the protocol most consistent with a sanctioning approach and was also most consistent with the human rights principles articulated in the *National Protocol*.
- e) The implicit assumption of municipal protocols that encampment residents can simply choose to be housed elsewhere is not borne out by municipal data from Toronto and Hamilton, which documents that few encampment residents transition to permanent housing.^{2 3}
- f) It is my view that the approach taken by Waterloo Region at 100 Victoria has been one of “tacit acceptance” with movement towards “clearance with supports” with the issuing of

¹ Farha, L., Schwan, K. (2020). A Human Rights Approach: A National Protocol for Homeless Encampments in Canada. The UN’s Special Rapporteur on the Right to Adequate Housing. <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

² Beattie, S. (2021, Sept. 12) Only 8% of encampment residents have made it into permanent housing since April 2020, Toronto data shows. *CBC News* <https://www.cbc.ca/news/canada/toronto/toronto-encampment-residents-housing-1.6167173>

³ Taekma, D. (2021, Sept. 22). 15% of encampment residents city interacted with have been housed, Hamilton data shows. *CBC News*. <https://www.cbc.ca/news/canada/hamilton/encampment-shelter-residents-housing-1.6171469>

the June 30th eviction notice, and subsequent litigation. This approach is less consistent with the human rights principles articulated in the *National Protocol* than a “tacit acceptance” to “sanctioning” approach, similar to the one adopted by the City of Winnipeg.

ENCAMPMENTS IN CANADA

7. Encampments are defined as “any area wherein an individual or a group of people live in homelessness together, often in tents or other temporary structures.”⁴

8. The overall presence of encampments in Canada appears to be on the rise.⁵ Although there is no national data on encampments specifically, point-in-time (“PiT”) counts are used to measure sheltered and unsheltered homelessness in Canada. Unsheltered, or absolute homelessness, refers to sleeping rough or in places not intended for human habitation. Sheltered homelessness refers to those who are in emergency shelters and those who are provisionally accommodated in a temporary housing situation that lacks security of tenure.⁶ PiT counts across Canada indicate many municipalities have experienced growth in the number of people experiencing homelessness, and the number of people experiencing homelessness who are unsheltered. Waterloo Region experienced an increase in its PiT count from 2018 to 2021, when the number of people documented as experiencing homelessness tripled from 333 to 1085.^{7 8} Some of this increase is

⁴ Farha and Schwan, 2020

⁵ Ibid.

⁶ COH Working Group. (2017). Canadian Definition Of Homelessness. Canadian Observatory on Homelessness <https://www.homelesshub.ca/sites/default/files/COHhomelessdefinition.pdf>

⁷ CBC News. (2021, Nov. 3). More than 1,000 people are homeless in Waterloo region, point-in-time count finds. <https://www.cbc.ca/news/canada/kitchener-waterloo/point-in-time-homeless-waterloo-region-1.6235695>

⁸ Region of Waterloo Community Services. (2022). 2021 Point in time count findings. Housing Planning and Research. https://www.regionofwaterloo.ca/en/living-here/resources/Documents/Housing/CS---PIT-Count-Infographic_access.pdf

due to changes in the 2021 PiT methodology, nonetheless, this increase is greater in magnitude than any of the municipalities our report examined. Other Region of Waterloo data has also documented an increase in homelessness.⁹

9. There are several reasons why people experiencing homelessness live in encampments, such as a shortage of shelter beds, an absence of appropriate shelter facilities, or an absence of shelters entirely.¹⁰ Other times, the restrictive criteria at local shelters dissuade homeless individuals from accessing this housing, such as check-in times (turning away individuals who arrive late), requirements to vacate the shelter for most of the day, and sobriety policies. Other deterrents documented in literature on homelessness include:

- theft of belongings
- lack of storage space for belongings
- interpersonal conflict with staff or other shelter residents
- risk of victimization
- inappropriate space for certain family structures
- pets typically not permitted
- enhanced presence of police officers near shelters
- stigma
- lack of permanence and stability.^{11 12 13}

⁹ Duhatschek, P. (2021, June 29). Chronic homelessness up 34% since November in Waterloo region. *CBC News*. <https://www.cbc.ca/news/canada/kitchener-waterloo/chronic-homelessness-region-of-waterloo-1.6083477>

¹⁰ Ha, Y., Narendorf, S. C., Santa Maria, D., & Bezette-Flores, N. (2015). Barriers and facilitators to shelter utilization among homeless young adults. *Evaluation and program planning*, 53, 25-33.

¹¹ Donley and Wright, J. D. (2012). Safer Outside: A Qualitative Exploration of Homeless People's Resistance to Homeless Shelters. *Journal of Forensic Psychology Practice*, 12(4), 288–306.; Young et al. 2017, Ha et al, 2015 Bardwell et al, 2018

¹² Cohen, R., Yvetin, W., & Khadduri, J. (2019). Understanding Encampments of People Experiencing Homelessness and Community Responses: Emerging Evidence as of Late 2018. U.S. Department of Housing and Urban Development. Retrieved from <https://www.huduser.gov/portal/sites/default/files/pdf/Understanding-Encampments.pdf>

¹³ Ha et al., 2015

10. Many bylaws in the municipalities reviewed for this report were over 10 years old, and do not reflect the dire nature of the housing crisis in Canada, nor do they reflect the increased presence of encampments across municipalities nationwide. The Region of Waterloo's bylaw Number 13-050 "Code of Use By-law" has not been updated since 2013.
11. The City of Toronto's Ombudsman office has also noted that in Toronto an outdated protocol limited effective responses to encampments, and the ability to take a human rights centred approach (pg. 21).¹⁴ This is because outdated protocols do not reflect the current understandings of housing rights in Canada and current service provision practices.
12. In Canada, Indigenous people are over-represented among those who are homeless.^{15 1617} According to Waterloo Region's July 2022 survey of residents, 36% (19 of 53) of encampment residents at 100 Victoria identified as Indigenous.¹⁸ Thus, the existence, and management, of encampments by municipalities has important implications for relationships between municipalities and urban Indigenous communities.

¹⁴ Ombudsman Toronto. (2022). Interim Report - Investigation into the City's Process for Clearing Encampments in 2021. Ombudsman's Office, City of Toronto. <https://www.ombudsmantoronto.ca/Investigative-Work/Early-Recommendations-to-Improve-City-Response-to.aspx>

¹⁵ Anderson, J. T., & Collins, D. (2014). Prevalence and causes of urban homelessness among indigenous peoples: a three-country scoping review. *Housing Studies*, 29(7), 959-976.

¹⁶ Uppal, S. (2022). A portrait of Canadians who have been homeless. *Statistics Canada*. <https://www150.statcan.gc.ca/n1/en/pub/75-006-x/2022001/article/00002-eng.pdf?st=R5AAcUuK>

¹⁷ Hoyer, B. (2021, November 2). Indigenous overrepresentation in homeless census points to 'lack of progress' on housing, organizer says. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/manitoba/winnipeg-homeless-census-indigenous-overrepresentation-1.6234065>

¹⁸ Monteiro, L. (2022, Aug 8). Waterloo Region staff to present comprehensive plan to address homelessness, in short and long term. *The Record*. <https://www.therecord.com/news/waterloo-region/2022/08/07/waterloo-region-staff-to-present-comprehensive-plan-to-address-homelessness-in-short-and-long-term.html>

13. Increasingly, municipalities are developing new protocols to manage encampments on public and private lands. These protocols typically provide guidance for staff concerning the appropriate application of relevant bylaws, procedures to be followed once the municipality becomes aware of an encampment, and guidance on when and how specific municipal agencies should become involved.

FRAMEWORK OF ANALYSIS

14. This research was developed by myself and a group of graduate students as part of a community-engaged research project. The Region of Waterloo's Housing Services division participated in this project as a community advisor. Housing Services staff requested we prepare a report on municipal responses to encampments, with attention to human rights as an orienting framework. At the time this research was initiated (Oct. 2021), Waterloo Region did not have an encampment protocol in place. A key purpose of the research was to document and describe approaches taken to encampment management by other Canadian municipalities. Six municipalities for comparison were selected based on staff feedback, the presence of a publicly available encampment protocol, having data available regarding unsheltered homelessness within the last five years, and representing a variety of demographics and populations. The six municipalities selected were Sudbury, ON; Toronto, ON; Hamilton, ON; Kingston, ON; Brantford, ON; and Winnipeg, MB. Municipal protocols were collected and analyzed using two frameworks: a response framework, discussed below, and the *National Protocol*.

15. A limitation of this analysis is that it relies on the encampment protocols as written in policy documents. We did not assess whether these protocols are consistently followed, nor consider the perspectives of encampment residents on the protocols.

16. Municipal responses to homeless encampments fall into four categories:¹⁹

- a) Clearance with little or no support – Municipal bylaws and/or protocols prohibiting encampments are enforced. A few days' worth of notice is provided to residents and an encampment is cleared without alternative shelter options being provided to most residents. Bylaw and/or police officers are typically involved in removing residents from the encampment.
- b) Clearance with support – Municipal bylaws and/or protocols prohibiting encampments are enforced. A few weeks' notice is given, referrals may be made for nearby shelters, trained outreach workers will attempt to ensure individuals have temporary accommodation and may provide long-term storage of belongings. Bylaw and/or police officers are typically involved in removing residents from the encampment.
- c) Tacit acceptance –Municipal bylaws and/or protocols prohibiting encampments are in place but unenforced. Trained outreach workers will attempt to work with residents to develop alternative shelter options. Some basic services may be provided to residents to address public health concerns. Bylaw and/or police officers may become involved in removal if the enforcement status of municipal bylaws or protocols changes.

¹⁹ Cohen et al., 2019.

- d) Formal sanctioning – Municipal bylaws and/or protocols permit encampments to remain: the existence of the encampment itself is not a bylaw and/or protocol violation. Municipalities may provide services such as laundry, water, washroom facilities, spaces for gatherings, and storage for belongings. Trained outreach workers will attempt to work with residents to develop alternative shelter options. Bylaw and/or police officers may become involved in removal if other municipal bylaw violations occur.

HUMAN RIGHTS APPROACH TO ENCAMPMENTS

17. The municipalities that were reviewed in **Exhibit “B”** were assessed using a human rights approach. The Federal Government states that housing as a human right is a guiding principle of its current housing policy.²⁰ See the National Housing Strategy, attached hereto as **Exhibit “D”**.
18. The right to housing is also reflected in international human rights principles.²¹ The *National Protocol*²² identifies that encampment residents are rights holders deserving of affordable housing and should not be criminalized for their lack of permanent housing. It also outlines the human rights obligations of the Canadian state with respect to housing. The *National Protocol* outlines eight principles for a state response to encampments grounded in human rights principles.

²⁰ Government of Canada. (2018). A Human Rights-Based Approach to Housing. National Housing Strategy. <https://www.placetocallhome.ca/human-rights-based-approach-to-housing>

²¹ The right to housing is specifically identified in key human rights documents to which Canada is a signatory, specifically the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights.

²² Farha and Schwan, 2020.

19. In assessing the comparator municipalities, we analyzed five of the eight proposed principles in the *National Protocol* that we determined were within the scope of municipal encampment responses. Those principles include:

- i. Principle 2: Meaningful engagement and effective participation of encampment residents
 - o Proactive discussions that avoid focusing on eviction prevention
 - o Residents should be entitled to participate in a transparent process
 - o Provided with appropriate third-party support and resources

- ii. Principle 4: Explore all viable alternatives to eviction
 - o Emphasizes that evictions should be a last resort
 - o Focuses on ensuring the meaningful and effective participation of residents in discussions regarding the future of an encampment
 - o Options aside from eviction from an encampment should be offered
 - o Primarily involves a consultation process with residents that limits barriers faced by residents

- iii. Principle 5: Ensure that relocation is human rights compliant
 - o Expands on the theme of consultation
 - o Adds the additional requirement that if relocated, encampment residents should be provided with housing that meets human rights standards
 - o Relocation should not lead to a continuation of homelessness nor the fracturing of social and family relations.

- iv. Principle 6: Ensure encampments meet basic needs of residents consistent with human rights
 - o Focused on the provision of basic services to encampment residents, including access to water, sanitation, fire-safety, and social supports

- v. Principle 8: Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with encampments
 - o Concerned with recognition that Indigenous Peoples are connected to land and water
 - o Shelter provides meaning in ways that are culturally, historically, and spiritually significant for Indigenous community members
 - o Since Indigenous people are overrepresented in the unsheltered homeless population international human rights treaties must be considered and have Indigenous leaders leading discussions
 - o The consultation process must consider engaging Indigenous Peoples in a transparent manner that follows relevant cultural and traditional practices

CRIMINALIZATION OF HOMELESSNESS

20. The regulation of encampments closely relates to the criminalization of homelessness. Substantial academic literature has examined the criminalization of homelessness; that is, how homeless individuals are portrayed as frequent violators of laws, and how survival actions of homeless

individuals have been defined as criminal offenses in provincial legislation and illegal under municipal bylaws and legislation.^{23 24 25}

21. Opposition to encampments is often rooted increased fear of crime and the belief that encampments impose a risk to public health.²⁶ However, these common narratives fail to account for the structural social conditions that cause homelessness.^{27 28}

COSTS TO MUNICIPALITY FOR ENCAMPMENT EVICTIONS

22. Dispatching law/bylaw enforcement and private security to dismantle encampments and evict their residents is extremely costly. In 2021, the City of Toronto spent over \$840,000 dismantling encampments at Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium, in addition to the over \$792,000 spent re-landscaping the parks' amenities afterwards.²⁹ These totals also do not include the costs of involving police.³⁰

²³ Aykanian, A., & Fogel, S. J. (2019). The Criminalization of Homelessness. In H. Larkin, A. Aykanian, & C. L. Streeter (Eds.), *Homelessness Prevention and Intervention in Social Work: Policies, Programs, and Practices* (pp. 185–205). Springer International Publishing.

²⁴ Herring, C., Yarbrough, D., & Marie Alatorre, L. (2020). Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness. *Social Problems*, 67(1), 131–149.

²⁵ Chesnay, C. T., Bellot, C., & Sylvestre, M. E. (2013). Taming disorderly people one ticket at a time: The penalization of homelessness in Ontario and British Columbia. *Canadian Journal of Criminology and Criminal Justice*, 55(2), 161–185.

²⁶ Olson, N., & Pauly, B. (2021). Homeless encampments: Connecting public health and human rights. *Canadian Journal of Public Health*, 112(6), 988-991.

²⁷ Dej, E. (2016). Psychocentrism and homelessness: The pathologization/responsibilization paradox. *Studies in Social Justice*, 10 (1), 117-135.

²⁸ Olson and Paul, 2021.

²⁹ City of Toronto. (2021). Final costs of enforcement of trespass notices in City parks.

<https://www.toronto.ca/news/city-of-toronto-final-costs-of-enforcement-of-trespass-notices-in-city-parks/>

³⁰ Gibson, V. (2021, November 29). Toronto Police investigation finds officer used unnecessary force in arrest of woman at clearing of homeless encampment. *The Toronto Star*. Retrieved from

<https://www.thestar.com/news/gta/2021/11/29/toronto-police-investigation-finds-officer-used-unnecessary-force-in-arrest-of-woman-at-clearing-of-homeless-encampment.html>

23. The City of Toronto Ombudsman produced a document - Interim Report Investigation into the City's Process for Clearing Encampments – attached as **Exhibit “E”**. The report investigated the City's process for clearing encampments. The investigation reviewed 11,000 documents, conducted over 100 hours of interviews, and spoke to 43 people who had lived in encampments. The report commented on the harms caused by encampment clearings to encampment residents, concluding that, “Clearing encampments is extremely disruptive and in some cases traumatizing to the people living in them” (pg. 35).³¹

MUNICIPAL APPROACHES – FINDINGS

24. The municipalities reviewed engaged to different degrees with the human rights principles from the *National Protocol*.

- i. Principle 2: Meaningful Engagement and Effective Participation of Encampment Residents
 - o Kingston³² and Sudbury³³, provided detailed discussion of engagement with residents, including trauma informed approaches to interaction.
 - o Kingston included on-site engagement with encampment residents, with street outreach staff utilizing trauma-informed approaches who complete intake and referral forms, when possible. Kingston’s approach creates the potential for strong relationships between residents and outreach staff.

³¹ Ombudsman Toronto, 2022.

³² City of Kingston. (2021). City Encampment Protocol/Procedures and United Nations Encampment Protocol (Report Number 21-118). Retrieved from https://www.cityofkingston.ca/documents/10180/38892264/City-Council_Meeting-11-2021_Report-21-118_City-Encampment-Protocol-and-United-Nations-Encampment-Protocol.pdf/d8dd52c8-20d5-bd64-fe22-5e7d7e9b7565?t=1618582033928

³³ City of Greater Sudbury. (2021). Encampment and Action Plan. Retrieved from <https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=42061>

- Sudbury’s approach included gathering information about encampment residents using a single-point-of-contact approach. By obtaining consent to gather and share this information across different service providers, this ensures that residents do not have to repeat their stories, which may be re-traumatizing.
- ii. Principle 4: Exploring All Viable Alternatives to Eviction
- Most of the municipalities compared did explore alternative housing with residents, but, with the exception of Winnipeg, in all municipalities this occurred as part of an eviction/removal process.
 - Winnipeg’s protocol³⁴ does not immediately provide for a set eviction date for residents: “Some residents will express the intention to remain at the encampment, and not wish to leave for any other accommodation or resource. Even in these circumstances, the OSP [Outreach Service Provider] will continue to maintain communication and connection with the resident(s) on an ongoing basis.”³⁵
- iii. Principle 5: Ensure that Relocation is Human Rights Compliant
- Several of the municipal protocols reviewed partially recognize this principle
 - In most of the protocols reviewed there is a recognition that relocation ideally is grounded in 1) voluntary removal and 2) the provision of temporary accommodations to former encampment residents.
 - However, there are important limits to these provisions, particularly considering the barriers to emergency shelter access and housing discussed earlier.

³⁴ City of Winnipeg. (2020). Non-Emergent Encampment Support Process. Retrieved from <https://winnipeg.ca/interhom/unsheltered-winnipeggers/pdfs/Encampment-Support-Process-Master.pdf>

³⁵ Ibid.

- The City of Toronto’s guidelines³⁶ explicitly state that a refusal of residents to enter the shelter system is not grounds to delay or desist in encampment removal, sentiments echoed in the protocols of Hamilton,³⁷ Sudbury,³⁸ and Kingston.³⁹
 - As noted above, only Winnipeg’s guidelines provide a process to support residents who choose to remain in an encampment, rather than seek shelter elsewhere.
 - All the guidelines reviewed note that if there are “safety” or “criminality” concerns, encampment removal may occur immediately, regardless of whether residents have other housing options. Given the criminalization of encampment residents and general public perception that encampments pose a safety risk, as well as the lack of specific qualification of what constitutes a “safety” or “criminality” threats, there is potential for this language to be used expansively to perpetuate removals in violation of Principle 5. For example, in the Risk Assessment tool used by the Region of Waterloo, the mere presence of more than 20 encampment residents is considered a high-level safety threat.
- iv. Principle 8: Respect, Protect, and Fulfill the Distinct Rights of Indigenous Peoples in All Engagements with Encampments
- Winnipeg’s protocol⁴⁰ is the only one to highlight the need to incorporate Indigenous land rights and cultural needs in all aspects of encampment management

³⁶ City of Toronto. (2021). Encampment Safety and Clearing Protocols. <https://www.toronto.ca/community-people/housing-shelter/homeless-help/encampment-outreach-response/encampment-safety-clearing-protocols/>

³⁷ City of Hamilton. (2021). Encampment Response.

<https://www.hamilton.ca/social-services/housing/city-hamilton-encampment-response>

³⁸ City of Greater Sudbury, 2021.

³⁹ City of Kingston, 2021.

⁴⁰ City of Winnipeg, 2021.

- o The other protocols reviewed do not discuss specific supports for Indigenous peoples in encampments, nor note the relevance of Indigenous rights to encampment protocols

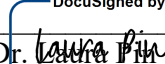
25. Encampments serve as vital short-term accommodations for people experiencing homelessness, and for those that face barriers to accessing the emergency shelter system. Waterloo Region is currently experiencing substantial growth in homelessness, which is stressing the supportive housing and shelter systems. It is my view that the approach taken by Waterloo Region at 100 Victoria has been one of “tacit acceptance” with movement towards “clearance with supports” with the issuing of the June 30th eviction notice, and subsequent litigation. This approach is less consistent with the human rights principles articulated in the *National Protocol* than a “tacit acceptance” to “sanctioning” approach, similar to the one adopted by the City of Winnipeg. The forced removal of residents from the encampment at 100 Victoria is contradictory to the human rights principles articulated in the *National Protocol*, especially Principle 4: explore all viable alternatives to eviction and Principle 5: Ensure that relocation is human rights compliant.

26. I make this Affidavit in support of the Notice of Constitutional Question, and for no improper purpose.

AFFIRMED BEFORE ME by videoconference)
 From the City of Hamilton, in the Province)
 of Ontario)
 Location of the Deponent)
 To the City of Kitchener, in the Regional Municipality)
 of Waterloo (Location of Commissioner))
 In accordance with O Reg 431/20.)
 This 7th day of September 2022)

DocuSigned by:

 Ashley Elizabeth Schuitema
 A Commissioner, etc.
F793F43B57D44F6...

DocuSigned by:

 Dr. Laura Pin
871172016FFD429...

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

BIBLIOGRAPHY

- Anderson, J. T., and Collins, D. (2014). Prevalence and causes of urban homelessness among indigenous peoples: a three-country scoping review. *Housing Studies*, 29(7), 959-976.
- Aykanian, A., and Fogel, S. J. (2019). The Criminalization of Homelessness. In H. Larkin, A. Aykanian, & C. L. Streater (Eds.), *Homelessness Prevention and Intervention in Social Work: Policies, Programs, and Practices* (pp. 185–205). Springer International Publishing.
- Beattie, S. (2021, Sept. 12) Only 8% of encampment residents have made it into permanent housing since April 2020, Toronto data shows. *CBC News*
<https://www.cbc.ca/news/canada/toronto/toronto-encampment-residents-housing-1.6167173>
- CBC News. (2021, Nov. 3). More than 1,000 people are homeless in Waterloo region, point-in-time count finds. <https://www.cbc.ca/news/canada/kitchener-waterloo/point-in-time-homeless-waterloo-region-1.6235695>
- Chesnay, C. T., Bellot, C., and Sylvestre, M. E. (2013). Taming disorderly people one ticket at a time: The penalization of homelessness in Ontario and British Columbia. *Canadian Journal of Criminology and Criminal Justice*, 55(2), 161–185.
- COH Working Group. (2017). Canadian Definition Of Homelessness. Canadian Observatory on Homelessness <https://www.homelesshub.ca/sites/default/files/COHhomelessdefinition.pdf>
- Cohen, R., Yvetin, W., and Khadduri, J. (2019). Understanding Encampments of People Experiencing Homelessness and Community Responses: Emerging Evidence as of Late 2018. U.S. Department of Housing and Urban Development. Retrieved from <https://www.huduser.gov/portal/sites/default/files/pdf/Understanding-Encampments.pdf>
- Dej, E. (2016). Psychocentrism and homelessness: The pathologization/responsibilization paradox. *Studies in Social Justice*, 10 (1), 117-135.
- Donley and Wright, J. D. (2012). Safer Outside: A Qualitative Exploration of Homeless People's Resistance to Homeless Shelters. *Journal of Forensic Psychology Practice*, 12(4), 288–306.
- Duhatschek, P. (2021, June 29). Chronic homelessness up 34% since November in Waterloo region. *CBC News*. <https://www.cbc.ca/news/canada/kitchener-waterloo/chronic-homelessness-region-of-waterloo-1.6083477>
- Farha, L., Schwan, K. (2020). A Human Rights Approach: A National Protocol for Homeless Encampments in Canada. The UN's Special Rapporteur on the Right to Adequate Housing. <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>
- Gibson, V. (2021, November 29). Toronto Police investigation finds officer used unnecessary force in arrest of woman at clearing of homeless encampment. *The Toronto Star*. <https://www.thestar.com/news/gta/2021/11/29/toronto-police-investigation-finds-officer-used-unnecessary-force-in-arrest-of-woman-at-clearing-of-homeless-encampment.html>

- Government of Canada. (2018). A Human Rights-Based Approach to Housing. National Housing Strategy. <https://www.placetocallhome.ca/human-rights-based-approach-to-housing>
- Ha, Y., Narendorf, S. C., Santa Maria, D., and Bezette-Flores, N. (2015). Barriers and facilitators to shelter utilization among homeless young adults. *Evaluation and program planning*, 53, 25-33.
- Herring, C., Yarbrough, D., and Marie Alatorre, L. (2020). Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness. *Social Problems*, 67(1), 131–149.
- Hoye, B. (2021, November 2). Indigenous overrepresentation in homeless census points to 'lack of progress' on housing, organizer says. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/manitoba/winnipeg-homeless-census-indigenous-overrepresentation-1.6234065>
- Monteiro, L. (2022, Aug 8). Waterloo Region staff to present comprehensive plan to address homelessness, in short and long term. *The Record*. <https://www.therecord.com/news/waterloo-region/2022/08/07/waterloo-region-staff-to-present-comprehensive-plan-to-address-homelessness-in-short-and-long-term.html>
- Olson, N., and Pauly, B. (2021). Homeless encampments: Connecting public health and human rights. *Canadian Journal of Public Health*, 112(6), 988-991.
- Ombudsman Toronto. (2022). Interim Report - Investigation into the City's Process for Clearing Encampments in 2021. Ombudsman's Office, City of Toronto. <https://www.ombudsmantoronto.ca/Investigative-Work/Early-Recommendations-to-Improve-City-Response-to.aspx>
- Region of Waterloo Community Services. (2022). 2021 Point in time count findings. Housing Planning and Research. https://www.regionofwaterloo.ca/en/living-here/resources/Documents/Housing/CS---PIT-Count-Infographic_access.pdf
- Taekma, D. (2021, Sept. 22). 15% of encampment residents city interacted with have been housed, Hamilton data shows. *CBC News*. <https://www.cbc.ca/news/canada/hamilton/encampment-shelter-residents-housing-1.6171469>
- Uppal, S. (2022). A portrait of Canadians who have been homeless. *Statistics Canada*. <https://www150.statcan.gc.ca/n1/en/pub/75-006-x/2022001/article/00002-eng.pdf?st=R5AAcUuK>
- City of Kingston. (2021). City Encampment Protocol/Procedures and United Nations Encampment Protocol (Report Number 21-118). Retrieved from https://www.cityofkingston.ca/documents/10180/38892264/City-Council_Meeting-11-2021_Report-21-118_City-Encampment-Protocol-and-United-Nations-Encampment-Protocol.pdf/d8dd52c8-20d5-bd64-fe22-5e7d7e9b7565?t=1618582033928
- City of Greater Sudbury. (2021). Encampment and Action Plan. Retrieved from <https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=42061>

City of Hamilton. (2021). Encampment Response.

<https://www.hamilton.ca/social-services/housing/city-hamilton-encampment-response>

City of Toronto. (2021). Encampment Safety and Clearing Protocols.

<https://www.toronto.ca/community-people/housing-shelter/homeless-help/encampment-outreach-response/encampment-safety-clearing-protocols/>

City of Toronto. (2021). Final costs of enforcement of trespass notices in City parks.

<https://www.toronto.ca/news/city-of-toronto-final-costs-of-enforcement-of-trespass-notices-in-city-parks/>

City of Winnipeg. (2020). Non-Emergent Encampment Support Process. Retrieved from

<https://winnipeg.ca/interhom/unsheltered-winnipeggers/pdfs/Encampment-Support-Process-Master.pdf>

THIS IS **EXHIBIT “A”** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
AFFIRMED THIS 7TH DAY OF SEPTEMBER, 2022

DocuSigned by:

Ashley Elizabeth Schuitema

F793F43B57D44F6...

ASHLEY ELIZABETH SCHUITEMA

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

DR. LAURA PIN
 Department of Political Science
 Wilfrid Laurier University
 647.781.6940
 lpin@wlu.ca

CURRICULUM VITAE

EDUCATION

Ph.D. Political Science 2019

York University; Toronto, ON.

Dissertation: Participatory Governance, Neoliberal Restructuring and Participatory Budgeting in Chicago, IL

Qualifying exams: Canadian Politics (major); Comparative Politics (major)

Supervisor: Dr. Dennis Pilon

Visiting Scholar 2016

UIC Great Cities Institute; Chicago, IL.

Host Supervisor: Dr. Rachel Weber

M.A. Globalization Studies 2010

McMaster University; Hamilton, ON.

MRP: Indigenous Representation in the Vancouver 2010 Olympics

Supervisor: Dr. Suzanne Mills

H. Bach. Arts & Science 2009

McMaster University; Hamilton, ON.

RESEARCH EXPERIENCE

Assistant Professor 2021-Present

Department of Political Science

Wilfrid Laurier University

My research examines how social inequality intersects with policy-governance regimes and how political scientists can use community engaged research to understand participation in public policy beyond formal political institutions. I engage with race, class, gender, disability and other categories of difference to understand the lived experiences of policy.

Postdoctoral Researcher 2019-2021

Department of Political Science

University of Guelph

I collaborated on Dr. Leah Levac's SSHRC funded project "*Understanding the Impacts of Northern Urbanization and the Development Agenda on Women*" (2016-2021, \$440,000). I

also worked on my own community-engaged research program focused on participatory policy-making in Canada and the United States in the areas of municipal budgets and housing policy.

Interim Project Manager

2020

SSHRC Partnership Grant

University of Guelph

I managed Dr. Deborah Stienstra's SSHRC grant "*Engendering Disability Inclusive Development*" (\$2.5 million, 2020-2028). This includes setting the strategic direction of the project, facilitating communication between research partners, and implementing community-engaged, equitable, and disability-inclusive research practices.

Program Evaluator

2017-2019; 2021-2022

Services and Housing in the Province (SHIP)

Orangeville, ON

I developed and implemented a program evaluation process (evaluation budget \$60,000) for a supportive housing grant funded by the Ontario Trillium Foundation's local poverty reduction initiative.

Research Consultant

2017-2018

The Samara Centre for Democracy

Toronto, ON

I analyzed data from a series of interviews with former Members of Parliament in Canada. I contributed suggestions to forthcoming publications. I also researched and wrote a report for the Privy Council on civic literacy with an emphasis on tools to combat fake news.

Research and Policy Analyst

2010-2012

Ontario Undergraduate Student Alliance

Toronto, ON

I produced a number of reports on education policy in Ontario and beyond. My portfolios included access to post-secondary education, Indigenous inclusion in post-secondary education, and student health policy.

RESEARCH GRANTS

2022-23	SSHRC Partnership Engage Grant (primary applicant) \$24,550 <i>Filling the Gap: The Role of Social Engagement Hubs in a World Changed by COVID-19</i>
2021-22	SSHRC Partnership Engage Grant (co-applicant) \$24,633 <i>Staying Home: An Exploratory Study of Rent Banks in Canada</i>
2021	Canadian Mortgage and Housing Corporation (co-applicant) \$32,000 <i>A National Housing Strategy By and For Whom? Documented Experiences of People with Living Knowledge of Housing Need</i>

- 2021-23 District of Kitimat, British Columbia (co-applicant) \$75,000
Diversity and Inclusion Planning in a Small Northern Municipality
- 2020-22 SSHRC Connection Grant (primary applicant) \$30,200
Transforming policy through digital storytelling: A workshop and symposium on homelessness on the rural-urban fringe (RUF)
- 2020 COVID-19 Catalyst Grant (co-primary applicant) \$19,950
Mobilizing Marginalized Knowledges and Practices for Structural Transformation
- 2020 Employment and Social Development Canada (collaborator) \$94,995
Disability Inclusion Analysis of Lessons Learned and Best Practices of the Government of Canada's Response to the COVID-19 Pandemic
- 2019-20 Community Engaged Scholarship Institute (CESI) Research Grant (\$5,000)
Squeezed out but pushing back in: Participatory democracy and housing on the rural-urban fringe (RUF)
- 2019-20 SSHRC Knowledge Synthesis Grant (collaborator) (\$29,000)
Addressing the + in GBA plus: Exploring promising international practices in impact assessments
- 2016 SSHRC Michael Smith Foreign Study Supplement (\$4,500)
Dissertation fieldwork grant

SCHOLARSHIPS

- 2013-16 SSHRC Joseph-Armand Bombardier Canada Graduate Scholarship (\$105,000)
- 2012 York Graduate Scholarship (\$3,000)
- 2009-10 Ontario Graduate Scholarship (\$15,000)
- 2009 McMaster Graduate Scholarship (\$4,000)
- 2008 NSERC Summer Research Scholarship (\$5,000)

PUBLICATIONS

Peer Reviewed, Journal Articles

Pin, L., Levac, L., and Rodenburg, R. (2022). Legislated Poverty? An Intersectional Policy Analysis of Covid-19 Income Support Programs in Ontario, Canada. *Journal of Poverty*, 1-28. <https://doi.org/10.1080/10875549.2022.2113590>

Levac, L., Cattapan, A., Haley, T., **Pin, L.**, Tungohan, E., and Wiebe, S.M. (2022). Better Together: Disrupting Power and Transforming Public Policy with Engaged Scholarship. *Policy and Politics*, 1-24.

Pin, L. (2021). From Aldermanic Patronage to Aldermanic Menus: Racial Exclusion and the Reinvention of Participatory Democracy in Neoliberal Chicago. *Studies in Political Economy*. 102(2): 1-21

Pin, L. (2021). Bridging the Gap between Electoral and Participatory Democracy: The Electoral Motivations behind Participatory Budgeting. *Urban Affairs Review*. <https://doi.org/10.1177/1078087420964871>

Pin, L. (2020) Intersections of Race, Class and Citizenship in Participatory Democracy: Interrogating the Racial Dynamics of Participatory Budgeting. *New Political Science: Special Issue on Race and Citizenship*. <https://doi.org/10.1080/07393148.2020.1840199>

*Bernhardt, N. and **Pin, L.** (2018). Engaging with 'identity politics' in the Canadian social sciences. *Canadian Journal of Political Science*.51(4): 771-794.

Pin, L. (2017). Does Participatory Budgeting Lead to Local Empowerment? The Case of Chicago, IL *Alternate Routes*. 28: 114-141.

*Gray, M. and **Pin, L.** (2017). University Branding, Securitization and Campus Sexual Assault at a Canadian University. *The Annual Review of Interdisciplinary Justice Research*. 6: 86-110.

Pin, L. (2016). Global Austerity and Local Democracy: The Case of Participatory Budgeting in Guelph, ON. *Canadian Political Science Review*. 10(1): 72-108.

Evans, B.J., **Pin, L.**, Melnick, D.J., Wright, S.I. (2010). Sex linked inheritance in macaque monkeys: implications for effective population size and dispersal. *Genetics* 185: 923-937.

Peer Reviewed, Book Chapters

Grand Maison, V., Reinders, K, **Pin, L.**, Abbas, J, and Stienstra, D. (2022) Cumulative and Cascading Impacts of Invisibility: An Intersectional Approach to Understanding the Housing Experiences of Canadians with Disabilities During COVID-19. *Research in Social Sciences and Disability*. 1-19.¹

Haley, T.L. and **Pin, L.** (2022). Injustice in Incentives: Doing Research with People Living with Poverty. In Casey Burkholder (Ed.) *Leading and Listening to Community: Facilitating Qualitative, Arts-Based & Visual Research for Social Change*.

* Authors contributed equally to publication; authors listed in alphabetical order.

^ Denotes community collaborator

+ Denotes a student collaborator

Gray, M., **Pin, L.**, Cooper, A. (2019). Curated Consultation in Sexual Assault Policy-Making Processes. In K.A. Malinen (ed.), *Dis/Consent: Perspectives on Sexual Violence and Consensuality*. Fernwood Publishing.

Peer Reviewed, In Progress

Pin, L., and Haley T. (Dec. 2022). On the Edge of the Bubble. Transformative Housing Policy on the Rural-Urban Fringe. *Journal of Rural and Community Development*. 1-24 (accepted, forthcoming)

Research Reports, Government

Levac, L., Buchnea, A., **Pin, L.**, Karyar, R., Annan, J., Morton, E. and Malenfant, J. (2022). A National Housing Strategy By and For Whom? Report prepared for the National Housing Council. <https://assets.cmhc-schl.gc.ca/sites/place-to-call-home/pdfs/national-housing-council/nhs-a-national-housing-strategy-by-and-for-whom-en.pdf?rev=9090b766-002c-4e4a-a757-0502aeca9f9b>

Stienstra, D., Grand'Maison, V., **Pin, L.**, Rodenburg, E., Garwood, K., and +Reinders, K. (2020). Disability Inclusion Analysis of Lessons Learned and Best Practices of the Government of Canada's Response to the COVID-19 Pandemic. Report prepared for Employment and Social Development Canada.

*Morden, M., Mussell, J., **Pin, L.**, and Preston, S. National Action for Civic Literacy. (2018). Report prepared by Samara for the Privy Council Office of the Government of Canada.

Research Reports, Community Organizations

+Brown, A., Gillies, S., +Marshall, V., +Mcgurk, Hannah, and **Pin, L.** (2022, Aug.). Homeless Encampments Through a Human Rights Lens. Research Report hosted by Canadian Observatory on Homelessness. www.coh.ca

Haley, TH., **Pin, L.**, Marshall, V., and Berthelot, P. (2022, Mar). Barriers Beyond the City: Housing and Economic Poverty in Dufferin County. Dufferin Lived Experience Collective. www.dufferinchange.ca

Pin, L. and Haley, T. (2022, Feb). Short Stay Crisis Housing Nursing Support. Program Evaluation for the Short Stay Crisis Support Program (SSCSP) in Peel Region. Report prepared for Services and Housing in the Province (SHIP).

Pin, L., Levac, L., Rodenburg, E., and Hatt, K. (2021). Dangerous Disruptions to Money, Essentials for Daily Living and Housing. The COVID-Related Experiences of People Living with Poverty in Rural and Small Urban Communities in Southern Ontario. University of Guelph Live-Work-Well Research Centre. <https://liveworkwell.ca/dangerous-disruptions-local-intersections-poverty-and-covid-19-guelph-wellington-and-dufferin-o>

Pin, L., Levac, L., Rodenburg, E., and Hatt, K. (2021). The Need for Permanent Supportive Housing: An Intersectional Analysis of COVID-Related Housing Policies. University of Guelph Live-Work-Well Research Centre <https://liveworkwell.ca/sites/default/files/pageuploads/NeedforSupportiveHousing.pdf>

* Authors contributed equally to publication; authors listed in alphabetical order.

^ Denotes community collaborator

+ Denotes a student collaborator

Pin, L., Levac, L., Rodenburg, E., and Hatt, K. (2021). Unequal Income Support and the Case for a Universal Basic Income: An Intersectional Analysis of COVID-Related Income Policies. University of Guelph Live-Work-Well Research Centre
<https://liveworkwell.ca/sites/default/files/pageuploads/CaseforUniversalBasicIncome.pdf>

Haley, T.L., **Pin, L.**, Mussell, J., & Froese, R. (2019). Final Report for Poverty Reduction Grants: A Picture of Poverty in Dufferin County. Report prepared for the Ontario Trillium Foundation.

Chan, M., Gapski, G., Hurley, K., Ibarra, E., **Pin, L.**, Shupac, A. and Szabo, E. (2016). *Bike Lanes, On-Street Parking and Business in Parkdale: A Study of Queen Street West in Toronto's Parkdale Neighbourhood*. Toronto Coalition for Active Transportation. Toronto, Ontario.

* Gray, M. and **Pin, L.** (2016). *Invisible supports: Examining undergraduate student knowledge of sexual assault resources at York University*. SIV. Toronto: Ontario.

Pin, L. and Martin, C. (2012). Student Health: Bringing Healthy Change to Ontario's Universities. Research Report. Toronto: Ontario Undergraduate Student Alliance.

Pin, L., Martin, C. and Andrey, S. (2011). *Rising Costs: A Look at Post-Secondary Expenditures*. Research Report. Toronto: Ontario Undergraduate Student Alliance.

CSA, OSTA and OUSA. (2010). *Breaking Barriers: A Strategy for Equal Access to Higher Education*. Research Report. Toronto: Ontario Undergraduate Student Alliance.

RECENT MEDIA

Sharpe, K. (2022, Aug. 19). Waterloo region candidates list sparse with registration deadline looming. <https://kitchener.ctvnews.ca/waterloo-region-candidates-list-sparse-with-registration-deadline-looming-1.6025719>

Outhit, J. (2022, Jun. 22). Evicting Kitchener Encampment is the Greatest Harm. The Record. <https://www.therecord.com/news/waterloo-region/2022/06/22/evicting-kitchener-encampment-is-the-greatest-harm-laurier-professor-says-after-studying-homeless-policies-in-other-cities.html>

Jonkman, B. (2022, Jun. 10). Encampment Evictions with Dr. Erin Dej, Dr. Laura Pin, and Lesley Crompton. CKMS Community Connections. <https://radiowaterloo.ca/ckms-community-connections-for-10-june-2022-encampment-evictions-with-dr-erin-dej-dr-laura-pin-and-lesley-crompton/>

Pin, L. (2021, Sept). Campaign Platforms and Affordable Housing: how do they compare? First Policy Response. Twitter Space Event. Panelist.

+Morris, S., and **Pin, L.** (2020, Sept.). Bill 184 and the Myth of Tenant Protection. *Policy Options*. Op-Ed. <https://policyoptions.irpp.org/magazines/september-2020/ontarios-bill-184-and-the-myth-of-tenant-protection/>

* Authors contributed equally to publication; authors listed in alphabetical order.

^ Denotes community collaborator

+ Denotes a student collaborator

COMMUNITY KNOWLEDGE MOBILIZATION

Haley, T, **Pin, L.** +Marshall, V., and +Berthelot, P. (2022, Mar). Barriers Beyond the City: Housing and Economic Poverty in Dufferin County. Dufferin Lived Experience Collective. Report. www.dufferinchange.ca

Pin, L., Haley, T., + Berthelot, P., and +Marshall, V. (2022, Mar). Food Insecurity in Farm Country. Dufferin Lived Experience Collective. Report. www.dufferinchange.ca

Pin, L., Garwood, K., and +Buchnea, A., and ^McPherson, D. (2021, Mar.). Dangerous Disruptions: Local Intersections of Poverty and COVID-19 in Guelph-Wellington and Dufferin. Webinar in collaboration with Guelph-Wellington Taskforce for Poverty Elimination, Services and Housing in the Province, and A Way Home Canada. Guelph, ON.

Pin, L., +Philpott, E, and Levac, L. (2020, Dec). Women's Wellbeing in Happy Valley-Goose Bay. Results from the CVI Survey. Webinar in collaboration with Labrador-Grenfill Health. Labrador, NL.

Pin, L. (2020, Nov). COVID Catalyst Grant: Mobilizing Marginalized Knowledges for Structural Change. Presentation of research findings to the Guelph and Wellington Taskforce for Poverty Elimination.

Levac, L., **Pin, L.**, and +Rochefort, J. (2020, Nov). Understanding Community Data in Community. Blogpost. Canadian Research Institute for the Advancement of Women. <http://fnn.criaw-icref.ca/en/page/understanding-community-data-in->

^Maloney, P., **Pin, L.**, Levac, L. (2020, Nov-Dec). Sewing Workshop and Collaborative Data Analysis: Conversations about Women's Wellbeing in Happy Valley-Goose Bay. Workshop Series in collaboration with the Labrador Friendship Centre. Labrador, NL.

Haley, T., ^O'Handley, C., **Pin, L.**, and ^Metcalf, K. (2020, June). Housing and Poverty. "From the Margins: Communities Respond to COVID-19". Webinar hosted by the Live-Work-Well Research Centre. University of Guelph.

Levac, L., Ramdatt, J., and **Pin, L.** (2020, Feb.). Diversity and Inclusion Planning in the District of Kitimat. Workshop for City Councillors and Staff. Kitimat, BC.

^Maloney, P., ^Beals, P., **Pin, L.**, Levac, L. (2019, Nov-Dec). Sealskin Purse Making and Collaborative Data Analysis: Conversations about Women's Wellbeing in Happy Valley-Goose Bay. Workshop Series in collaboration with the Labrador Friendship Centre. Labrador, NL.

Haley, T., and **Pin, L.** (2019, June). Findings from the Community Flex-Fund Program Evaluation. Presentation to Dufferin County Moves Community Development Council. Shelburne, ON.

Berndardt, N., and **Pin, L.** (2016). Community Discussion of Graduate Student Equity Report. Town Hall. Department of Political Science. York University, Toronto, ON.

^Chan, M., **Pin, L.**, ^Shupac, A. (2016). *Bike Lanes, On-Street Parking and Business in Parkdale*. Presentation to Parkdale BIA. Toronto, Ontario.

* Authors contributed equally to publication; authors listed in alphabetical order.

^ Denotes community collaborator

+ Denotes a student collaborator

ACADEMIC CONFERENCE PRESENTATIONS

Levac, L. and **Pin, L.** (2022, June). Pursuing Participatory Policy-Making to Address Systemic Oppression in Small, Northern Municipalities. Canadian Political Science Association Annual Conference, Virtual Conference

+Brown, A., Gillies, S., +Marshall, V., +Mcgurk, Hannah, and **Pin, L.** (2022, June). How do municipalities in respond to encampments? Evaluating municipal responses in Ontario and Manitoba using a human rights framework. Canadian Political Science Association Annual Conference, Virtual Conference

*Levac, L., Haley, T., **Pin, L.**, Tungohan, E., and Wiebe, S.M. (2022, May). Advancing Transformative Policymaking Through Community-Engaged Research. Panel. Horizons: Crisis and Social Transformation in Community-Engaged Research. Simon Fraser University, Vancouver, British Columbia.

*Haley, T. and **Pin, L.** (2021, June). On the Edge of the Bubble. Transformative Housing Policy on the Rural-Urban Fringe. Canadian Political Science Association Annual Conference, Virtual Conference.

Pin, L. and Levac, L. (2021, June). Legislated Poverty? An Intersectional Policy Analysis of Covid-19 Income Support Programs in Canada. Canadian Political Science Association Annual Conference, Virtual Conference.

*Bernhardt, N., and **Pin, L.** (2021, June). Troubling the Lack of Settler-Colonial Truths in Introductory Approaches to Teaching Canadian Political Science. Canadian Political Science Association Annual Conference, Virtual Conference.

Pin, L. and Haley, T. (2021, May). Centring People with Lived Experience (PWLE): Community-Engaged Approaches to Research on Rural and Remote Homelessness. Workshop being presented at the Canadian Rural and Remote Housing and Homelessness Symposium. Guelph, ON.

Pin, L. (2020, July). " Participatory Neoliberalism? The Reinvention of Participatory Democracy in the Neoliberal Era." Workshop: Exploring a Critical Institutionalism, York University, Toronto.

*Bernhardt, N.S., **Pin, L.** (2020, June). *Lessons Learned? The Past and Futures of Inclusion in Canadian Political Science.* Workshop: Chilly Climates, Then and Now. Canadian Political Science Association Annual Conference (Congress), University of Western Ontario, London, ON. *Conference cancelled due to Covid-19.*

Pin, L., Haley, TL. (2020, June) *Homelessness on the Rural-Urban Fringe: The Case of Dufferin County.* Urban Policy and Marginalized Groups. Canadian Political Science Association Annual Conference (Congress), University of Western Ontario, London, ON. *Conference cancelled due to Covid-19.*

* Authors contributed equally to publication; authors listed in alphabetical order.

^ Denotes community collaborator

+ Denotes a student collaborator

*Haley, TL., **Pin, L.**, and Phillips, E. (2020, March). Towards A Disability Positive Approach to Semi-Rural Homelessness. Paper being presented at the Housing First Partners Conference. Roosevelt Hotel, Seattle, WA. *Conference cancelled due to COVID-19*

Pin, L. (2019, Aug.). Exploring the Social Struggles over Redevelopment in a Chicago Neighbourhood. Paper presented at the Society for the Study of Social Problems (SSSP) Annual Conference. Roosevelt Hotel, New York, NY.

Pin, L. (2019, May). 'Sorry, Not Sorry': Troubling our Positionality as non-Indigenous Educators Teaching on the Canadian State. Workshop: Teaching and Learning after the TRC. University of British Columbia, Vancouver, BC.

Pin, L. (2019, May). Bridging the Gap between Electoral and Participatory Democracy: The Electoral Motivations behind Participatory Budgeting. Paper being presented at the Canadian Political Science Association (CPSA) Annual Conference, University of British Columbia, Vancouver, BC.

Pin, L. (2019, May). Intersections of Race, Class and Citizenship in Participatory Democracy: Interrogating the Racial Dynamics of Participatory Budgeting. Paper being presented at the Canadian Political Science Association (CPSA) Annual Conference, University of British Columbia, Vancouver, BC.

Pin, L. (2018, Oct.). Bottom-Up or Top-Down? Participatory Budgeting and Community Empowerment. Paper presented at the Participate!, University of Illinois, Chicago, ON.

Pin, L. (2018, Apr.). "How Would You Spend a Million Dollars?" A Tale of Neighborhood Redevelopment and Participatory Budgeting. Paper presented at the Urban Affairs Association Annual Conference, Sheridan Hotel Center, Toronto, ON.

Pin, L. (2017, Aug.). What can Critical Theory Teach us about Participatory Budgeting? Paper presented at the American Political Science Association (APSA) Annual Conference. San Francisco, CA.

Pin, L. (2017, Aug.). "How Would You Spend a Million Dollars?" A Tale of Gentrification and Pro-Poor Budgeting. Paper presented at the Society for the Study of Social Problems (SSSP) Annual Conference. Hotel Bonaventure, Montreal, QB.

Bernhardt, N. and **Pin, L.** (2017, May). 'Real' Politics and 'Identity' Politics: resisting the reprivatizing of particular 'identities' in political discourse. Paper presented at the Canadian Political Science Association (CPSA) Annual Conference. Ryerson University, Toronto, ON.

*Gray, M. and **Pin, L.** (2016, Nov.). Decolonizing Sexual Violence Organizing on Campus: Anti-Carceral and Anti-Racist Approaches. Presentation at the Decolonizing Conference. OISE University of Toronto, Toronto, ON.

Pin, L. (2016, May). Governing Democracy: Participatory budgeting, deliberative democracy and urban governance. Paper presented at the Canadian Political Science Association (CPSA) Annual Conference. University of Calgary, Calgary, AB.

*Bernhardt, N. and **Pin, L.** (2016, May). What's in a name? Disciplinary Engagement with 'Identity Politics' in Canadian Social Sciences. Presentation at the Women's and Gender Studies et Recherches Féministes (WGSRF) Annual Conference. University of Calgary, Calgary AB.

* Authors contributed equally to publication; authors listed in alphabetical order.

^ Denotes community collaborator

+ Denotes a student collaborator

*Bernhardt, N. and **Pin, L.** (2016, May). 'Identity Politics' Backlash: Interrogating Disciplinary Engagement with Marginalized 'Identities' within Canadian Social Sciences. Paper presented at the Interdisciplinary Center for Gender Studies International Congress. Institute of Social and Political Sciences Universidade de Lisboa, Lisbon, Portugal.

Pin, L. (2015, May). Global Austerity and Local Democracy: Participatory Budgeting in Hamilton, ON. and Guelph, ON. Paper presented at the Contesting Canada's Future Conference. Trent University. Peterborough, ON.

Pin, L. (2014, May). Does Deliberative Democracy Work? An Investigation of Participatory Budgeting in Guelph, ON. and Hamilton, ON. Paper presented at the Canadian Political Science Association (CPSA) Annual Conference. Brock University, St. Catharines, ON.

Pin, L. (2014, April). Reconstructing the nation through mega events: The Vancouver 2010 Olympic Games and Indigenous Peoples. Paper presented at the International Studies Association Conference. Sheraton Hotel, Toronto, ON.

Pin, L. (2014, Feb.). Global Austerity and Local Democracy: Participatory Budgeting in Hamilton, ON. and Guelph, ON. Paper presented at the Bell Chair Graduate Student Conference. Carleton University, Ottawa, ON.

PROFESSIONAL DEVELOPMENT

Community-Based Research II. (Summer 2019). Society for the Study of Social Problems. Roosevelt Hotel, New York, NY. Interactive Workshop.

Community-Based Research I. (Summer 2018). Society for the Study of Social Problems. Hotel 201, Philadelphia, PA. Interactive Workshop.

TA Certificate in Teaching (TACT). (Spring 2015). York University Teaching Commons, Toronto, ON. SEDA Accredited Certificate Course

Advanced Research Design Seminar. (Fall 2015). Institute for Social Research, York University, Toronto, ON. Certificate Course.

Conducting Focus Groups for Social Research. (Spring 2015). Institute for Social Research, York University, Toronto, ON. Interactive Workshop.

TEACHING

Instructor: Human Rights in Canada (PO 498)
Department of Political Science

Jan. 2022-Apr. 2022
Wilfrid Laurier University

Instructor: Public Policy Analysis (PO 345)
Department of Political Science

Jan. 2022-Apr. 2022
Wilfrid Laurier University

Instructor: Politics and Government in Canada (PO 263)
Department of Political Science

Sept. 2021-Dec. 2021
Wilfrid Laurier University

* Authors contributed equally to publication; authors listed in alphabetical order.

^ Denotes community collaborator

+ Denotes a student collaborator

Instructor: Community Housing Policy in Canada (PO 691) Department of Political Science	Sept. 2021-Dec. 2021 Wilfrid Laurier University
Instructor: Public Policy, Challenges & Prospects (POLS 3250) Department of Political Science	Sept. 2020-Dec. 2020 University of Guelph
Instructor: Public Policy, Challenges & Prospects (POLS 3250) Department of Political Science	Sept. 2020-Dec. 2020 University of Guelph
Instructor: Public Policy, Challenges & Prospects (POLS 3250) Department of Political Science	Sept. 2020-Dec. 2020 University of Guelph
Instructor: Public Policy, Challenges & Prospects (POLS 3250) Department of Political Science	Sept. 2020-Dec. 2020 University of Guelph
Instructor: Intergovernmental Relations in Canada (CPPA 425) FNTI Public Policy and Administration Program *co-taught with Annelies Cooper	Sept. 2019-Dec. 2019 Ryerson University
Instructor: Canadian Politics and Government (CPPA 120) FNTI Public Policy and Administration Program	Sept. 2018-Dec. 2018 Ryerson University
Instructor: Canadian Politics and Government (CPPA 120) FNTI Public Policy and Administration Program	Sept. 2017-Dec. 2017 Ryerson University
Instructor: Canadian Urban Policy (POLS 4110) Politics Department	Jan. 2017-April 2017 York University

GUEST LECTURES

Pin, L. (Winter, 2022). Social Innovation Advisor. SE 364 Social Innovation in the City. Wilfrid Laurier University, Waterloo, ON.

Pin, L. (Fall, 2021). Community Engaged Research. PO 478 Social Science Theories. Wilfrid Laurier University, Waterloo, ON.

Pin, L. (Winter, 2021). Pandemic Disruptions and Engagements. UNIV2020 Creativity, Research, and Scholarship in a Time of Crisis. University of Guelph, Guelph ON.

Pin, L. (Fall 2019). Community-Based Research Methods. Guest Lecture for SSH 301 Research Methods. Ryerson University, Toronto, ON.

Bernhardt, N. and **Pin, L.** (Fall, 2017). Equity in the Classroom. Teaching Assistant Workshop for Graduate Students. York University, Toronto, ON.

Pin, L. (Spring 2016). Participatory Budgeting in Chicago. Guest Lecture for Great Cities Institute Lunch Series. Chicago, IL.

Pin, L. (Winter 2016). Participatory Budgeting and Deliberative Democracy. Guest Lecture for POLS 6155 Democratic Administration. York University, Toronto, ON.

Pin, L. (Winter 2016). Women and Politics. Guest Lecture for POLS 2910 Canadian Politics in Comparative Context.

Pin, L. (Winter 2015). Participatory Budgeting and Deliberative Democracy. Guest Lecture for POLS 6155 Democratic Administration. York University, Toronto, ON.

PROFESSIONAL MEMBERSHIPS

CPA Canadian Political Science Association (2015-present)

UAA Urban Affairs Association (2018-present)

SSSP Society for the Study of Social Problems (2018-present)

APSA American Political Science Association (2017-2018)

SOFTWARE PROFICIENCIES

NVIVO 12 for qualitative data analysis

SPSS for quantitative data analysis

EXCEL for quantitative data analysis and data visualization

VISME for data visualization

REFERENCES

Dr. Leah Levac

Associate Professor

Department of Political Science, University of Guelph

(519) 824-4120 ext. 56065

llevec@uoguelph.ca

Dr. Dennis Pilon

Associate Professor

Department of Politics, York University

(416) 736-2100 ext. 88826

dpilon@yorku.ca

Dr. Karen Murray

Associate Professor & Department Chair

Department of Politics, York University

(416) 736-2100 Ext: 88832

murrayk@yorku.ca

Dr. Deborah Stienstra

Professor

Department of Political Science, University of Guelph

(519) 824-4120 Ext: 54553

deborah.stienstra@uoguelph.ca

THIS IS **EXHIBIT “B”** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
AFFIRMED THIS 7TH DAY OF SEPTEMBER, 2022

DocuSigned by:

Ashley Elizabeth Schuitema

F793F43B57D44F6...

ASHLEY ELIZABETH SCHUITEMA

A Commissioner, etc.,

Province of Ontario,

While a Barrister and Solicitor.

LSO # 68257G

Homeless Encampments Through a Human Rights Lens

Municipal Policies and Recommendations

Executive Summary

The visibility of unhoused people living in encampments, on public or private lands (has drawn attention to the growing issue of unsheltered homelessness, and highlighted socioeconomic and legal challenges of regulating these spaces.

This paper builds on a community-engaged research project with the Region of Waterloo and uses a socio-legal perspective to provide a comparison of encampment protocols among seven municipalities: Waterloo, ON; Sudbury, ON; Toronto, ON; Hamilton, ON; Kingston, ON; Brantford, ON; and Winnipeg, MB. Municipal encampment responses were classified to assess the degree of criminalization present and whether policies were consistent with a human rights approach to housing and homelessness.

Our analysis found significant variation among municipal approaches, even among jurisdictions in the same provincial policy context. Responses to encampments on public and private land differed, as did the degree of engagement of encampment residents and outreach services offered. The findings suggest that municipalities could better engage with human rights principles in responding to encampments.

Acknowledgements

We appreciate assistance from staff at the Region of Waterloo in conceptualizing and thinking through this project. We also are appreciative of the Canadian Observatory on Homelessness agreeing to host this project. We are very grateful to Shawna Reibling, knowledge mobilization officer, Wilfrid Laurier University for her editorial and design work in producing the final report. Any errors, inaccuracies or omissions remain the responsibility of the authors.

In so-called Canada, discussions of housing, homelessness, and eviction are intimately connected to the forced displacement of Indigenous peoples from these lands. In Waterloo Region, this includes the failure to honour the Haldimand Treaty of 1784 and the displacement of Six Nations of the Grand River from treaty territory in the Region. We recognize that researching and writing about housing and homelessness as settlers requires working towards more just relations with Haudenosaunee and other Indigenous peoples where we live and work.

Overall Recommendations

01 Addressing encampments cannot be a substitute for addressing homelessness. The creation of more permanent affordable housing, including supportive housing, is the only long-term solution to the problem of unsheltered homelessness. Encampments are but one symptom of the problem of unsheltered homelessness.

02 Implement a human rights-based response to homeless encampments based on the National Protocol for Homeless Encampments in Canada.

The findings suggest that municipalities could better engage with human rights principles in responding to encampments. This should begin with greater consideration of how current laws and bylaws align to commitments to housing as a human right.

The following recommendations detail how to implement a human rights-based response:



Recommendations Consistent with Principle 2

Ensure meaningful engagement and effective participation of encampment residents

03 **Respect the autonomy of residents regarding their housing decisions.**

For many residents, encampments may be the only viable shelter option. Even if emergency shelter spaces are available, these spaces may not be safe or suitable. Encampment residents should have opportunity to express their personal needs, and outreach staff should work with residents to find individualized options that meet a given residents' needs.

04 **Use a trauma-informed approach when engaging with residents to work towards meaningful interactions and opportunities to build trust.**

One aspect of a trauma-informed approach would be to use a single point of contact (SPOC) approach to communication, which will reduce the retelling of traumatizing stories related to the needs and choices of encampment residents. This may include an organized system of information gathering which is easily transferable.

05 **Ensure transparency and accountability in all engagements with encampment residents.**

This may include mechanisms for residents to provide feedback and note concerns in relation to interactions with staff, bylaw and other municipal actors. Most importantly, transparency and accountability are key factors when information gathering occurs, as it is crucial to notify residents what the information gathered is being used for, and how it will be stored.

Most municipalities appreciated the importance of engagement with encampment residents to provide insight on the complexities of homelessness and connect individuals with services and housing options.

Recommendations Consistent with Principle 4

Explore all viable alternatives to eviction.

06

Harmonize and update municipal bylaws. Many bylaws in the municipalities reviewed were over 10 years old, and do not reflect the dire nature of the affordable housing crisis in Canada, nor do they reflect the increased presence of encampments across municipalities nationwide.

07

Explore pathways for developing sanctioned encampment locations, either provisionally or permanently. Provisionally sanctioning an encampment can provide time for outreach workers to develop safe, appropriate and permanent housing alternatives with encampment residents. Permanently sanctioning an encampment lessens fear of forced removal, creating an opportunity to refocus the relationship between encampment residents and staff on addressing the factors contributing to homelessness and working with individual residents to develop housing alternatives.

08

Take steps to reduce the criminalization of people experiencing homelessness. Housing advocates hold the view that enforcing fines for minor provincial offences and bylaw transgressions are concerning when issued to homeless individuals not only because of the tension they create between law enforcement and homeless communities but also because of the steep nature of imposed fines, many of which are never paid. Issuing fines is a reactive encampment management technique, not a proactive one, which may create significant financial barriers for unhoused people in accessing housing, employment and public services.

Encampments serve as vital short-term shelter for those that do not have safe and affordable housing, and for those that face barriers to accessing the emergency shelter system.

Recommendations Consistent with Principle 5

Ensure that any relocation is human rights compliant.

09

Relocation should be voluntary and to housing that meets human right standards and the individual needs of residents. If needed, storage should be provided for personal belongings of residents during relocation.

Recommendations Consistent with Principle 6

Ensure encampments meet basic needs of residents consistent with human rights.

10

Address safety concerns at encampment locations without resorting to forced removal of residents. When safety concerns arise, work with encampment residents to provide services that address the specific safety concerns. Water, garbage disposal, sanitation, and fire safety education are all services provided to residents by municipalities and the first response to safety concerns should be the provision of these services.

Recommendations Consistent with Principle 8

Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all encampment engagements.

11

The existence and management of encampments has important implications for relationships between municipalities and urban Indigenous communities. Indigenous people are overrepresented in the unsheltered homeless population (Hoye, 2021), therefore international human rights treaties and Indigenous leadership must be considered in encampment management discussions. The consultation process must consider engaging Indigenous peoples in a transparent manner, consistent with recognition of land and treaty rights and Canada's human rights obligations.



National Protocol for Homeless Encampments in Canada

Adapted from Farah and Schwan, 2020

This protocol, produced by the former United Nations Special Rapporteur on the Right to Adequate Housing and her research team, identifies that encampment residents are rights holders should not be criminalized for their lack of permanent housing (Farah and Schwan, 2020). It outlines eight principles for a government response to encampments grounded in human rights principles.

This assessment compares municipalities utilizing five of the eight principles in the National Protocol when responding to managing residents in homeless encampments. The principles were chosen due to their relevance to municipalities as policy actors.

- 01** PRINCIPLE 1: RECOGNIZE RESIDENTS OF HOMELESS ENCAMPMENTS AS RIGHTS HOLDERS.
- 02** PRINCIPLE 2: MEANINGFUL ENGAGEMENT AND EFFECTIVE PARTICIPATION OF ENCAMPMENT RESIDENTS.
- 03** PRINCIPLE 3: PROHIBITION OF FORCED EVICTIONS OF ENCAMPMENTS.
- 04** PRINCIPLE 4: EXPLORE ALL VIABLE ALTERNATIVES TO EVICTION.
- 05** PRINCIPLE 5: ENSURE THAT ANY RELOCATION IS HUMAN RIGHTS COMPLIANT.
- 06** PRINCIPLE 6: ENSURE ENCAMPMENTS MEET BASIC NEEDS OF RESIDENTS CONSISTENT WITH HUMAN RIGHTS.
- 07** PRINCIPLE 7: ENSURE HUMAN RIGHTS-BASED GOALS AND OUTCOMES, AND THE PRESERVATION OF DIGNITY FOR ENCAMPMENT RESIDENTS.
- 08** PRINCIPLE 8: RESPECT, PROTECT, AND FULFILL THE DISTINCT RIGHTS OF INDIGENOUS PEOPLES IN ALL ENGAGEMENTS WITH ENCAMPMENTS.

Farha, L. & Schwan, K. 2020. [A National Protocol for Homeless Encampments in Canada](https://make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf). Online at make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf

Four Types of Communities Responses to Encampments:

Typology created by Cohen et al. (2019)

Clearance with little or no support

- Only given a few days' notice of sweeps
- Short-term storage of belongings
- Few referrals
- High likelihood of police involvement

Scenario: Encampment is cleared without any alternative shelter options provided for individuals experiencing homelessness.

Clearance with support

- Notice of sweeps given weeks in advance
- Long-term storage of belongings
- Referrals provided
- High likelihood of police involvement

Scenario: Trained outreach workers attempt to ensure that an individual has a place to stay once the encampment is cleared and municipalities may provide short-to-medium term storage of residents' belongings.

Tacit acceptance

- Persist regardless of laws
- Basic services provided
- Potentially outreach workers to provide housing support
- Moderate likelihood of police involvement
- Selective enforcement of municipal encampment regulations

Scenario: Regions often choose to practice tacit acceptance when they do not receive pressure to clear encampments, or to reduce the costs associated with enforcing anti-camping bylaws. This approach reduces criminalization of encampment residents, but also leaves them vulnerable changes in enforcement practices.

Formal sanctioning

- Permitted by law on public or private property
- Infrastructure provided
- Case management for housing or other benefits
- Moderate to low likelihood of police involvement

Scenario: The law is changed to permit an encampment to remain and individuals are no longer contravening the law. Some criminalization is still present, as other municipal and provincial regulations may be used to restrict the activities of residents.

This analysis uses the above typology and the human rights approach outlined by The National Protocol for Homeless Encampments in Canada. The National Protocol, see page two, outlines eight principles to guide a government response to encampments.

Encampments in Canada - Setting the Scene

Homelessness is a policy concern that extends across the country. For individuals experiencing homelessness, there are typically three options for seeking shelter. The first is through emergency shelters providing housing and crisis services (Goering, 2014). The second is “couch surfing” – temporarily staying with a friend or relative. The third option is staying in an encampment. Colloquially, encampments are often referred to as tent cities, although using “encampment” instead of “tent city” takes into consideration the fact that not all shelters being utilized are tents.

An example of an encampment local to Waterloo Region is the recently established “Better Tent City” in Kitchener, which is composed of tiny homes for individuals to dwell in and communal resources like laundry and bathing facilities that are shared among residents (Duhatschek, 2021b).

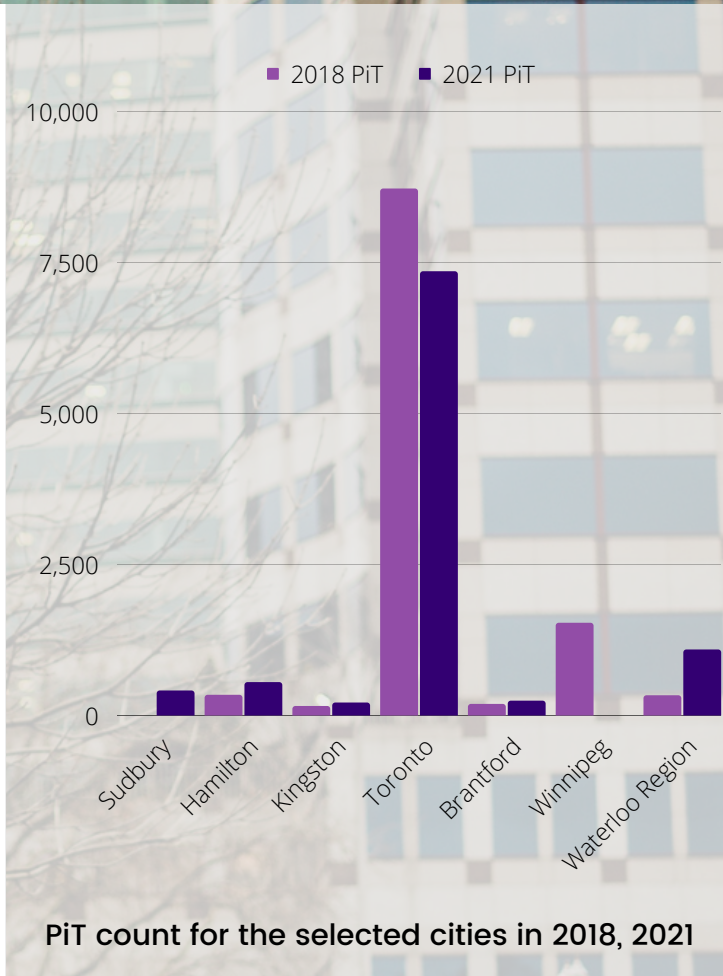
Many encampments, however, are structurally more temporary, and most lack formal amenities. Since encampment structures are not intended for long-term occupancy, it is difficult for policymakers to understand why an individual experiencing homelessness would opt to live in an encampment rather than in a homeless shelter (Cohen et al., 2019).

Encampments are defined as “any area wherein an individual or a group of people live in homelessness together, often in tents or other temporary structures (also referred to as homeless camps, tent cities, homeless settlements, or informal settlements)” (Farha and Schwan, 2020: 5).

Encampments Across Canada

The overall presence of encampments in Canada appears to be on the rise (Farah and Schwan, 2020; Moore and Gray, 2021). Although there is no national data on encampments Point-in-time (PiT) counts are used as a base measurement of sheltered and unsheltered homelessness in Canada, consistent with the federal "Everyone Counts" initiative. PiT counts are intended to capture a snapshot of the number of people experiencing homelessness at a given time, and therefore cannot fully determine the extent of homelessness in a given area (Strobel et al. 2021). Data from the most recent (2021) PiT counts across Canada indicates many municipalities have experienced growth in the number of people experiencing homelessness, and the number of people experiencing homelessness who are unsheltered (Duhatschek, 2021a; CBC News, 2021).

Highly relevant to Canada's settler colonial context is the overrepresentation of Indigenous peoples among those experiencing homelessness (Anderson and Collins, 2014; Uppal, 2022).



In some municipalities, like the Region of Waterloo and the City of Winnipeg, researchers estimate more than 50 percent of the homeless population is Indigenous (Groleau, 2021, Distasio et al., 2018). Thus, the existence and management of encampments by municipalities has important implications for relationships between municipalities and urban Indigenous communities.

Why Encampments: Push Factors

There are several reasons why people experiencing homelessness live in encampments: Some reasons are a result of push factors:

- Absence of shelters (Ha et al., 2015; Haley et al., 2022).
- Shortage of beds (Ha et al., 2015; Haley et al., 2022).
- Absence of appropriate shelter facilities (Ha et al., 2015; Haley et al., 2022).
- Restrictive criteria that dissuade homeless individuals from accessing this housing (Cohen et al., 2019; Donley & Wright, 2012; Young et al., 2017).
- Shelters require check-ins at a certain hour; Individuals who arrive late are turned away (Cohen et al., 2019; Ha et al., 2015).
- Sobriety requirement - individuals may not qualify for overnight stay if there is reason to believe they are inebriated, which is an issue embedded in the broader criminalization of homelessness (Bardwell et al., 2018; Cohen et al., 2019).
- Threat of theft of belongings and conflict with residents can deter use of shelters (Ha et al., 2015).
- Shelters are not appropriate to all family structures. For example, if there is an entire family seeking shelter together and the shelter only accepts female residents, families might opt to live together in an encampment instead (Cohen et al., 2019, Haley et al., 2022).
- Pets are typically not permitted at shelters.
- Criminalization can also be a barrier to shelter use. Donley and Wright (2012) note that a deterrent to shelter use among homeless individuals is concern about the enhanced presence of police officers near shelters and an increased risk of arrest.
- Stigma associated with shelter use (Ha et al., 2015).
- Stigmatizing interactions with shelter staff (Ha et al., 2015).

Why Encampments: Pull Factors

People may live in encampments rather than shelters because of pull factors:

- Encampments permit more freedom for residents: they can come and go as they please and are able to self-govern and self-regulate among one another.
- Lack of permanence associated with shelters, where individuals feel as though they are guests who are expected to only be visiting in the short term and there is some possibility for incompatibility among residents (Cohen et al., 2019).
- Individuals may live in encampments for the sense of security offered. Since encampments contain groups of people co-existing as a community, individuals experiencing homelessness who live on their own do not experience this same sense of security (Cohen et al., 2019; Kauffman, 2020; Young et al., 2017).

Research suggests encampment residents appreciate a sense of autonomy in encampments, whereas shelters are perceived by individuals as institutions that are heavily monitored and controlled.
(Cohen et al., 2019; Donley & Wright, 2012)

Legal Context of Encampments

The regulation of encampments closely relates to the criminalization of homelessness. Olson and Paul (2021) discuss how encampments are frequently portrayed through three intertwined narratives:

Individual Shortcomings

This narrative relies on the assumption that homelessness is a result of individual shortcomings. This ignores the self-determination of residents and views homelessness in a pathologized way. It implies that individuals can be 'cured' of homelessness as a result of intervention by social service providers and medical professionals (Dej, 2016; Olson & Paul, 2021).

Mental Health/Substance Use

Common mental health and addictions treatment programs can play into the individual deficiencies narrative through an emphasis on taking personal responsibility for addiction, rather than examining systemic factors that marginalize people who use substances (Dej, 2016).

Social service providers encourage people experiencing homelessness and using substances to embrace these programs, which pathologizes the responsibility a homeless person is expected to take to 'cure' themselves of addiction and this presents homelessness as an individual pathology rather than a systemic issue exacerbated by underinvestment in affordable and/or supportive housing (Dej, 2016).

Criminalization

Substantial academic work has examined the criminalization of homelessness, that is, how homeless individuals are portrayed as frequent violators of laws, and how survival actions of homeless individuals have been defined as criminal offenses in provincial and municipal legislation.

Public opposition to encampments is often rooted in these narratives, bolstered by a fear of increased crime and the belief that encampments impose a risk to public health (Olson and Paul, 2021). These common narratives of homelessness fail to account for the structural factors that cause homelessness and deny encampment residents the human right to access adequate food, housing, and sanitation (Dej, 2016; Olson & Paul, 2021).

Legal Regulation of Encampments in Canada

Some advocates believe that the legal regulation of encampments at any level can enhance the criminalization of encampment residents since regulation often calls for the involvement of police (Talge, 2010: 782). Herring and Lutz (2015) discuss how discourse related to the criminalization of homelessness often arises from antisocial behaviour laws that give police the authority to expel homeless people from public spaces. Recent encampment evictions involving law enforcement, including those that have taken place in Toronto, ON, Hamilton, ON, and Kitchener, ON, have become controversial due to the levels of police enforcement and destruction of residents' shelters and belongings (Gibson, 2021; Bron, 2021; Bholla, 2021).

Scholars have identified the criminalization of homelessness as an emerging model of urban governance, purifying the streets through punitive measures (Herring and Lutz, 2015: 690). Broadly speaking, these punitive measures can stem from the pathologizing of homelessness as noted by Dej (2016) in that court-ordered mental health and/or addiction treatment can be seen as both a punishment and a cure for elements of homelessness. The criminalization of mental illness operates in tandem with the criminalization of homelessness both in the delivery of social services, law enforcement, and in academic research (Dej, 2016). In response to this, municipalities with large populations of people experiencing homelessness have opted for one of two strategies:

Containment

- In the American context, it includes the centralization of a homeless population.
- Used in Los Angeles
- Can provide more centralized relief and service access to people living on the streets (DeVerteuil et al., 2009).

Revanchism

- Well-known for its use in New York
- Views public space as territory belonging to municipalities
- Seeks to force homeless people to relocate (DeVerteuil et al., 2009).

Ultimately, it is the provincial and municipal levels of governments that structure the legal response to encampments.

Provincial Regulations: Laws and Fines

People who are experiencing homelessness can be subject to tickets and fines under provincial legislation. Since many municipalities have not developed bylaws specific to encampments, law enforcement often relies on issuing provincial offence charges to discourage or dismantle encampments. The Trespass to Property Act 1990 (TPA) is one article of provincial legislation that supersedes any municipality's bylaws pertaining to property access. According to Section 2 of the TPA, individuals convicted of trespassing in provincial court can receive a monetary fine up to \$10,000. This legislation is applicable on both private and public property.

Since the spaces or infrastructure are owned regionally or by provincial governments, those being served notices to vacate and are also subject to tickets and fines under Ontario's Highway Traffic Act 1990 (HTA). Law enforcement personnel have the power to fine trespassers for littering pursuant to HTA Section 180, which holds that anyone seen to be keeping or discarding of materials outside a designated receptacle can receive a fine between \$85 and \$500 (Ontario Court of Justice, 2021).

Similarly, Ontario's Safe Streets Act 1999 (SSA) targets homeless individuals and communities. Disposing of syringes or sexual wellness materials in public spaces, which can include land owned by municipalities, imposes fines of \$100 per offence. Fines for soliciting in or near public washrooms, transit vehicles, or transit stops costs offenders \$50 per violation (Ontario Court of Justice, 1999).

Scholarly review of the SSA has found that it is more concerned with what is considered "anti-social behaviour" than public safety and reflects broader legislation development trends that attempt to discourage homeless people from using public spaces (O'Grady et al., 2013). These trends have been identified in the United States, United Kingdom, and Canada.

Housing advocates hold the view that fines for these offences are concerning when issued to homeless individuals not only because of the tension they create between law enforcement and homeless communities, but also because of the steep nature of imposed fines, many of which are never paid.

Provincial Regulations: Fines

O'Grady et al (2013) have indicated that Canadian municipalities' areas of overlap with provincial legislation like Ontario's SSA make for a jurisdictionally complex legal case, as those found to be violating a bylaw that is also a provincial offence can be ticketed/fined for both. According to Homeless Hub (2021), the first eleven years of SSA enforcement cost the City of Toronto and Province of Ontario more than it was able to earn back in fines:

- over \$4 million worth of fines were issued under the SSA in Toronto alone from 2000 to 2011.
- 99% of those tickets went unpaid.

The SSA also allows homeless and street-involved individuals to be imprisoned for second and subsequent commissions of offences, which although rare, could cause them to lose access to the financial benefits and social supports they may need to stay alive (Homeless Hub, 2021). Under the HTA, individuals with unpaid provincial offences tickets (including those issued under the TPA and SSA) are unable to apply for drivers' licenses or renewals of existing licenses, which creates additional barriers for those who are working to overcome chronic homelessness and may need a drivers' license to secure employment.

Enforcing provincial offences against homeless people is not financially productive for any branch of government involved in the prosecution of those offences. It also deepens the cycle of poverty experienced by homeless people.

Municipal Bylaws

Municipal bylaws can also be used to govern encampments on municipally owned land, even if they do not address encampments specifically. Many bylaws in the municipalities reviewed were over 10 years old, and do not reflect the dire nature of the affordable housing crisis in Canada, nor do they reflect the increased presence of encampments across municipalities nationwide.

Many of the municipal bylaws relevant to the governance of encampments concern municipally owned parks and greenspaces. City parks remain under the jurisdiction of individual municipalities pursuant to Ontario's Municipal Act 2001. The City of Toronto has park dwelling bylaws similar to those in other medium and large sized cities, including Kitchener and Cambridge, although Toronto's bylaws 608-13 and 608-14 guide pertain specifically to complaints about homeless encampments in city parks. As per the City of Toronto's 2021 bylaw directory, residents aware of a homeless encampment in a public park are able to call 311 and file a report. While not all municipalities direct citizens to report encampment sightings to bylaw enforcement, the presence of similar bylaws in many municipalities can lead to criminalization and eviction of encampment residents (Gibson, 2021; Casey, 2021).

In two tier municipalities, there is additional complexity in terms of the relationship between lower tier and regional governments in setting local bylaws. For example, the Region of Waterloo's three largest municipalities – Kitchener, Waterloo, and Cambridge – all have similar yet separate bylaws that can be used to govern encampments on municipally owned land. City of Cambridge bylaw 162-10.3.m and City of Kitchener Municipal Code section 270.4.2.h prohibit individuals from dwelling and establishing structures (temporary and permanent) on municipal grounds, specifically in public parks. Although the City of Waterloo does not have a similar bylaw in relation to parks, its public nuisance bylaw 2011-25.2 contains language and directives that could be used to ticket or remove those establishing encampments in city parks.

The City of Toronto's handling of encampment evictions has been controversial, especially regarding its use of Toronto Police Services. During the eviction of encampment residents, journalists, protesters, and observers were injured and/or arrested by Toronto Police. More context: [Investigation finds officer used unnecessary force at clearing of homeless encampment](#), [Toronto's Ombudsman to Investigate Homeless Encampment Clearings](#)

Municipal Bylaws

The Region of Waterloo's 2013 Code of Use Bylaw (13-050), passed in 2013, is the Region's most recent and most relevant bylaw when it comes to the regulation of encampments. It was engaged in the Region's demolition of an encampment on November 26, 2021.

Five residents of an encampment behind a transit stop on Charles Street in Kitchener, ON., were evicted on November 26, 2021. [Details](#)

Although part of the bylaw pertains to signage posting guidelines on regional property, much of its content addresses trespassing on property owned by the Region. This includes buildings and grounds owned by the Region as well as public transportation vehicles but also includes regionally owned land around roadways, bridges, and over/underpasses. Under this bylaw, trespassing itself is considered a prohibited activity that is first addressed through verbal warnings, then written warnings and posted signage if the preliminary means of communication are not effective.

While unpaid fines might be considered a costly consequence of ticketing homeless people and encampment residents at the municipal and provincial levels, it is not the only cost that requires consideration: dispatching law/bylaw enforcement to dismantle encampments and evict their residents is also extremely costly.

In 2021, the City of Toronto spent over \$840,000 dismantling encampments at Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium, in addition to the over \$792,000 spent re-landscaping the parks' amenities afterwards (City of Toronto, 2021). These high totals also do not include the costs of involving police, which was also heavily criticized for the high levels of physical force officers used on encampment residents and protestors during various 2021 evictions (Gibson, 2021).

The costs of encampment eviction and management when eviction remains the main goal go far beyond what some municipalities may be able to anticipate or budget.

Municipal Bylaws

In response to the increasing prevalence of encampments, as well as concerns for the cost-effective regulation of these spaces, municipalities are developing new protocols to manage encampments on public and private lands. These protocols typically provide guidance for staff concerning the appropriate application of relevant bylaws, procedures to be followed once the municipality becomes aware of an encampment, and guidance on when and how specific municipal agencies should become involved. Many municipal protocols also intersect with Housing First guidelines for addressing homelessness.

The Housing First approach is an evidence-based approach that holds that individuals experiencing homelessness will be in a much worse position if they continue to remain homeless and should be housed without any preconditions for accessing mental health or substance use treatment (Turner, 2014).

The approach asserts that stable housing and the necessary support in place is the first step to recovery of an individual experiencing homelessness. Other core principles of a Housing First approach include offering any required treatment services as well as integrating housing to the community and promoting self-sufficiency for residents (Turner, 2014).

For a municipality to successfully apply a Housing First approach to their encampment protocol, oftentimes the entire organizational infrastructure must be aligned in a way that supports its implementation (Turner, 2014).

Study Comparisons

Municipalities Compared

In November 2021, we reviewed protocols for managing encampments from six municipalities:

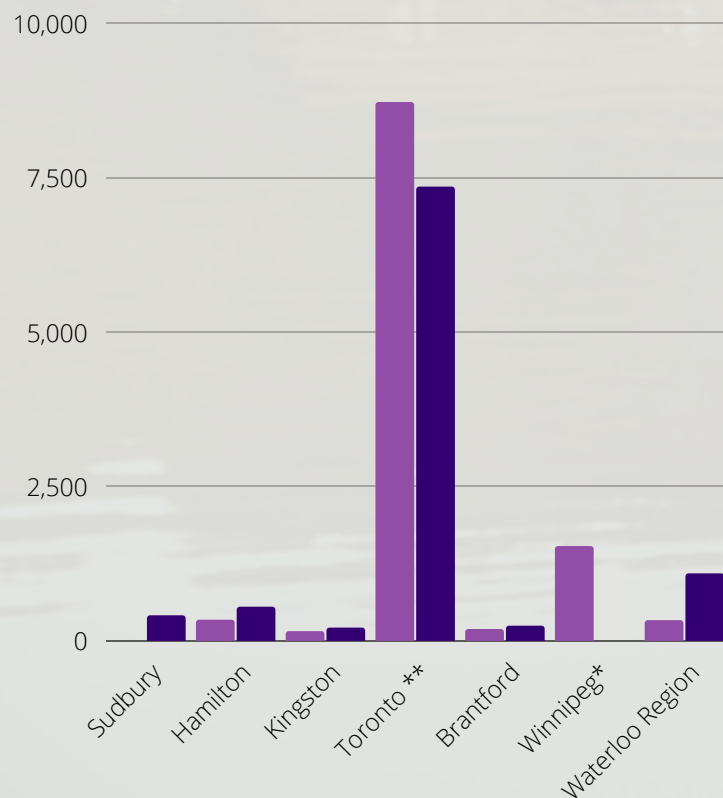
- Sudbury, ON;
- Toronto, ON;
- Hamilton, ON;
- Kingston, ON,
- Brantford, ON; and
- Winnipeg, MB.

These municipalities were selected based on available data regarding unsheltered homelessness over the last five years and are representative of a variety of demographics and sizes: some cities some are larger, and some are more rural. These cities were not chosen for having similar approaches to encampments but were chosen based on available data for the purposes of a comparative analysis.

The PiT count for the selected cities in 2018, including available 2021 PiT for ROW and Toronto. Data regarding the PiT was not available for 2021 for all cities.

* Some data missing because enumeration did not follow federal PiT guidelines, so is not directly comparable

** The City of Toronto attributes this decline to a decline in the number of refugee families in due to COVID-19 related border restrictions



Municipal Protocol Comparisons

How do Communities Respond to Encampments?

The view that housing is a human right guides the federal government's current housing policy as well as some municipal approaches (NHS, 2018; City of Toronto, 2022; City of Winnipeg, 2022).

The right to housing is also reflected in international human rights principles. Canada is a signatory, specifically to the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. Since Indigenous people are overrepresented in the unsheltered homeless population (Hoye, 2021), international human rights treaties must be considered. Indigenous leadership in discussions of encampment management is crucial. The consultation process must consider engaging in Indigenous peoples in a transparent manner that consistent with cultural and traditional practices and Canada's human rights obligations.

Of the municipal encampment protocols assessed, several began with a listing of guiding principles, such as the protocols of Kingston, ON and Winnipeg, MB. These principles relate directly to some or all eight of the National Protocol's principles and are positioned in ways that guide the operational framework, goals, or objectives of each set of protocols.

These principles guide the comparison of encampment response protocols in the selected municipalities and cities.

Responses to Encampments on Public or Private Lands

Several protocols provided a distinction between public (greenspace, municipal land, or not prohibited) and private (prohibited) land. These include Brantford, Kingston, Hamilton, and Winnipeg. Cities that distinguish between public and private land protocols focus on enforcing individual property rights on private land and municipal bylaws on public land. Cohen et al.'s (2019) typology focuses primarily on public land protocols, as frequently the response for private land protocols is reliant on owner responsibility and police presence. Kingston, ON and Hamilton, ON offer assistance for residents of encampments on private land through street outreach staff. Full protocols in Appendix A.

Public and private encampment protocols in select municipalities

City	Public Land Protocol	Private Land Protocol	Typology
Brantford, ON	Outreach efforts are accompanied by bylaw enforcement staff or community agencies. Staff post bylaw notices. Initial outreach to removal takes approx. 1 week, quicker (48hrs) for repeat encampments.	Property owners' to notify individuals their presence is not permitted. Outreach staff do not visit sites unless permitted. Police can assist with removal if individuals refuse to evacuate.	Clearance with little to no supports
Kingston, ON	Communication and initial ID between bylaw and street outreach staff. Bylaw will then issue a 48hr notice. Serious health, safety, or criminal activity may warrant immediate removal. Street outreach will support individuals with alternatives where necessary through enforcement (which may include police services).	Private landowners contact Kingston Police Services, who will offer support of street outreach (with consent of the landowner). If unsuccessful, police will respond.	Clearance with little to no supports

An important distinction within private land protocols is whether some form of outreach will occur prior to eviction, or whether immediate police intervention and eviction occurs.

Responses to Encampments on Public or Private Lands

Public and private encampment protocols continued

City	Public Land Protocol	Private Land Protocol	Typology
Hamilton, ON	Municipal law enforcement and social navigator program staff provide notice of 14 days. Daily engagement with the response team regarding immediate options follows.	Identical response to public land protocol, without providing a notice of 14 days.	Clearance with support
Winnipeg, MB	Residents will not be asked to leave: an outreach service provider is immediately called to the site and provide any needed support. Process is guided by the City of Winnipeg Encampment Strategy Planning Group and the Kíkinanaw Óma: Strategy to Support Unsheltered Winnipeggers Strategy Group.	Property owners' responsibility to reach out to Winnipeg Police Services.	Tacit acceptance

Additional information about each protocol is available in Appendix A

Protocols consistent with Principle 2

Kingston, ON and Sudbury, ON provided detailed examples of appropriate guidelines for communication and engagement with encampment residents. While other cities touched on the importance of respectful engagement from a human rights approach, these cities detailed main practices and concerns with engagement within each of their protocols.

Engagement responses in Kingston, ON

Main Practices	Main Concerns	Focus
On-site engagement with street outreach staff utilizing trauma-informed approaches who complete intake & referral forms, when possible. Residents are provided with information, resources, opportunities.	Engagement is conducted in a way to ensure encampment residents can participate in decisions that directly affect them.	National Protocol (Principle 2), as it focuses on discussions with, and participation of current encampment residents in decision-making.

Engagement responses in Sudbury, ON

Gather info. on all current encampments (location, structures, risks) and its members (names, current and previous services used, birth date, income sources, etc.), with consent, and consolidate in one place.	Gaining consent and sharing information. Ensure any entity attending the site shares information by way of social services.	Use Housing First approach. Gathering info. is important to assist encampment residents and working to ensure fewer individuals face homelessness.
--	---	--

By obtaining consent to gather and share this information across all entities involved, it ensures that residents do not have to repeat their stories, which may be re-traumatizing.

Protocols consistent with Principle 4

Principle 4, “Explore all viable alternatives to eviction” focuses on effective participation of encampment residents regarding the future, where alternative options to eviction should be presented. Similar to Principle 2, Principle 4 includes some form of communication process with encampment residents to assess any barriers they may face to housing. In terms of the protocols assessed, the majority of them offer a framework for communication with residents prior to the eviction process. For example, in Sudbury’s operational framework, they provide a focus on “individual needs by assisting them access services and supports, including permanent housing” (City of Greater Sudbury, 2021).

Although most of the cities assessed explore alternative housing options with encampment residents, consistent with a Housing First approach, these are most often provided during the outreach and removal processes.

Only one city, Winnipeg, does not immediately provide an eviction date for residents. Instead, as noted within their protocol, those on public land or within transit shelters will not be asked to leave by an outreach service provider (OSP). Instead, necessary supports and resources are provided, including transportation to a shelter or transitional housing placement (City of Winnipeg, 2020).

Most of the municipalities we compared did explore alternative housing with residents, but with the exception of Winnipeg, in all municipalities this occurred as part of an eviction process.

Protocols consistent with Principle 5

Principle 5, “Ensure that relocation is human rights compliant” states that any relocation of encampment residents must recognize the principle “the right to remain in one’s home and community is central to the right to housing” and any relocation must involve the provision of adequate housing (Farha and Schwan, 2020). Several of the municipal protocols reviewed partially recognize this principle.

For example, Hamilton, Brantford, and Sudbury note that “voluntary closure” of an encampment is preferred to bylaw enforcement and/or forcible relocation. Both Kingston and Toronto use identical language, stating, “City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside.”

Thus, in most of the protocols reviewed there is a recognition that relocation ideally is grounded in both voluntary removal and the provision of housing to former encampment residents. However, there are important limits to these provisions, particularly considering the barriers to emergency shelter access and housing discussed earlier. The City of Toronto’s guidelines explicitly state that a refusal of residents to enter the shelter system is not grounds to delay or desist in encampment removal, sentiments echoed in the protocols of Hamilton, Sudbury, and Kingston.

Only Winnipeg’s guidelines provide a process to support residents who choose to remain in an encampment, rather than seek shelter elsewhere. All the guidelines reviewed note that if there are “safety” or “criminality” concerns, encampment removal may occur immediately, regardless of whether residents have other housing options. Given the criminalization of encampment residents and public perception that encampments pose a safety risk, as well as the lack of specific qualification of what constitutes a “safety” or “criminality” threats, there is potential for this language to be used expansively to perpetuate removals in violation of Principle 5.

Finally, available municipal data indicates that in practice few encampment residents transition to formal housing options post-eviction (Beattie, 2021; Taekma, 2021). This suggests that the implicit assumption of the municipal protocols that encampment residents can simply choose to be housed elsewhere is not borne out by experience.

In most of the protocols reviewed there is a recognition that relocation ideally is grounded in both voluntary removal and the provision of housing to former encampment residents.

Protocols consistent with Principle 6

Principle 6, “Ensure encampments meet basic needs of residents consistent with human rights” is concerned with the adequacy of encampments for residents, discussing the need for water, sanitation, fire prevention, waste management, food support, resources to support harm reduction, links to social services, and rodent and pest management (Farha and Schwan, 2020).

Most municipal protocols have very limited consideration of service provision for encampments. The encampment protocol of Hamilton, ON does not reference any service provision beyond attempting to connect encampment residents with other housing options. Sudbury, ON and Kingston, ON both require outreach workers to provide individuals with a list of resources related to accessing support services, including transportation, medical services, and social services.

Only the encampment protocol of Winnipeg, MB references providing material support to encampment residents through the distribution of warm clothing, blankets, food, and harm reduction supplies.

None of the protocols reviewed recognize a need to provide water, sanitation, pest management or garbage removal services to encampment residents.

Protocols consistent with Principle 8

Principle 8, “Respect, protect, and fulfill the distinct rights of Indigenous peoples in all engagements with encampments” presents the important recognition of Indigenous peoples and their rights which are more than Westernized ideals of both property and possession.

It is crucial for the inclusion of Indigenous leadership in engaging with encampments because Indigenous peoples are disproportionately represented within the unsheltered homeless population (Hoye, 2021). Such inclusion would allow for representation of Indigenous Peoples and an opportunity to provide supports which align with cultural and traditional practices.

There is only one city which directly states an engagement with its Indigenous population: Winnipeg. In addition to their other support groups, Winnipeg is a key member of the Kíkinanaw Óma: Strategy to Support Unsheltered Winnipeggers, which helps to guide their encampment support process. This group engages with first responders, City of Winnipeg officials, and other community agencies to support those living unsheltered, while recognizing the over-representation of Indigenous people within the unsheltered population (End Homelessness Winnipeg, 2020).

The other protocols reviewed do not discuss specific supports for Indigenous peoples in encampments, nor note the relevance of Indigenous rights to encampment protocols.

There is only one city which directly states an engagement with its Indigenous population: Winnipeg.

Discussion

Our analysis found similarities in approaches to encampments on private lands, but significant variation among municipal approaches to encampments on public lands, even among jurisdictions in the same provincial policy context, indicating potential for policy-learning among municipalities.

Most municipalities appreciated the importance of engagement with encampment residents to provide insight on the complexities of homelessness and connect individuals with services and housing options. The presence of this type of engagement is likely due to its consistency with a Housing First approach to homelessness, which many municipalities have adopted, however, it is also consistent with Principle 2 of the National Protocol, which emphasizes the importance resident engagement in a human rights approach.

When encampments are sanctioned, this serves as an interim measure in addressing homelessness in a manner consistent with a human rights framework (Cohen et al., 2019; Farah and Schwan, 2020). In our analysis, Winnipeg's encampment protocol was the only protocol consistent with a tacit acceptance approach and was also the only protocol to address key elements of Principle 6, "Ensure encampments meet basic needs of residents consistent with human rights" and Principle 8, "Respect, protect, and fulfill the distinct rights of Indigenous peoples in all engagements with encampments". Both the National Protocol and the City of Winnipeg's encampment protocol highlight the need to incorporate Indigenous land rights and cultural needs in all aspects of encampment management.

The findings suggest that municipalities could better engage with human rights principles in responding to encampment, but that before this can occur, there needs to be a greater consideration of current laws and bylaws in relation to commitments to housing as a human right. Fundamentally, measures that criminalize encampment residents are inconsistent with a view of housing as a human right. Given that many municipal bylaws governing parks and other public spaces predate the recent increase in prevalence of encampments, bylaws may need to be revised, with attention to their relationship to a human rights approach to encampments.

In the municipal encampment protocols reviewed, protocols consistent with a tacit acceptance and sanctioning approach were more likely to be consistent with the human rights principles outlined in the National Protocol.

Limitations

There are two main limitations to our analysis. First, there is a lack of previous research on encampments, as well as a lack of reliable cross-national data on unsheltered homelessness. This limits our ability to relate our findings to previous research and fully articulate the scope of homelessness in our comparator municipalities.

Second, our analysis relies on the encampment protocols as written in policy documents. We did not assess whether these protocols are consistently followed, nor consider the perspectives of encampment residents on the protocols. These are both important areas for future research.

Conclusion

Encampments serve as vital short-term shelter for those that do not have safe and affordable housing, and for those that face barriers to accessing the emergency shelter system.

Many Canadian cities are currently in the process of developing their own encampment protocols. Therefore, within Canadian policy frameworks, systematic analysis of existing encampment protocols can help emphasize the need for these protocols to take seriously the human rights of encampment residents and provide guidance for future policy development.

However, addressing encampments cannot be a substitute for addressing homelessness. The creation of more affordable housing is the only long-term solution to the problem of unsheltered homelessness, of which encampments are but one symptom.

References 1

- Anderson, J. T., & Collins, D. (2014). Prevalence and causes of urban homelessness among indigenous peoples: a three-country scoping review. *Housing Studies*, 29(7), 959-976.
- Bholla, C. (Nov. 27 2021). Questions remain after eviction at Kitchener encampment, region conducting review. The Waterloo Region Record.
- Bron, S. (Nov. 24 2021). Housing activists, police clash over encampment following 'fireball' that destroyed belongings. The Hamilton Spectator.
- Casey, L. (Sept. 28 2021). Toronto's ombudsman to investigate homeless encampment clearings. The Canadian Press.
- CBC News. (Nov. 3 2021). More than 1,000 people are homeless in Waterloo region, point-in-time count finds. CBC News.
- City of Cambridge. (2010). Bylaw number 162-10: Being a by-law of the Corporation of the City of Cambridge to provide for the use, regulation, protection and government of the parks of the City of Cambridge and to repeal by-law 102-10.
- City of Greater Sudbury. (2021). Encampment Action Plan.
- City of Hamilton. (2021). Encampment Response.
- City of Kingston. (2021). City Encampment Protocol/Procedures and United Nations Encampment Protocol (Report Number 21-118).
- City of Kitchener. (2016). Municipal Code chapter 270: Parks.
- City of Toronto. (2021).
 - Homeless encampments in a city park: Filing a complaint.
 - Toronto Municipal Code chapter 608-13: Sleeping in a city park.
 - Toronto Municipal Code chapter 608-14: Tents and structures.
 - Final costs of enforcement of trespass notices in City parks.
- City of Waterloo. (2011). Bylaw number 2011-125: Being a by-law to prohibit or regulate public nuisances within the City of Waterloo.
- City of Winnipeg. (2020). Non-Emergent Encampment Support Process.
- Cohen, R., Yvetin, W., & Khadduri, J. (2019). Understanding Encampments of People Experiencing Homelessness & Community Responses: Emerging Evidence as of Late 2018. US Dept. of Housing & Urban Development.
- Dej, E. (2016). Psychocentrism and homelessness: The pathologization/responsibilization paradox. *Studies in Social Justice*, 10 (1), 117-135.
- DeVerteuil, G., May, J., & Mahs, J. (2009). Complexity, not collapse: Recasting the geographies of homelessness in a "punitive" age. *Progress in Human Geography*, 33 (5), 646-666.

References 2

- Distasio, J., Zell, S., & Snyder, M. (2018). At Home in Winnipeg: Localizing Housing First as a Culturally Responsive Approach to Understanding and Addressing Urban Indigenous Homelessness. Winnipeg: Institute of Urban Studies.
- Donley and Wright, JD (2012). Safer Outside: A Qualitative Exploration of Homeless People's Resistance to Homeless Shelters. Journal of Forensic Psychology Practice, 12(4),288–306.
- Duhatschek, P. (June 29 2021). Chronic homelessness up 34% since November in Waterloo Region. CBC News.
- Duhatschek, P. (Oct. 26 2021). A Better Tent City moves to Ardelt Avenue in Kitchener. CBC News.
- End Homelessness Winnipeg. (2020). Kikinanaw Oma – A Strategy to Support Unsheltered Winnipeggers.
- Farha, L., Schwan, K. (2020). A Human Rights Approach: A National Protocol for Homeless Encampments in Canada. The UN's Special Rapporteur on the Right to Adequate Housing.
- Gibson, V. (Nov. 29 2021). Toronto Police investigation finds officer used unnecessary force in arrest of woman at clearing of homeless encampment. The Toronto Star.
- Goering, P. (2014). National Final Report, Cross-Site At Home/Chez Soi Project. Mental Health Commission of Canada.
- Groleau, C. (Nov. 17 2021). Advocates hope Indigenous community hub will be a part of public engagement on Charles Street Terminal. CBC News.
- Government of Canada. (2016). Homelessness partnering strategy: Coordinated Canadian point-in-time counts.
- Government of Canada. (2019). National Housing Strategy Act.
- Government of Ontario. (2021). Housing Services Act, 2011. Highway Traffic Act, 1990.
- Government of Ontario. (2016). Trespass to Property Act, 1990.
- Ha, Y., Narendorf, SC., Santa Maria, D., & Bezette-Flores, N. (2015). Barriers & facilitators to shelter utilization among homeless young adults. Evaluation & Program Planning, 53, 25-33.
- Herring, C., & Lutz, M. (2015). The roots and implications of the USA's homeless tent cities. City, 19(5), 689–701.
- Hoye, B. (Nov. 2 2021). Indigenous overrepresentation in homeless census points to 'lack of progress' on housing, organizer says. CBC News.
- Ministry of Municipal Affairs and Housing. (2011). Minister's directive: enumeration of homelessness.

References 3

- HomelessHub. (2021).
 - [Coalition for the repeal of Ontario's Safe Streets Act.](#)
 - [Housing First: Accommodations & Supports.](#)
- O'Grady, B., Gaetz, S., & Buccieri, K. (2013). [Tickets... and more tickets: A case study of the enforcement of the Ontario Safe Streets Act.](#) Canadian Public Policy, 39 (4), 541-558.
- Olson, N., & Pauly, B. (2021). [Homeless encampments: Connecting public health and human rights.](#) Canadian Journal of Public Health, 112(6), 988-991.
- Ontario Court of Justice. (1999). [Set fines: Schedule 81.1, Safe Streets Act.](#)
- Ontario Court of Justice. (2021). [Set fines: Schedule 43, Highway Traffic Act.](#)
- Pender, T. (2021). [\[Charles Street encampment being bulldozed during November 2021 eviction\]](#) [Photograph]. The Toronto Star.
- Pender, T. (Nov. 26 2021). ['It was pretty brutal': Homeless camp on Charles Street razed by front-end loader.](#) The Toronto Star.
- Regional Municipality of Waterloo. (2013). [Bylaw number 13-050: A bylaw respecting the conduct of persons entering upon grounds, buildings, and public transportation vehicles owned or occupied by the Regional Municipality of Waterloo.](#)
- Regional Municipality of Waterloo. (Aug. 10 2021). [Committee of the Whole: Responding to Unsheltered Homelessness and Encampments.](#)
- Regional Municipality of Waterloo. (Oct. 12 2021). [Committee of the Whole: Summary of Recommendations to Council, Evidence for Housing First and Ending Unsheltered Homelessness.](#)
- Regional Municipality of Waterloo. (Nov. 29 2021). [Committee of the Whole: 2022 Budget and Plan.](#)
- Talge, J. (2010). [No direction home: Constitutional limitations on Washington's homeless encampment ordinances.](#) Washington Law Review, 85(4), 781-813.
- Turner, A. (2014). [Beyond Housing First: Essential Elements of a System-Planning Approach to Ending Homelessness.](#) The School of Public Policy, 30(7), 1-18.

Appendix A - Excerpts from Encampment Protocols

The following includes an official excerpt from each encampment protocol for the following cities: Sudbury, Hamilton, Kingston, Toronto, Brantford, and Winnipeg. This section will primarily focus on the specific protocols and communication (or mitigation) methods used in each city, where available.

City of Sudbury

The Encampment Response Guide is grounded in three principles:

- A) Voluntary closure of an encampment is preferred to enforcement.
- B) People living in encampments have strengths and rights that should be leveraged and respected in the process of engagement, and when necessary, closure.
- C) All residents of Greater Sudbury should have access to public space, and no person, business or entity can or should claim public space as private space

Preparation: Coordinated Response Table, with Clear Senior Leadership

Greater Sudbury will benefit from creating an encampment coordinated response table with five core members, and a number of other entities that can be part of a broader response table. The five core members are: By-law Enforcement; Greater Sudbury Police Service; street outreach provider; Indigenous service provider; and, Social Services.

Operational Framing

1. Greater Sudbury, and its funded agencies, are committed to working with homeless individuals living outside to respond to their individual needs by assisting them access services and supports, including permanent housing.
2. Greater Sudbury will use a coordinated approach between City departments, including police and by-law in responding. Activities will also be coordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.
3. Greater Sudbury and partners involved in engaging and resolving encampment will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups as necessary.
4. The priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that they are required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.
5. All parties acknowledge that homeless individuals cannot be forced to accept services and supports.

Appendix A - Excerpts from Encampment Protocols

Protocol

1. The core leadership group will coordinate efforts to ensure that the timing of enforcement activities does not conflict with or impede outreach efforts.
2. Enforcement agencies are responsible for providing notice to individuals who camping is to be discontinued and that personal goods, debris and structures are to be cleared from the space.
3. Notices will be given to individuals in advance. The timing of issuing notices will be determined in consultation with outreach staff. Formal enforcement notices will provide relevant and clear communication to the individual. In addition, site specific information notices for each location will be attached to provide a list of resources to provide individuals with information regarding access to housing, support services and shelter in the area.

Mitigation

Across Greater Sudbury, the Local Response Leader should work with all partners to gain information on:

- The location of each encampment
- The structures at each encampment
- The volume of people residing at each encampment
- Any known risks or hazards associated with the encampment, including potential risks pertaining to individuals within the encampment

Through engagement, information needs to be collected on the following from individuals within encampments:

- Name
- Aliases/nicknames
- Date of birth
- Individual, couple or family
- Length of homelessness
- Homeless services still currently or previously used
- Income source(s) and total income amount
- Identification by type of identification
- Whether or not they are interested in working with a service agency of their choosing to explore housing options
- Whether or not they will accept offers of available shelter options
- Immediate barriers to housing (such as documentation needs) to be resolved
- Pet(s)/service animals
- Description of structure (e.g., colour and location of structure or tent)

Appendix A - Excerpts from Encampment Protocols

City of Hamilton

The City's Encampment Response Team works with encampment residents to help them transition to safer, more humane, and legal accommodations, support the move with their belongings, and then ensures abandoned belongings are cleared and the site is cleaned. The Encampment Response Team includes representatives from the City of Hamilton Housing Services Division and Street Outreach Team, Municipal Law Enforcement, Public Works and Hamilton Police Services Social Navigator Program. Encampment Response Team reviews location and determines if the site is Prohibited or Greenspace.

If the site is Prohibited:

- Municipal Law Enforcement (MLE) along with Social Navigator Programs staff (SNP) notify individuals at encampment that the area is a Prohibited site, and that they will have to leave the area.
- Response team subsequently engages with individuals to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- Deadline day for removal of encampment is determined.
- At deadline day, MLE (with SNP/Hamilton Police Services (HPS) support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.
- Public Works assists with clean up of any discarded items once individuals have vacated site.

If site is determined to be Greenspace or not Prohibited:

- MLE with SNP support notifies individuals at encampment that they may only remain in that location for maximum 14 days. Notice of the deadline to vacate the area is provided for the end of that period
- Response Team subsequently engages with individuals daily to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- At deadline day, MLE (with SNP/HPS support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.
- Public Works assists with clean up of any discarded items once individuals have vacated site

Appendix A - Excerpts from Encampment Protocols

City of Kingston

Encampment Protocol Procedures

These procedures will be executed when dealing with one or a few tents/structures that have appeared in public spaces and on private properties.

Municipal Land

1. Initial identification and communication will occur with Street Outreach in collaboration with City By-Law. Street Outreach and By-Law staff:
 - visit the site,
 - determine the situation,
 - complete a high-level assessment of health and safety on site,
 - complete a high-level assessment of needs & provide information on services available,
 - inform Housing & Social Services Department of the situation and individuals' needs assessment.
2. By-Law staff will issue a 48-hour notice of trespass. Serious health, safety, or criminal activity circumstances may warrant lesser time or immediate removal. This 48-hour timeframe could also change based on the capacity and availability of other services. During that period of time, Street Outreach and Housing & Social Services staff continue to provide ongoing supports and work with individuals to provide alternative service options, including but not limited to shelter, Integrated Care Hub, motel/hotel, apartment, medical services, storage and transportation. All interactions and assessments are documented.
3. By-Law follows up at site to enforce order of trespass once alternative service options have been provided to individuals. Street Outreach staff will be supporting and available to assist individuals with alternatives to camping where relocation is necessary through enforcement. Additional enforcement, such as police services, may be required depending on the situation.
4. By-Law will provide a 2-hour notice to individuals returning to that public property within 24 hour following a relocation which would have been based on an initial 48 hour notice.
5. Once public spaces have been vacated, By-Law and Public Works will determine the cleanup requirements in order to ensure that the space can be safely accessed and utilized by the public.
6. When Kingston Police receive an encampment complaint when By-Law officers are not available to respond, Kingston Police will contact Street Outreach and prioritize the encampment complaint, dispatch officers (Mobile Crisis Rapid Response Team where possible) to investigate, submit duty reports and share the information with City By-Law.

Appendix A - Excerpts from Encampment Protocols

Private Land

1. Private landowners will contact Kingston Police who will assess the situation and offer the support of Street Outreach to approach individuals that are camping on private properties. This would allow Street Outreach to make the initial communication as well as offer alternative services and supports. Street Outreach would inform Housing & Social Services staff of situation. Street Outreach can only access a private property upon the landowner's consent. If the owner refuses to provide Street Outreach with initial access, Kingston Police would then be required to attend to the property as a first point of contact to manage the relocation from the private property. Where possible, Kingston Police will dispatch the Mobile Crisis Rapid Response Team and invite Street Outreach to be present for support.
2. Should the efforts of Street Outreach and Housing & Social Services staff not be successful to have individuals relocate to alternative services, the landowner will be advised that Kingston Police will respond to address the issue of trespass on private property.
3. Property clean-up will be the responsibility of the private landowner. The City may provide support to not-for-profit property owners.

Existing Practices and Accommodations: Meaningful Engagement and Effective Participation of Encampment Residents (Principle 2)

Current processes include on-site engagement of clients, including:

- Street Outreach staff are expected to engage clients utilizing trauma-informed approaches and existing protocols.
- Street Outreach staff complete intake and referral forms for those willing to engage in an assessment.
- Engagement is conducted in a manner to ensure that encampment residents are able to participate in decisions that directly affect them:
- Engagement is grounded in the inherent dignity of encampment residents and their human rights.
- Engagement of encampment residents takes place in the early stages of the development of the encampment.
- All residents are provided with information, resources, and opportunities to support decisions that affect them.
- Engagement of residents includes a review of individual needs & options available to best meet these needs (e.g., language, accessibility, timing, health, harm reduction, location, etc.)
- All engagements with residents regarding the encampment are documented and made available to encampment residents upon request.

Appendix A - Excerpts from Encampment Protocols



City of Toronto

The City of Toronto Interdepartmental Service Protocol For Homeless People Camping In Public Spaces:

This document sets out the interdepartmental protocol 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.

Overview and Goals:

The goal of the City outreach initiative is to assist and encourage people currently camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The initiative also seeks to balance the need to provide appropriate supports to vulnerable individuals camping in public spaces with the civic responsibility of maintaining the use of public spaces for public use. The outreach initiative to homeless persons provides a more intensive, proactive and coordinated effort among City departments. Outreach efforts to the homeless also include connecting and coordinating the activities of relevant community and government agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

The outreach initiative provides the coordination and delivery of human services prior to any enforcement activities related to public spaces, such as removal of unauthorized structures, personal goods and debris. In many circumstances it is anticipated that given the appropriate outreach and supports over time, individuals will be assisted in securing better alternatives than sleeping outside and will voluntarily vacate public spaces making enforcement unnecessary.

To respond to the needs of homeless individuals, the outreach initiative is delivered on a case-by-case basis and focused on a site-by-site approach. Staff efforts will focus on larger sites where more people are in need of assistance, where there are encampments, and where there are safety concerns. Staff efforts will also seek to address the needs of single individuals camped in parks, public transit shelters and city streets.

Appendix A - Excerpts from Encampment Protocols



The following five principles guide the initiative:

1. The City is committed to working with homeless individuals living outside to respond to their individual needs on a case-by-case basis by assisting them access services and supports, including permanent housing.
2. The City will use a coordinated approach between City departments in responding to the needs and issues related to homeless people camping outside. Activities will also be coordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.
3. The City will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups to assist in the successful implementation of the protocol.
4. The City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that he or she is required to vacate a public space. In the event of exceptional circumstances, intervention may be required to address immediate public safety concerns.
5. The City acknowledges that homeless individuals 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 City by-laws prohibiting camping in public places and erecting structures.

Program Delivery:

The outreach initiative provides intense street outreach supports to homeless people and, only when necessary, enforcement and removal activities. City departments involved in human service programming such as Shelter, Housing and Support, Social Services and Public (SHS) will participate in the outreach initiative, with SHS having the lead role. As part of this process the initiative will focus and prioritize the provision of human services including street outreach, drop-ins, shelters, income support, housing access, and related support services. City departments with enforcement responsibilities include Works and Emergency Services, Parks and Recreation, and Facilities and Real Estate. Enforcement activities will depend upon the success of outreach activities, the need for such services, the location of the site, and the department responsible.

Focused Outreach:

The City will be proactive in responding to the needs of homeless people living outside. Locations where outreach services are needed will be identified by Shelter, Housing and Support, Works & Emergency Services, Parks & Recreation, other departments and agencies.

Appendix A - Excerpts from Encampment Protocols

City of Brantford

Staff from several City departments including Health and Human Services, Parks, Operations, Housing, Property Standards, along with representatives of the Brantford Police Service created an encampment response protocol. The primary objectives of the encampment response protocol are to provide humane and compassionate care for individuals living unsheltered, while:

- Preventing the development of established and entrenched encampment site(s);
- Preserving public spaces for their intended uses;
- Protecting the health and safety of individuals living unsheltered, City and partner agency staff, and the general public.

In general there are three phases to the response. Responsibility for activities in each phase may vary depending on whether the encampment is on public land, park land or private land.

A) Outreach/Notice

On-site outreach efforts are made by City homelessness staff, sometimes accompanied by community agencies or by-law enforcement staff. Outreach occurs within 48 hours of the initial report. For safety, staff travel in pairs. The outreach effort seeks to connect individuals to the resources they need before commencing any cleanup activities. Individuals are told by outreach staff that cleanup is imminent and a plan is needed for alternative shelter.

Wherever possible, individuals at the sites are given advance notice for scheduled cleanup efforts unless the presence of the encampment creates an immediate health and safety risk or impedes access to a public area. Parks staff post copies of the current park by-law in a visible location to make individuals aware that overnight camping is prohibited. There are plans to install permanent signage eventually in every City park. Outreach efforts focus on encouraging individuals to leave the site voluntarily with their belongings. There is no fixed time frame for the outreach/notice period. Situation assessments by the Encampment Network are made on a near-daily basis. The response will move from outreach to removal within 1 week, although it is often sooner for repeat encampments (approx. 48-72 hours).

B) Removal

Public Property: If the occupants do not leave the site voluntarily following the completion of outreach efforts, the dismantling of the site can commence by City staff or contractor. This stage may be supported by police presence if the Encampment Network has assessed that there is the potential that occupants may resist the removal of belongings or if safety of staff has the potential to be compromised.

Private Property: For encampments on private property, the property owner is responsible for notifying unwanted individuals that their presence is not permitted. Police can assist if the individuals refuse to vacate the property. Outreach staff do not visit encampment sites on private property unless permission has been given by the property owner.

Appendix A - Excerpts from Encampment Protocols

C) Site Cleanup

In the cleanup stage, any debris remaining after occupants have vacated will be cleaned up by City staff or contractors. For encampments on private property, cleanup is the responsibility of the property owner. The Encampment Network continues to communicate and meet regularly to discuss sites of ongoing concern and to evaluate the effectiveness of the existing strategy and process for improvements.

City of Winnipeg

General Description

Typical support provided by OSPs includes, but may not be limited to:

- transportation;
- transfer to emergency shelters;
- distribution of warm clothing;
- provision of blankets, water, coffee, food and harm reduction supplies; and
- wellbeing checks.

Process Implementation

Outreach on Private Property

Encampments on private property are a police matter. Any private property owner with concerns regarding an encampment on their property should reach out to WPS.

Outreach on Public Property

1. Where there is ongoing or imminent criminal activity or a person who may be in medical distress, the WPS or WFPS will be dispatched as appropriate;
2. Otherwise, the Outreach Service Provider (“OSP”) for the area is immediately contacted with available details about the encampment;
3. OSP staff attend the site with the objective of providing any needed supports to the residents, and attempting to offer and connect them with available supports;
 - a. If the resident wishes to be transported to a shelter, transportation is arranged;
 - b. Some residents will simply choose to go elsewhere on their own;
 - c. If an alternate destination is desired by the resident, OSP will provide that resource;
 - d. If the resident is prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding for a period of up to 1 month, or until Provincial Income Assistance can begin to cover the daily cost;
4. Some residents will express the intention to remain at the encampment, and not wish to leave for any accommodation or resource. Even in these circumstances, the OSP will continue to maintain communication with the resident(s) on an ongoing basis.
5. Where an encampment site becomes vacant, crews with the Public Works Department visit the site as upon its vacancy to remove any garbage, debris and other abandoned material to remediate the site to its former state.

Appendix A - Excerpts from Encampment Protocols



Outreach Due to Fire and Life Safety Concerns

There are numerous elements of encampments that are frequently of concern from a fire safety/life safety perspective, including but not limited to:

- a) Combustible nature of materials used;
- b) Open fires;
- c) Proximity of structures/shelters to each other and to other combustible structures; City of Winnipeg Non-Emergent Encampment Support Process
- d) Improvised heating sources being used including candles, fires, and propane heat in close proximity/within the entrance of the shelter, leading to concerns regarding shelter fires and the risk of carbon monoxide poisoning; and
- e) Accumulations of material and debris that could impede the egress of residents from their shelter/structure in the event of an emergency.

1. If any of the above are noted at any point in time, representatives of the City's Fire Prevention Branch will conduct an inspection of the site in question. Additionally, those representatives will explain the risks to residents, and where needed, provide direction regarding risk reduction.
2. Where informal direction is not heeded, and a pattern of persistent behavior that is a risk to life continue the Assistant Chief under the authority of the WFPS Fire Paramedic Chief will issue an Order necessary, typically including an Order to Vacate.
3. Where vacancy has been ordered, the WFPS has an established protocol that includes collaboration with encampment resident service agencies, Public Works and the WPS. The OSP will continue to work with the residents, explaining the necessity of vacating the site, and working collaboratively to identify necessary supports.
4. As above, if any of the residents are prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), the OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding necessary, until Provincial Income Assistance can begin to cover the daily cost.
5. Upon reaching the ordered date for compliance, the Fire Paramedic Service, with any required support from WPS for safety concerns and Public Works for immediate clean up efforts, will proceed to ensure compliance with the Order.
6. Where an encampment site becomes vacant, crews with the Public Works Department immediately visit the site to remove any garbage, debris and other abandoned material to remediate the site to its former state.

Appendix A - Excerpts from Encampment Protocols



Occupancy of Transit Shelters

1. As above, if there is or imminent criminal activity or a person who may be in medical distress, the WPS or WFPS will be dispatched as appropriate;
2. Otherwise, the first response is provided by Winnipeg Transit, with a Transit Inspector and/or Transit Supervisor attending to assess the situation.
3. If the initiating complaint/observation was mistaken and the occupants of the shelter are awaiting bus service, nothing is done.
4. If it is determined that one or more occupants are present for the sole purpose of: a. Occupying for an undue period of time with no intention of boarding a bus; b. Causing mischief; c. Using substances; or d. For any other purpose that would contravene the Transit By-law; then the attending Inspector/Supervisor will request that those occupants exit the shelter.
5. Should those occupants not agree to leave, the Inspector/Supervisor will cause the area OSP to be contacted to attend the shelter. City of Winnipeg Non-Emergent Encampment Support Process
6. The OSP will attempt to engage with the occupants, explaining the necessity of leaving the shelter, and working collaboratively to identify necessary supports.
7. As above, if any of the residents are prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), the OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding necessary, until Provincial Income Assistance can begin to cover the daily cost.

Appendix B - Policy

Recommendations from Kingston's 2021 report: City Encampment Protocol/ Procedures

Below is a list of common best practices identified within all municipalities researched, as outlined in Kingston's 2021 report: City Encampment Protocol/Procedures and United Nations:

1. **Community Partner Involvement:** All cities/municipalities have robust outreach teams that are employed by third party service providers/community partners. Their role is to ensure that the individuals residing at encampments have access to the necessities they require. Outreach staff teams liaise with the city/municipality and keep them apprised of ongoing engagement and developments with residents.
2. **Offer Indoor spaces:** Outreach staff and service providers regularly ensure that they are aware of how many spaces exist within the shelter system and actively offer access to indoor space to all residents of encampments. This is a preliminary approach to the relocation of people residing in public spaces.
3. **Ensuring fire safety at all encampment locations:** This year, cities such as Toronto have seen an influx of small wooden / plywood and tarp type structures in encampments. These structures are often built by residents of encampments and in some instances, local builders. Deadly fires have occurred in these structures as a result of improper construction or use. The City's Fire Department and City officials are tasked with the removal of items such as propane heaters and barbecues being used inside structures to promote fire safety. This is an ongoing challenge for municipalities in the balance of autonomy for encampment residents.
4. **Food Provision –** Outreach partners in all cities work with local volunteer food providers to ensure meals are made available to residents of encampments. Food provisions may be brought on-site to an encampment for residents or require residents to access food at an alternative location. Members of the public also frequently donate to provisions to encampment residents.
5. **Counselling and Care –** In most cities / municipalities, service providers collaborate to work with individuals at the encampment site. There are often nurses, doctors, occupational therapists and other practitioners who attend encampments to offer basic care and provide referrals for both physical and mental health / addictions concerns. Relationship and trust-building are key components of the complex support system provided to individuals navigating the homeless system.

THIS IS **EXHIBIT “C”** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
AFFIRMED THIS 7TH DAY OF SEPTEMBER, 2022

DocuSigned by:
Ashley Elizabeth Schuitema
F793F43B57D44F6...

ASHLEY ELIZABETH SCHUITEMA

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

A HUMAN RIGHTS APPROACH



A National Protocol for Homeless Encampments in Canada

Leilani Farha

UN Special Rapporteur on the right to adequate housing

Kaitlin Schwan

Lead Researcher for UN Special Rapporteur on the right to adequate housing

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
I. INTRODUCTION	5
II. PURPOSE OF THE NATIONAL PROTOCOL ON HOMELESS ENCAMPMENTS	6
III. ENCAMPMENTS IN CANADA IN THE CONTEXT OF THE HUMAN RIGHT TO ADEQUATE HOUSING	7
IV. RELEVANT AUTHORITY	10
1. INTERNATIONAL HUMAN RIGHTS TREATIES	10
1. CANADIAN HOUSING POLICY AND LEGISLATION	11
2. THE CANADIAN CHARTER AND PROVINCIAL/TERRITORIAL HUMAN RIGHTS LEGISLATION	12
3. UN 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT	14
V. KEY PRINCIPLES	15
PRINCIPLE 1: RECOGNIZE RESIDENTS OF HOMELESS ENCAMPMENTS AS RIGHTS HOLDERS	15
PRINCIPLE 2: MEANINGFUL ENGAGEMENT AND EFFECTIVE PARTICIPATION OF ENCAMPMENT RESIDENTS	16
PRINCIPLE 3: PROHIBITION OF FORCED EVICTIONS OF ENCAMPMENTS	19
PRINCIPLE 4: EXPLORE ALL VIABLE ALTERNATIVES TO EVICTION	20
PRINCIPLE 5: ENSURE THAT ANY RELOCATION IS HUMAN RIGHTS COMPLIANT	21
PRINCIPLE 6: ENSURE ENCAMPMENTS MEET BASIC NEEDS OF RESIDENTS CONSISTENT WITH HUMAN RIGHTS	24
PRINCIPLE 7: ENSURE HUMAN RIGHTS-BASED GOALS AND OUTCOMES, AND THE PRESERVATION OF DIGNITY FOR ENCAMPMENT RESIDENTS	27
PRINCIPLE 8: RESPECT, PROTECT, AND FULFILL THE DISTINCT RIGHTS OF INDIGENOUS PEOPLES IN ALL ENGAGEMENTS WITH ENCAMPMENTS	28
SCHEDULE A: SELECT CASE LAW ON HOMELESS ENCAMPMENTS IN CANADA	32
SCHEDULE B: AN ELABORATION ON PRINCIPLE 6	35

EXECUTIVE SUMMARY

A National Protocol for Homeless Encampments in Canada: A Human Rights Approach

Homeless encampments threaten many human rights, including most directly the right to housing. People living in encampments face profound challenges with respect to their health, security, and wellbeing, and encampment conditions typically fall far below international human rights standards. Residents are frequently subject to criminalization, harassment, violence, and discriminatory treatment. Encampments are thus instances of both human rights *violations* of those who are forced to rely on them for their homes, as well as human rights *claims*, advanced in response to violations of the right to housing.

Ultimately, encampments are a reflection of Canadian governments' failure to successfully implement the right to adequate housing.

As encampments increasingly emerge across Canada, there is an urgent need for governments to interact with them in a manner that upholds human rights. This Protocol, developed by the UN Special Rapporteur on the Right to Housing and her lead researcher, Kaitlin Schwan, with the input of many experts, outlines eight Principles to guide governments and other stakeholders in adopting a rights-based response to encampments. While encampments are not a solution to homelessness, it is critical that governments uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol are based in international human rights law, and the recognition that encampment residents are rights holders and experts in their own lives. The Protocol is intended to assist governments in realizing the right to adequate housing for this group.

PRINCIPLES

Principle 1: Recognize residents of homeless encampments as rights holders

All government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. This means a shift away from criminalizing, penalizing, or obstructing homeless encampments, to an approach rooted in rights-based participation and accountability.

Principle 2: Meaningful engagement and effective participation of homeless encampment residents

Residents are entitled to meaningful participation in the design and implementation of policies, programs, and practices that affect them. Ensuring meaningful participation is central to respecting residents' autonomy, dignity, agency, and self-determination. Engagement should begin early, be ongoing, and proceed under the principle that residents are experts in their own lives. The views expressed by residents of homeless encampments

must be afforded adequate and due consideration in all decision-making processes. The right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them.

Principle 3: Prohibit forced evictions of homeless encampments

International human rights law does not permit governments to destroy peoples' homes, even if those homes are made of improvised materials and established without legal authority. Governments may not remove residents from encampments without meaningfully engaging with them and identifying alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of appropriate forms of legal protection, is defined as a 'forced eviction' and is considered a gross violation of human rights. The removal of residents' private property without their knowledge and consent is also strictly prohibited.

Common reasons used to justify evictions of encampments, such as 'public interest,' 'city beautification', development or re-development, or at the behest of private actors (e.g., real estate firms), do not justify forced evictions.¹

Principle 4: Explore all viable alternatives to eviction

Governments must explore all viable alternatives to eviction, ensuring the meaningful and effective participation of residents in discussions regarding the future of the encampment. Meaningful consultation should seek to maximize participation and should be supported by access to free and independent legal advice. Where personal needs differ amongst residents of encampments such that a singular best alternative is not unanimous, governments will have to develop several solutions each of which is consistent with the principles outlined in this Protocol.

Principle 5: Ensure that relocation is human rights compliant

Considerations regarding relocation must be grounded in the principle that "the right to remain in one's home and community is central to the right to housing."² Meaningful, robust, and ongoing engagement with residents is required for any decisions regarding relocation. Governments must adhere to the right to housing and other human rights standards when relocation is necessary or preferred by residents. In such cases, adequate alternative housing, with all necessary amenities, must be provided to all residents prior to any eviction. Relocation must not result in the continuation or exacerbation of homelessness, or require the fracturing of families or partnerships.

Principle 6: Ensure encampments meet basic needs of residents consistent with human rights

Canadian governments must ensure, at a minimum, that basic adequacy standards are ensured in homeless encampments while adequate housing options are negotiated and

¹ A/HRC/43/43, para 36.

² A/73/310/Rev.1, para 26.

secured. Governments' compliance with international human rights law requires: (1) access to safe and clean drinking water, (2) access to hygiene and sanitation facilities, (3) resources and support to ensure fire safety, (4) waste management systems, (4) social supports and services, and guarantee of personal safety of residents, (5) facilities and resources that support food safety, (6) resources to support harm reduction, and (7) rodent and pest prevention.

Principle 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for homeless encampment residents

Governments have an obligation to bring about positive human rights outcomes in all of their activities and decisions concerning homeless encampments. This means that Canadian governments must move, on a priority basis, towards the full enjoyment of the right to housing for encampment residents. Any decision that does not lead to the furthering of inhabitants' human rights, that does not ensure their dignity, or that represents a backwards step in terms of their enjoyment of human rights, is contrary to human rights law.

Principle 8: Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with homeless encampments

Governments' engagement with Indigenous Peoples in homeless encampments must be guided by the obligation to respect, protect, and fulfil their distinct rights. This begins with recognition of the distinct relationship that Indigenous Peoples have to their lands and territories, and their right to construct shelter in ways that are culturally, historically, and spiritually significant. Governments must meaningfully consult with Indigenous encampment residents concerning any decisions that affects them, recognizing their right to self-determination and self-governance. International human rights law strictly forbids the forced eviction, displacement, and relocation of Indigenous Peoples in the absence of free, prior, and informed consent.

Given the disproportionate violence faced by Indigenous women, girls, and gender diverse peoples, governments have an urgent obligation to protect these groups against all forms of violence and discrimination within homeless encampments, in a manner that is consistent with Indigenous self-determination and self-governance.

A National Protocol for Homeless Encampments in Canada: A Human Rights Approach

I. Introduction

1 In the face of escalating homelessness and housing affordability crises, many cities across Canada have seen a rise in homeless encampments. In various Canadian communities, people experiencing homelessness have turned to living in s, vehicles, or other forms of rudimentary or informal shelter as a means to survive.³ While they vary in size and structure, the term '*encampment*' is used to refer to any area wherein an individual or a group of people live in homelessness together, often in tents or other temporary structures (also referred to as *homeless camps*, *tent cities*, *homeless settlements* or *informal settlements*).

2 Homeless encampments in Canada must be understood in relation to the global housing crisis and the deepening of housing unaffordability across the country. Encampments must also be understood in the context of historical and ongoing structural racism and colonization in Canada, whereby Indigenous peoples have been systemically discriminated against and dispossessed of their lands, properties, and legal systems. Other groups have also endured systemic and historical disadvantage that has created barriers to accessing housing and shelters, including 2SLGBTQ+, Black and other racialized communities, people living with disabilities, and people who are criminalized. While encampments are often framed and discussed as matters of individual poverty or deficiency, they are the result of structural conditions and the failure of governments to implement the right to housing or to engage with reconciliation and decolonization materially and in good faith.

3 Homeless encampments threaten many human rights, including most specifically the right to housing. In international human rights law, homelessness - which includes those residing in encampments - is a prima facie violation of the right to adequate housing.⁴ This means that governments have a positive obligation to implement an urgent housing-focused response, ensuring that residents have access to adequate housing in the shortest possible time and, in the interim, that their human rights are fully respected.

4 Government responses to homeless encampments often fail to employ a rights-based approach. Residents of encampments are frequently the victims of abuse, harassment, violence, and forced evictions or 'sweeps.' In many cases, the issues

³ Encampments have arisen in cities across the country, including: Abbotsford, Vancouver, Victoria, Edmonton, Toronto, Ottawa, Gatineau, Peterborough, Winnipeg, Montreal, Nanaimo, Calgary, Saskatoon, Fredericton, Moncton, Oshawa, Halifax, and Maple Ridge.

⁴ A/HRC/31/54, para. 4.

associated with encampments are within the jurisdiction and responsibility of municipal authorities, including through bylaws specific to policing, fire and safety, sanitation, and social services. This has led to a pattern whereby municipal governments deploy bylaws, local police, and zoning policies that displace people in encampments, in turn compromising the physical and psychological health of people who have no place else to go and who rely on encampments to survive, absent accessible alternatives.⁵

5 Provincial, territorial, and federal governments have historically left engagement with encampments to city officials, who receive little (if any) guidance and support. Municipal authorities are often unaware of their legal obligations under international human rights law, including with respect to the duty to ensure the dignity and security of encampment residents.⁶ Further, accountability mechanisms with respect to the right to housing remain weak in Canada, meaning that people living in encampments have limited avenues through which to claim this right.

6 Ensuring a human rights-based response to homeless encampments should be a key concern for every Canadian city, and all governments should employ a human rights-based framework to guide their engagement with encampment residents.

II. Purpose of the National Protocol on Homeless Encampments

7 The purpose of this document is to provide all levels of government with an understanding of their human rights obligations with respect to homeless encampments, highlighting what is and is not permissible under international human rights law. This Protocol outlines 8 broad human rights-based Principles that must guide state⁷ action in response to homeless encampments of all kinds.

8 This Protocol does not attempt to foresee every possible context or challenge that may arise within encampments. Governments and relevant stakeholders must apply human rights principles as described in the Protocol to each case as it arises, endeavouring at all times to recognize and respect the inherent rights, dignity, and inclusion of encampment residents.

9 This Protocol has been developed by the UN Special Rapporteur on the right to housing in consultation with a range of experts from across Canada, including those

⁵ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

⁶ A/HRC/43/43, para 7.

⁷ 'State' refers to all levels and branches of government and anyone exercising government authority.

with lived expertise of homelessness, urban Indigenous leaders, community advocates, researchers, lawyers, and experts in human rights law.⁸

III. Encampments in Canada in the context of the Human Right to Adequate Housing

10 Under international human rights law, everyone has the right to adequate housing as an element of the right to an adequate standard of living.⁹ This requires States to ensure that housing is accessible, affordable, habitable, in a suitable location, culturally adequate, offers security of tenure, and is proximate to essential services such as health care and education.¹⁰ The right to adequate housing includes the right to be protected from: arbitrary or unlawful interference with an individual's privacy, family, and home; any forced eviction (regardless of legal title or tenure status); and from discrimination of any kind.¹¹

11 Homelessness constitutes a prima facie violation of the right to housing. It is a profound assault on a person's dignity, security, and social inclusion. Homelessness violates not only the right to housing, but often, depending on circumstances, violates a number of other human rights, including: non-discrimination; health; water and sanitation; freedom from cruel, degrading, and inhuman treatment; and the rights to life, liberty, and security of the person.¹²

12 Encampments constitute a form of homelessness, and thus are a reflection of the violation of residents' right to adequate housing. People living in encampments typically face a range of human rights violations and profound challenges with respect to their health, security, and wellbeing. Encampment conditions typically fall far below international human rights standards on a variety of fronts, often lacking even the most

⁸ This Protocol was prepared by: Leilani Farha and Kaitlin Schwan with the assistance of Bruce Porter, Vanessa Poirier, and Sam Freeman. Reviewers include, among others: Margaret Pfoh (Aboriginal Housing Management Association), Cathy Crowe (Shelter and Housing Justice Network), Greg Cook (Sanctuary Toronto), Tim Richter (Canadian Alliance to End Homelessness), Anna Cooper (Pivot Legal Society), Caitlin Shane (Pivot Legal Society), Emily Paradis (University of Toronto), Emma Stromberg (Ontario Federation of Indigenous Friendship Centres), and Erin Dej (Wilfred Laurier University).

⁹ United Nations Committee on Economic, Social and Cultural Rights Committee's General Comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.

¹⁰ United Nations Committee on Economic, Social and Cultural Rights Committee's General Comment No. 4 (1991) on the right to adequate housing. At the domestic level, adequate housing and core housing need is defined in relation to three housing standards: adequacy, affordability, and suitability. The Canadian Mortgage and Housing Corporation [defines](#) these housing standards in the following ways: "(1) [Adequate](#) housing are reported by their residents as not requiring any major repairs; (2) [Affordable](#) dwellings cost less than 30% of total before-tax household income; and (3) [Suitable](#) housing has enough bedrooms for the size and make-up of resident households, according to National Occupancy Standard (NOS) requirements."

¹¹ A/HRC/43/43.

¹² A/HRC/31/54; A/HRC/40/61, para 43.

basic services like toilets.¹³ Residents of encampments are also frequently subject to criminalization, harassment, violence, and discriminatory treatment.¹⁴

13 In the face of poverty and deep marginalization, people without homes face many untenable choices. For example, they may be forced to choose between ‘sleeping rough’ on their own (putting themselves at risk of violence and criminalization), entering an emergency homeless shelter (which may be inaccessible or inappropriate for their needs, or in which their autonomy, dignity, self-reliance, and/or independence may be undermined), or residing in a homeless encampment (in which they may lack access to basic services and face threats to their health). These choices are further narrowed for those living in communities that lack any emergency shelters, or where existing shelters are at (or over) capacity.

14 For people without access to adequate housing, the availability, accessibility, appropriateness, and adequacy of shelters plays a significant role in determining whether or not a person chooses to reside in a homeless encampment. In some cities, emergency shelters operate at 95-100% capacity,¹⁵ necessitating that some individuals sleep rough or reside in an encampment. Existing shelters may also not be low-barrier, wheelchair accessible, trans-inclusive, or safe for people experiencing complex trauma or other challenges. Homeless persons with mental health challenges, drug or alcohol dependencies, or pets may find themselves barred from shelters. Under such conditions, some individuals may prefer, or feel they have little choice but to, reside in an encampment. Encampments thus may become a necessity or the best option available for some of those the most marginalized people in Canadian society.

15 For Indigenous peoples, a desire to avoid state surveillance and a mistrust of institutional settings, including shelters, may be a factor in turning to or living in an encampment. Negative or harmful interactions with colonial institutions, such as residential schools, the child welfare system, corrections, hospitals, asylums or sanatoriums, and shelters, may be intergenerational in nature and highly traumatic. For these reasons and others, Indigenous peoples are overrepresented in homeless populations across Canada, and further to this, are more likely to be part of “outdoor” or “unsheltered” populations – including homeless encampments.¹⁶

¹³ See Cooper, A. (2020). *Why People Without Housing Still Need Heat*. Pivot Legal Society. Available from: http://www.pivotlegal.org/why_people_without_housing_still_need_heat

¹⁴ A/HRC/43/43, para 31; see also *Homelessness, Victimization and Crime: Knowledge and Actionable Recommendations*. Available from: <https://www.publicsafety.gc.ca/lbrr/archives/cnmcs-plcng/cn35305-eng.pdf>

¹⁵ Employment and Social Development Canada. (2018). *Shelter Capacity Report 2018*. Ottawa. Available from <https://www.canada.ca/en/employment-social-development/programs/homelessness/publications-bulletins/shelter-capacity-2018.html>

¹⁶ See Ontario Federation of Indigenous Friendship Centres. (2020). *Indigenous Homelessness in the 20 Largest Cities in Canada*. Submission to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Canada.

16 Regardless of the reasons why a person resides in a homeless encampment, homeless encampments *do not* constitute adequate housing, and do not discharge governments of their positive obligation to ensure the realization of the right to adequate housing for all people. Under international human rights law, “States have an obligation to take steps to the maximum of their available resources with a view to achieving progressively the full realization of the right to adequate housing, by all appropriate means, including particularly the adoption of legislative measures.”¹⁷ As part of these obligations, States must prioritize marginalized individuals or groups living in precarious housing conditions - including residents of homeless encampments.¹⁸

17 Governments have an urgent, positive obligation to provide or otherwise ensure access to adequate housing - for residents of encampments as they do for all people experiencing homelessness. Governments must act to immediately pursue deliberate, concrete, and targeted efforts to end homelessness by ensuring access to adequate housing. In the interim, governments must ensure the availability of sufficient shelter spaces - accessible and appropriate for diverse needs - where dignity, autonomy, and self-determination are upheld.

18 The fact that encampments violate the right to housing does not in any way absolve governments of their obligations to uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol seek to support governments and other stakeholders to ensure that their engagements with encampments are rights-based and recognize residents as rights holders, with a view to realizing the right to adequate housing for these groups while respecting their dignity, autonomy, individual circumstances, and personal choices.

19 International human rights law does not permit government to use force to destroy peoples’ homes, even if they are made of canvas or improvised from available materials and constructed without legal authority or title. States may not remove residents from encampments without meaningfully engaging them to identify alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection, consistent with international human rights law is defined as a ‘forced eviction’ and is considered a gross violation of human rights.

20 Unfortunately, such forced evictions or sweeps have become common in Canada. Evictions have contravened international law by being carried out without meaningful consultation with communities and without measures to ensure that those affected have access to alternative housing. They have been justified on the basis that the

¹⁷ International Covenant on Economic, Social and Cultural Rights, art. 2 (1).

¹⁸ A/HRC/43/4.

residents are there illegally, are at risk to themselves, are on land that is slated for development, or are obstructing the enjoyment of the community by others. Declining conditions at encampments and public health and safety concerns are also frequently the grounds on which local governments and provinces seek injunctions for removal. The impact of municipalities' failure to proactively provide resources and services to mitigate or improve those conditions and concerns is most often ignored. Some communities have engaged bylaw officers or local police to tear down encampments at first sight.¹⁹

21 None of these reasons, however, justify forced evictions under international law. Forced evictions often have harmful or disastrous consequences for encampment residents.²⁰ Victims may face life-threatening situations that compromise their health and security, or result in the loss of access to food, social supports, social and medical services, and other resources.²¹

22 Few governments have recognized encampments as a response to violations of fundamental human rights and a response to the isolation and indignity of homelessness. They have failed to treat those living in such encampments as legally entitled to the protection of their homes and their dignity.

IV. Relevant Authority

23 Canadian governments' responsibilities and relevant authority to ensure the right to adequate housing, including for people residing in encampments, is found in: (1) international human rights treaties, (2) the *National Right to Housing Act*, (3) the *Canadian Charter of Rights and Freedoms* and human rights legislation, and (4) the UN *2030 Agenda for Sustainable Development (The Sustainable Development Goals)*.

1. International Human Rights Treaties

24 Canada has ratified multiple international human rights treaties that articulate the right to adequate housing. In 1976, Canada ratified the *International Covenant on Economic, Social and Cultural Rights*, which contains the chief articulation of the right to housing under Article 11.1 "the right of everyone to an adequate standard of living for [themselves] and [their] family, including adequate food, clothing and housing, and to

¹⁹ Ball, V. (2019). *Encampment residents fear eviction*. The Expositor. Available from: <https://www.brantfordexpositor.ca/news/local-news/encampment-residents-fear-eviction>

²⁰ A/HRC/43/43, para 36.

²¹ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>; Collinson, R. & Reed, D. (2018). *The Effects of Eviction on Low-Income Households*. Available from: https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf

the continuous improvement of living conditions.”²² The right to housing and the prohibition against forced evictions has been interpreted in General Comments No. 4 and 7²³ by the UN Committee on Economic, Social and Cultural Rights. In addition, Canada has ratified other treaties that codify the right to adequate housing, including:

- *Convention on the Rights of Persons with Disabilities*
- *Convention on the Rights of the Child*
- *Convention on the Elimination of Racial Discrimination*
- *Convention on the Elimination of Discrimination against Women*

25 Human rights ratified by Canada “extend to all parts of federal States without any limitations or exceptions,” thus federal, provincial/territorial, and municipal governments are equally bound by these obligations.²⁴ In interpreting the right to adequate housing, the Committee on Economic, Social and Cultural Rights has emphasized that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.”²⁵

26 Canada has also formally recognized the *UN Declaration on the Rights of Indigenous Peoples*, which also codifies the right to adequate housing and affirms that Indigenous Peoples have the right to be actively involved in developing and determining housing programmes and policies that affect them.²⁶ Further, Indigenous Peoples’ right to land and self-determination is indivisible from the right to housing under international human rights law, meaning that they “shall not be forcibly removed from their lands or territories and that no relocation shall take place without their free, prior and informed consent.”²⁷ All encampments are located on the traditional territories of Indigenous nations, including in cities, towns, and rural areas. On these territories, Indigenous Peoples’ right to land and self-determination is in effect, whether or not those lands are subject to land claims or treaty.

1. Canadian Housing Policy and Legislation

27 The right to housing has also recently been recognized in Canadian legislation. In June 2019, the *National Housing Strategy Act* (the *Act*) received royal assent in Canada. The *Act* affirms Canada’s recognition of the right to housing as a fundamental human

²² ICESCR, Article 11, masculine pronouns corrected.

²³ General Comment 4 (1991), UN Doc. E/1992/23; General Comment 7 (1997), UN Doc. E/1998/22.

²⁴ A/69/274.

²⁵ General Comment 4 (1991), para 7.

²⁶ A/74/183.

²⁷ A/74/183.

right and commits to further its progressive realization as defined under the *International Covenant on Economic, Social and Cultural Rights*.

28 The Preamble and Section 4 of the *Act* underscore the interdependence of the right to housing with other fundamental rights, such as the right to life and an adequate standard of health and socio-economic wellbeing. Specifically, Section 4 states:

It is declared to be the housing policy of the Government of Canada to:

- (a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;
- (b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- (c) support improved housing outcomes for the people of Canada; and
- (d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

2. The Canadian Charter and Provincial/Territorial Human Rights Legislation

29 The government of Canada's international human rights obligations must be considered by courts in Canada when determining the rights of residents of encampments under domestic law,²⁸ particularly the *Canadian Charter of Rights and Freedoms*.²⁹ The Supreme Court has recognized that the right to "life, liberty and security of the person" in section 7 of the *Charter* may be interpreted to include the right to housing under international law.³⁰ Canada has told the UN that it accepts that section 7 at least ensures access to basic necessities of life and personal security.³¹

²⁸ It should be noted that a human rights-based approach under domestic law should entail mindfulness about core human rights and equality principles, such as substantive equality and non-discrimination, which recognizes that state interventions be particularly attuned to the specific needs of particular groups, including those impacted by systemic and historical disadvantage. In this regard, a 'one size fits all' approach may not fully capture the distinct needs of groups residing within encampments.

²⁹ *R. v. Hape*, [2007] 2 S.C.R. 292, 2007 SCC 26, para 56: "In interpreting the scope of application of the Charter, the courts should seek to ensure compliance with Canada's binding obligations under international law where the express words are capable of supporting such a construction."

³⁰ *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927; See Martha Jackman and Bruce Porter, "[Social and Economic Rights](#)", in Peter Oliver, Patrick Maklem & Nathalie DesRosiers, eds, *The Oxford Handbook of the Canadian Constitution* (New York: Oxford University Press, 2017), 843-861.

³¹ Canada's commitments are described in *Victoria (City) v. Adams*, 2008 BCSC 1363 (CanLII), paras 98-99. Online, <http://canlii.ca/t/215hs>

30 In Canada, courts have considered the human rights implications of encampments, and have emphasized that Section 7 life and security of the person interests are engaged where state action poses significant harm to the health and wellbeing of persons enduring homelessness and housing insecurity. For example, Canadian courts have recognized that the daily displacement of people experiencing homelessness causes physical and psychological harm. The Court accepted in the case of *Abbotsford (City) v. Shantz*, that "the result of repeated displacement often leads to the migration of homeless individuals towards more remote, isolated locations as a means to avoid detection. This not only makes supporting people more challenging, but also results in adverse health and safety risks." The court recognized that these health and safety risks include "impaired sleep and serious psychological pain and stress."³²

31 In the case of *Victoria v. Adams*,³³ residents of an encampment challenged a bylaw that prevented them from constructing temporary shelter in a park, on the basis of which city officials had secured an injunction to evict them. The British Columbia Supreme Court agreed that while the *Charter* does not explicitly recognize the right to housing, international law is a persuasive source for *Charter* interpretation and found that the bylaw violated the residents' right to security of the person. The BC Court of Appeal upheld the decision of the BC Supreme Court and other decisions in British Columbia have followed.³⁴ In *British Columbia v. Adamson* 2016,³⁵ for example, the court found that in the absence of alternative shelter or housing for all people experiencing homelessness, encampment residents must not be evicted from their encampment. In *Abbotsford v. Shantz* 2015³⁶ the Court found that denying encampment residents space to erect temporary shelters on public property was "grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless."³⁷

32 The right to equality is also protected under the Canadian Charter as well as under federal, provincial, and territorial human rights legislation. Not all levels of government interpret or administer human rights codes in the same manner, with each province and territory administering its own human rights codes.³⁸ Regardless of jurisdiction, the UN Committee on Economic, Social and Cultural Rights has stated that the right to

³² *Abbotsford (City) v. Shantz*, 2015 BCSC 1909, paras 213 and 219.

³³ *Victoria (City) v. Adams*, 2008 BCSC 1363 (CanLII), paras 85-100. Online, <http://canlii.ca/t/215hs>

³⁴ Key examples of case law includes: *Victoria v. Adams* 2008/ 2009, *Abbotsford v. Shantz* 2015, *BC v. Adamson* 2016, and *Vancouver (City) v. Wallstam* 2017.

³⁵ *British Columbia v. Adamson* (2016 BCSC 1245). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1245/2016bcsc1245.html?resultIndex=1>

³⁶ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

³⁷ *Abbotsford (City) v. Shantz* (2016 BCSC 2437), para 224. Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

³⁸ For an overview of provincial and territorial human rights codes, see: <https://ccdi.ca/media/1414/20171102-publications-overview-of-hr-codes-by-province-final-en.pdf>

equality should be interpreted to provide the widest possible protection of the right to housing and has urged Canadian courts and governments to adopt such interpretations.³⁹

33 While it is clear that the *Charter* provides some protection from forced evictions and sweeps of encampment residents, the extent to which it requires governments to address the crisis of homelessness that has led to reliance on encampments remains unresolved. The Supreme Court of Canada has yet to agree to hear an appeal in a case that would clarify the obligations of governments to address homelessness as a human rights violation. The Supreme Court has, however, been clear that the *Charter* should, where possible, be interpreted to provide protection of rights that are guaranteed under international human rights law ratified by Canada.

34 Governments should not use uncertainty about what courts might rule as an excuse for violating the human rights of those who are homeless. Canadian governments have an obligation, under international human rights law, to promote and adopt interpretations of domestic law consistent with the right to adequate housing. The UN Committee on Economic, Social and Cultural Rights has expressed concern that governments in Canada continue to argue in court against interpretations of the *Canadian Charter* that would protect the rights of homeless persons and residents of homeless encampments.

35 Therefore, it is critically important that, as part of a Protocol based on respect for human rights, municipal, provincial/territorial, and federal governments instruct their lawyers not to undermine international human rights or oppose reasonable interpretations of the *Charter* based on international human rights. They should never seek to undermine the equal rights of residents of homeless encampments to a dignified life, to liberty, and security of the person.

3. UN 2030 Agenda for Sustainable Development

36 In September 2015, member states of the United Nations, including Canada, adopted the *2030 Agenda for Sustainable Development (2030 Agenda)*. Target 11.1 of the SDGs specifically identifies that by 2030, all States must “ensure access for all to adequate, safe and affordable housing and basic services and to upgrade informal settlements.” This means governments must take steps to eliminate homelessness and make cities inclusive, safe, resilient and sustainable. Upgrading informal settlements

³⁹ CESCR, General Comment No. 9, para 15; E/C.12/1993/5, paras 4, 5, and 30.

includes the upgrading of homeless encampments.⁴⁰ States have affirmed that a rights-based approach to the SDG's is critical if they are to be achieved.⁴¹

V. Key Principles

37 It is critical that all levels of government in Canada employ an integrated human rights-based approach when engaging with encampments. The Principles outlined here aim to support the right to housing for all encampment residents as part of Canada's commitment to the right to housing under international human rights treaties and domestic law.

PRINCIPLE 1: Recognize residents of homeless encampments as rights holders

38 All government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. For many governments and those exercising governmental authority, this will mean a shift away from criminalizing, penalizing, or obstructing encampments, to an approach rooted in rights-based participation and accountability.⁴²

39 This will mean understanding encampments as instances of both human rights *violations* of those who are forced to rely on them for their homes, as well as human rights *claims* advanced in response to violations of the right to housing. While encampments arise as a result of governments failing to effectively implement the right to housing, they can also be an expression of individuals and communities claiming their legitimate place within cities, finding homes within communities of people without housing, asserting claims to lands and territories, and refusing to be made invisible. They are a form of grassroots human rights practice critical to a democracy such as Canada's.⁴³ For Indigenous peoples, the occupation of lands and traditional territories vis-à-vis encampments may also be an assertion of land rights, claimed in conjunction with the right to housing.

40 In recognition of encampments as rights violations and rights claims, governments must rectify the policy failures that underpin the emergence of homeless encampments, while simultaneously recognizing residents as rights holders who are advancing a legitimate human rights claim. Their efforts to claim their rights to home

⁴⁰ A/73/310/Rev.1.

⁴¹ The *National Housing Strategy* of Canada mirrors many of the commitments made in the *2030 Agenda*. However, the *Strategy* only commits Canada to reducing chronic homelessness by 50%, despite the *2030 Agenda's* imperative to eliminate homelessness and provide access to adequate housing for all.

⁴² A/73/310/Rev.1, para 15.

⁴³ A/73/310/Rev.1.

and community must be supported, not thwarted, criminalized, or dismissed as illegitimate or gratuitous protest.⁴⁴

PRINCIPLE 2: Meaningful engagement and effective participation of encampment residents

41 Ensuring encampment residents are able to participate in decisions that directly affect them is “critical to dignity, the exercise of agency, autonomy and self-determination.”⁴⁵ As rights holders, encampment residents are entitled to “participate actively, freely and meaningfully in the design and implementation of programmes and policies affecting them.”⁴⁶ Meaningful engagement must be grounded in recognition of the inherent dignity of encampment residents and their human rights, with the views expressed by residents of homeless encampments being afforded adequate and due consideration in all decision-making processes.

42 Governments and other actors must engage encampment residents in the early stages of discussion without using the threat of eviction procedures or police enforcement to coerce, intimidate, or harass.⁴⁷ Engagement should proceed under the principle that residents are experts in their own lives and what is required for a dignified life.⁴⁸ Indigenous residents of encampments should also be engaged in decision-making processes in a manner that is culturally-safe and trauma informed.

43 In the context of homeless encampments, the right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them. All meetings with government officials or their representatives regarding the encampment should be documented and made available to encampment residents upon request.

44 Participation processes must comply with all human rights principles, including non-discrimination. Compliance with international human rights law requires:

- i. **Provision of necessary institutional, financial, and other resources to support residents’ right to participate**
In order to participate in decisions that affect them, encampment residents should be provided with financial and institutional resources (e.g., wifi/internet access, meeting spaces) that support their active participation in decision-making. Such supports should include, but are not

⁴⁴ A/73/310/Rev.1.

⁴⁵ A/HRC/43/43, para 20.

⁴⁶ Ibid. See also the Committee on the Rights of the Child’s General Comment No. 21 (2017) on children in street situations.

⁴⁷ A/HRC/40/61, para 38.

⁴⁸ A/HRC/43/43, para 21.

limited to: legal advice, social service supports, Indigenous cultural supports, literacy supports, translation, mobility supports, and transportation costs to attend consultations or meetings.⁴⁹ These resources should support democratic processes within the encampment, including community meetings, the appointment of community leaders, and the sharing of information.⁵⁰ Residents must be granted a reasonable and sufficient amount of time to consult on decisions that affect them.

- ii. **Provision of relevant information about the right to housing**
Encampment residents must be provided with information about their right to housing, including information about procedures through which they can hold governments and other actors accountable, as well as specific information about the rights of Indigenous Peoples.⁵¹
- iii. **Provision of relevant information concerning decisions that affect residents, ensuring sufficient time to consult**
Encampment residents must be provided with all relevant information in order to make decisions in matters that affect them.⁵²
- iv. **Establishment of community engagement agreement between homeless encampment residents, government actors, and other stakeholders**
In order to facilitate respectful, cooperative, and non-coercive communication between residents, government, and other stakeholders, government may seek to collaborate with residents to create a formal community engagement agreement (when appropriate and requested by residents).⁵³ This agreement should outline when and how encampment residents will be engaged,⁵⁴ and should be ongoing and responsive to the needs of the encampment residents.⁵⁵ It should allow the residents of homeless encampments to play an active role in all aspects of relevant proposals and policy, from commencement to conclusion. Residents should be able to challenge any decision made by government or other actors, to propose alternatives, and to articulate their own demands and priorities. Third party mediators should be available to protect against power imbalances that may lead to breakdown in negotiations or create

⁴⁹ Committee on Economic, Social and Cultural Rights' General Comment No. 4, para. 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 39).

⁵⁰ A/73/310/Rev.1.

⁵¹ A/73/310/Rev.1, para 19.

⁵² A/73/310/Rev.1.

⁵³ A/73/310/Rev.1.

⁵⁴ A/73/310/Rev.1.

⁵⁵ United Nations. *Guiding Principles on Extreme Poverty and Human Rights*, foundational principles, para 38.

unfair results.⁵⁶ Relevant government authorities and professionals should also be provided with “training in community engagement and accountability.”⁵⁷

v. **Provision of equitable opportunities for the meaningful participation of all encampment residents**

As a matter of human rights law, particular efforts must be taken to ensure equitable participation by women, persons with disabilities, Indigenous Peoples, migrants, and other groups who experience discrimination or marginalization.⁵⁸ Where possible, members of these groups should be afforded central roles in the process.⁵⁹

Principle 2 in Action – The “People’s Process” in Kabul, Afghanistan

The upgrading of informal settlements was identified as a key goal in the *2030 Agenda for Sustainable Development*, committing States to “upgrade slums” by 2030 (target 11.1). As identified by the UN Special Rapporteur on the right to adequate housing, “Participation in upgrading requires democratic processes through which the community can make collective decisions.” Under international human rights law, the democratic processes required to upgrade slums mirrors encampment residents’ right to participate in plans to resolve their housing needs. As such, democratic processes implemented to upgrade informal settlements in cities around the world can provide helpful examples for Canadian homeless encampments.

One such example is the “people’s process” in Kabul, Afghanistan. This process delineates community leadership and control over the upgrading process, and includes an organizational structure that enables the community to engage different levels of government. As part of this process, “local residents elect community development councils responsible for the selection, design, implementation and maintenance of the projects.” City staff are trained to work alongside informal settlement residents to implement and complete upgrading.

⁵⁶ A/HRC/43/4, para 42.

⁵⁷ A/73/310/Rev.1, para 20.

⁵⁸ A/HRC/43/4.

⁵⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 21 (2009) on the right of everyone to take part in cultural life, in particular para 16.

PRINCIPLE 3: Prohibition of forced evictions of encampments

45 Under international human rights law, forced evictions constitute a gross violation of human rights and are prohibited in all circumstances, including in the context of encampments.⁶⁰

46 Forced evictions are defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection ... in conformity with the provisions of the International Covenants on Human Rights.”⁶¹

47 Forced evictions are impermissible irrespective of the tenure status of those affected. This means that the forced eviction of encampments is prohibited if appropriate forms of protection are not provided – including all of the requirements described in this Protocol.⁶² It may also be considered a forced eviction when governments’ and those acting on their behalf harass, intimidate, or threaten encampment residents, causing residents to vacate the property.⁶³

48 Common reasons used to justify evictions of encampments, such as ‘public interest,’ ‘city beautification,’ development or re-development, or at the behest of private actors (e.g., real estate firms), do not justify forced evictions.⁶⁴ Evictions (as opposed to “forced evictions”) may be justified in rare circumstances, but they may only be carried out after exploring all viable alternatives with residents, in accordance with law and consistent with the right to housing, as described in this Protocol.

49 Governments must repeal any laws or policies that sanction forced evictions and must refrain from adopting any such laws, including for example anti-camping laws, move-along laws, laws prohibiting tents being erected overnight, laws prohibiting personal belongings on the street, and other laws that penalize and punish people experiencing homelessness and residing in encampments.⁶⁵

⁶⁰ A/HRC/43/43, para 34; CESCR General Comment No.7.

⁶¹ CESCR General Comment No.7.

⁶² A/HRC/43/43, para 34; also see: “Security of tenure under domestic law should not, consequently, be restricted to those with formal title or contractual rights to their land or housing. The UN guiding principles on security of tenure (A/HRC/25/54, para. 5), states that security of tenure should be understood broadly as “a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one’s home in security, peace and dignity.”

⁶³ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>

⁶⁴ A/HRC/43/43, para 36.

⁶⁵ See, for example, Ontario’s *Safe Street’s Act* (1999).

Principle 3 in Action: Forced Eviction & Harassment of Homeless Encampment Residents

In cities around the world, people experiencing homelessness are frequently subject to discriminatory treatment, harassment, and extreme forms of violence because of their housing status. People residing in homeless encampments are exposed to similar or worse treatment, particularly when faced with pressure to relocate or disperse.

In some cases, local laws, policies, or practices can provide the mechanisms for this harassment. For example, in British Columbia local authorities enforced a bylaw prohibiting overnight shelters in parks by using tactics that included spreading chicken manure and fish fertilizer on a homeless encampment. Residents and allies of the homeless encampment subsequently filed a human rights complaint with regard to these practices (*Abbotsford (City) v. Shantz*), and the BC Supreme Court found that certain bylaws violated encampment residents' constitutional rights to life, liberty and security of the person.

Under international human rights law, such activities are strictly prohibited and constitute instances of forced eviction, even if they align with local laws or policies. Given this, it is critical that Canadian governments review local and national policies and laws to ensure they do not violate the prohibition against the forced eviction of homeless encampments.

PRINCIPLE 4: Explore all viable alternatives to eviction

50 Government authorities must explore all viable alternatives to eviction, in consultation with encampment residents.⁶⁶ This means ensuring their meaningful and effective participation in discussions regarding the future of the encampment.

51 Free and independent legal advice should be made available to all residents to help them understand the options, processes, and their rights. Consultations should be conducted at times and locations that are appropriate and accessible for residents to ensure their participation is maximised. Financial and other support should be available to residents so that they can fully participate in all discussions regarding the future of the encampment and so that residents can retain outside consultants (e.g., environmental engineers, architects) where needed to assist them in developing alternative options to eviction.

52 Discussions regarding viable alternatives to eviction must include meaningfully engagement with Indigenous Peoples and be grounded in principles of self-determination, free, prior and informed consent. In urban contexts, for example, urban Indigenous organisations should be engaged early in the planning process to establish service delivery roles and to ensure the availability of culturally appropriate services.

⁶⁶ A/HRC/43/4.

53 Where personal needs differ amongst residents of encampments such that a singular best alternative is not unanimous, governments will have to develop several solutions each of which is consistent with the principles outlined in this Protocol.

PRINCIPLE 5: Ensure that any relocation is human rights compliant

54 Homeless encampments are not a solution to homelessness, nor are they a form of adequate housing. Governments have an urgent, positive obligation to ensure encampment residents have access to long-term, adequate housing that meets their needs, accompanied by necessary supports. Rather than eviction, governments must engage with homeless encampments with a view to ensuring residents are able to access such housing.

55 Despite this obligation, many governments respond to encampments by simply moving residents from one bad site to another through the use of law enforcement, physical barriers, or other means, and without meaningfully engaging residents. This in no way addresses the underlying violations of the right to housing experienced by residents of encampments, is often costly, and can contribute to increased marginalization. If relocation is deemed necessary and/or desired by encampment residents, it is critical that it is conducted in a human rights compliant manner.

56 As a starting point, meaningful, robust, and ongoing engagement with residents (as defined in Principle 2) is required for the development of any relocation of homeless encampments or of their residents. Meaningful engagement with communities should ensure the development of plans that respect the rights of residents and can be implemented cooperatively, without police enforcement.⁶⁷ Considerations regarding relocation must be grounded in the principle that “the right to remain in one’s home and community is central to the right to housing.”⁶⁸ If relocation is consistent with the human rights of residents, it will almost always be achievable without the use of force.

57 If government authorities propose the relocation of residents of homeless encampments, and the residents desire to remain in situ, the burden of proof is on the government to demonstrate why in situ upgrading is unfeasible.⁶⁹

58 If, after meaningful engagement with those affected, relocation is deemed necessary and/or desired by encampment residents, adequate alternative housing must be provided in close proximity to the original place of residence and source of livelihood.⁷⁰ If governments have failed to provide residents with housing options that

⁶⁷ A/HRC/40/61, para 38.

⁶⁸ A/73/310/Rev.1, para 26.

⁶⁹ A/73/310/Rev.1, para 32.

⁷⁰ A/HRC/4/18, annex I, para. 60.

they find acceptable, residents must be permitted to remain or be provided with a satisfactory alternative location, while adequate permanent housing options are negotiated and put in place.

59 If, in the exceptional case there is no viable alternative to eviction by authorities, eviction must be compliant with all aspects of international human rights law.⁷¹ Compliance with international human rights law requires:

i. **Prohibition against the removal of residents' private property without their knowledge and consent**

The removal of residents' private property by governments and those acting on their behalf, including the police, without their knowledge and consent, is strictly prohibited.⁷² Such actions are contrary to the rights of residents and may contribute to the deepening of residents' marginalization, exclusion, and homelessness.⁷³ Governments and police must also seek to actively prevent the removal of homeless residents' private property by private actors or any other form of harassment.

ii. **Adherence to the right to housing and other human rights standards when relocation is necessary or preferred**

Adequate alternative housing, with all necessary amenities (particularly water, sanitation and electricity), must be in place for all residents prior to their eviction.⁷⁴ Alternative housing arrangements should be in close proximity to the original place of residence and to services, community support, and livelihood.⁷⁵ It is critical that all encampment residents be allowed to participate in decisions regarding relocation, including the timing and site of relocation.⁷⁶ A full hearing of the residents' concerns with the proposed relocation should be held, and alternatives explored.

⁷² A/HRC/4/18, *Basic Guidelines on Development Based Evictions*, see para 50: "States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use."

⁷³ National Law Centre on Homelessness & Poverty. (2017). *Violations of the Right to Privacy for Persons Experiencing Homelessness in the United States*. Available from: <https://nlchp.org/wp-content/uploads/2018/10/Special-Rapporteur-Right-to-Privacy.pdf>. See para 7: "For them, whatever shelter they are able to construct, whether legally or illegally, is their home, and their right to privacy should inhere to that home the same as it would for any regularly housed person. To deny them that right is to further marginalize and dehumanize this already highly marginalized and dehumanized population."

⁷⁴ A/73/310/Rev.1, para 34.

⁷⁵ Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 60) and A/HRC/4/18, annex I, para. 60.

⁷⁶ A/73/310/Rev.1, para 31.

iii. **Relocation must not result in the continuation or exacerbation of homelessness, or require the fracturing of families or partnerships**

Relocation must not result in the continuation or deepening of homelessness for residents.⁷⁷ Relocation must not require the separation of families or partners, as defined by rights-holders themselves, including chosen family and other kinship networks.⁷⁸ Governments should engage encampments with a view to keeping the community intact, if this is desired by the residents.⁷⁹ Governments should also ensure that relevant housing policies are supportive of the ways in which rights-holders define their own families, partnerships, communities and extended Indigenous kinship structures, and accommodate these whenever possible in public or social housing.

iv. **Access to justice to ensure procedural fairness and compliance with all human rights**

Access to justice must be ensured at all stages of government engagement with encampment residents, not just when eviction is imminent.⁸⁰ Access to justice and legal protection must meet international human rights law standards,⁸¹ including the provision of due process, access to legal aid, access to fair and impartial legal advice, and the ability to file complaints in a relevant forums (including Indigenous forums) that are geographically proximate.⁸²

⁷⁷ A/73/310/Rev.1.

⁷⁸ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>. See para 52: “States should also ensure that members of the same extended family or community are not separated as a result of evictions.”; also, UNHR Summary Conclusions on the Family Unit, Available at <https://www.unhcr.org/protection/globalconsult/3c3d556b4/summary-conclusions-family-unity.html>, see para 8: “International human rights law has not explicitly defined ‘family’ although there is an emerging body of international jurisprudence on this issue which serves as a useful guide to interpretation. The question of the existence or non-existence of a family is essentially a question of fact, which must be determined on a case-by-case basis, requiring a flexible approach which takes account of cultural variations, and economic and emotional dependency factors. For the purposes of family reunification, ‘family’ includes, at the very minimum, members of the nuclear family (spouses and minor children).”

⁷⁹ A/HRC/43/43, para 42.

⁸⁰ A/HRC/43/43.

⁸¹ Committee on Economic, Social and Cultural Rights, General Comment No. 7, para 3.

⁸² It should be noted that broad and inclusive participatory-based processes can potentially foster access to justice for equity-seeking groups, and such processes should be responsive to the unique barriers to justice these groups face.

Principle 5 in Action - *Melani v. City of Johannesburg*

Globally, there are many compelling examples of courts upholding the rights of informal settlements or homeless encampments right to remain in place (“in situ”) in their community. One such example is *Melani v. City of Johannesburg* in South Africa. In this case, the Slovo Park informal settlement challenged the City of Johannesburg’s decision to relocate the community to an alternative location 11 km away. The court held that the Government’s upgrading policy, as required by the constitutional right to housing, envisages “a holistic development approach with minimum disruption or distortion of existing fragile community networks and support structures and encourages engagement between local authorities and residents living within informal settlements.” The Court concluded that relocation must be “the exception and not the rule” and any relocation must be to a location “as close as possible to the existing settlement.” The Court ordered the City of Johannesburg to reverse the decision to relocate the community, and mandated the city to apply for funding for in situ upgrading.

The South African approach is an example of how some national courts are making the shift to adopt a human rights-based approach to encampments. This is a shift that moves in the right direction and should be applied by all courts in Canada.

PRINCIPLE 6: Ensure encampments meet basic needs of residents consistent with human rights⁸³

60 Much of the stigma attached to residents of encampments is a result of governments failing to ensure access to basic services, including access to clean water, sanitation facilities, electricity, and heat, as well as support services.⁸⁴ These conditions violate a range of human rights, including rights to housing, health, physical integrity, privacy, and water and sanitation.⁸⁵ In these conditions, residents face profound threats to dignity, safety, security, health, and wellbeing.⁸⁶ The denial of access to water and sanitation by governments constitutes cruel and inhumane treatment, and is prohibited under international human rights law.⁸⁷

⁸³ Details regarding securing basic needs consistent with human rights can be found in Schedule B.

⁸⁴ A/73/310/Rev.1.

⁸⁵ A/HRC/43/4.

⁸⁶ UN Water. *Human Rights to Water and Sanitation*. Available from: <https://www.unwater.org/water-facts/human-rights/>

⁸⁷ A/73/310/Rev.1, para 46: “Attempting to discourage residents from remaining in informal settlements or encampments by denying access to water, sanitation and health services and other basic necessities, as has been witnessed by the Special Rapporteur in San Francisco and Oakland, California, United States of

61 Canadian governments must ensure, at a minimum, that rudimentary adequacy standards are ensured in homeless encampments on an urgent and priority basis, while adequate housing options are negotiated and secured. Government's compliance with international human rights law requires:

i. **Access to safe and clean drinking water**

Water and sanitation are critical to health for all people. Through *Resolution 64/292*, the United Nations explicitly recognized the right to safe and clean drinking water and sanitation as a "human right that is essential for the full enjoyment of life and all human rights."⁸⁸ The *Resolution* calls upon States and international organizations "to provide safe, clean, accessible and affordable drinking water and sanitation for all." This obligation extends to those residing in homeless encampments.⁸⁹

ii. **Access to hygiene and sanitation facilities**

Homeless encampments must be provided with sufficient resources and supports to ensure access to hygiene and sanitation facilities – toilets, showers, hand-washing stations, for example – within the encampment, or within very close proximity. Using existing facilities that remain open to the general public will not be appropriate. Facilities should ensure the hygiene and dignity of all residents irrespective of needs or identity. Peer-led hygiene and sanitation facilities have worked well in some contexts.

iii. **Resources and support to ensure fire safety**

General safety precautions should be implemented in an encampment environment to ensure residents are safe from fire and chemical exposure. Fire Departments should assist residents in developing a harm reduction approach to fire safety.

iv. **Waste management systems**

The lack of waste management systems in encampments has serious health and safety implications. Encampments necessarily create garbage during the course of daily activities. Garbage piles can become combustible fire hazards and can increase the risk of exposure to chemical waste. Human and animal biological waste also poses a particular danger. Without sanitary facilities, accumulated fecal waste can contaminate the

America, 29 constitutes cruel and inhuman treatment and is a violation of multiple human rights, including the rights to life, housing, health and water and sanitation."

⁸⁸A/RES/64/292, para 2. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

⁸⁹ A/RES/64/292, para 3. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

ground and transmit diseases.⁹⁰ The improper disposal of needles can also transmit diseases through puncture wounds or re-use of needles. It is the responsibility of governments to ensure that homeless encampments have sufficient resources for the establishment of waste management systems.

v. **Social Supports and Services**

Residents of homeless encampments should be ensured access to health, mental health, addiction, and broader social services in a manner equitable to other community residents and consistent with human rights. All supports should be culturally appropriate and anti-oppressive. Governments should consult encampment residents on how best to provide access to these services, including through approaches such as outreach and/or on-site service provision. The provision of social services should not be linked to data gathering of any kind.

vi. **Guarantee Personal Safety of Residents**

Although research indicates that unsheltered people in Canada are disproportionately targets of violence, rather than perpetrators,⁹¹ interpersonal violence and exploitation can occur within encampments. Interpersonal violence is often exacerbated when people do not have their basic needs met,⁹² thus the provision of meaningful resources and supports will likely help ameliorate issues of safety.

It is the State's duty to protect the safety of all residents, particularly those who may be particularly vulnerable to abuse, harm, trafficking, or exploitation. Responses to violence must be guided by principles of transformative justice, rather than reproduce punitive outcomes and must be based in community-developed safety protocols. Governments must recognize that engaging police or other state authorities as a response to violence in encampments may put people at increased risk of harm, including due to risks of being criminalized or incarcerated.

vii. **Facilities and resources that support food safety**

Consuming contaminated food or water can cause a variety of foodborne

⁹⁰ CalRecycle. *Homeless Encampment Reference Guide*. Available at:

<https://www.calrecycle.ca.gov/illegaldump/homelesscamp#SolidWaste>

⁹¹ Sylvia, N., Hermer, J., Paradis, E., & Kellen, A. (2009). "More Sinned Against than Sinning? Homeless People as Victims of Crime and Harassment." In: Hulchanski, J. David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (Eds.), *Finding Home: Policy Options for Addressing Homelessness in Canada* (e-book), Chapter 7.2. Toronto: Cities Centre, University of Toronto.

www.homelesshub.ca/FindingHome

⁹² Slabbert, I. (2017). Domestic violence and poverty: Some women's experiences. *Research on social work practice*, 27(2), 223-230.

illnesses. Encampments are often more susceptible to foodborne illnesses due to a lack of storage, cooling appliances, improperly cooked foods, and limited or no access to clean water. Diseases can spread quickly in an encampment setting.

One of the best ways to prevent the spread of illness is to for governments to provide resources that enable the encampment to implement food safety measurements such as refrigeration facilities, which are also important for storing medicines.

viii. **Resources to support harm reduction**

Governments must provide encampments with the resources to implement effective harm reduction measures. Appropriate professionals should support residents to establish emergency protocols for responding to overdoses and other health emergencies.

ix. **Rodent and pest prevention**

The presence of rodents and pests can pose a significant threat to the health of residents. Appropriate prevention and treatment options should be available for pest management that are safe for use in human environments. Encampment residents should be provided with the resources to prevent and address the presence of rodents and pests.

62 In implementing these standards, it must be recognized that residents of encampments are experts with respect to their living spaces — they often know what resources are needed and how best to mobilize them. As a matter of human rights, residents must be engaged in planning and carrying out any measures developed to improve access to basic services. Practices, systems, and agreements residents have already put in place should be respected by government officials and should inform any further improvements.

PRINCIPLE 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents

63 As a matter of international human rights law, the rights and dignity of residents must be at the heart of all government engagement with homeless encampments.⁹³ Dignity is an inherent human rights value that is reflected in the *Universal Declaration of Human Rights*. As such, Canadian governments have an obligation to bring about positive human rights outcomes in all of their activities and decisions concerning homeless encampments.

⁹³ ICESCR.

64 Where Canadian governments at any level make decisions with regards to encampments, it is essential that they do so taking into account the full spectrum of human rights of residents and ensure that their enjoyment of those rights is enhanced by all decisions. Any decision that does not lead to the furthering of human rights, fails to ensure their dignity, or represents a backwards step in terms of their enjoyment of human rights, is contrary to human rights law.

65 More broadly, the Canadian government has an obligation to the progressive realization of the right to housing, alongside all other human rights.⁹⁴ A central component of that obligation is to address on an urgent basis the needs of those in the greatest need. This means that Canadian governments must move, as a matter of priority, towards the full enjoyment of the right to housing for encampment residents.⁹⁵ When governments fail to bring about positive human rights outcomes for encampment residents, they fail their obligation to progressively realize the right to housing.⁹⁶

PRINCIPLE 8: Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with encampments

66 Indigenous Peoples in Canada experience some of the most severe and egregious forms of housing need, and are dramatically overrepresented in homeless populations across the country, including specifically amongst those who are sleeping rough.⁹⁷ Under these conditions, many Indigenous Peoples experience profound violations of the right to housing and the right to self-determination, as well as violations of the right to freely pursue their economic, social, and cultural development.⁹⁸

67 For Indigenous Peoples in Canada, encampments and political occupation may occur simultaneously as a means of survival and a means of asserting rights to lands and

⁹⁴ ICESCR, in General Comment No.3 on the nature of states parties' obligations under Art 2(1) of the ICESCR.

⁹⁵ ICESCR, Article 2(1).

⁹⁶ Further, if governments failed to ensure human rights outcomes were obtained for encampment residents, and residents suffered some detriment to their enjoyment of their rights (e.g., loss of dignity or ended up street homeless without any shelter at all), this might be classed as retrogression and a breach of obligations.

⁹⁷ See ESDC (Employment and Social Development Canada). (2019). *Everyone counts highlights: Preliminary results from the second nationally coordinated point-in-time count of homelessness in Canadian communities*. Retrieved from <https://www.canada.ca/en/employment-social-development/programs/homelessness/reports/highlights-2018-point-in-time-count.html#3.5>. Similarly, the [2018 Toronto Street Needs Assessment](#) documented that 16% of those enumerated were Indigenous, and 38% of those sleeping rough were Indigenous. See also Patrick, C. (2014). *Aboriginal Homelessness in Canada: A Literature Review*. Toronto: Canadian Homelessness Research Network Press. Retrieved from <https://www.homelesshub.ca/sites/default/files/AboriginalLiteratureReview.pdf>.

⁹⁸ Article 3 of the *Declaration* and article 1 of the *Covenant*.

territories within cities and elsewhere. Whatever the impetus, any government engagement with Indigenous Peoples in encampments must be guided by the obligation to respect, protect, and fulfil their distinct rights. These rights are outlined in the United Nations Declaration on the Rights of Indigenous Peoples, as well as many other international human rights treaties.

68 Under international human rights laws, the enjoyment of the right to housing for Indigenous Peoples is “deeply interconnected with their distinct relationship to their right to lands, territories and resources, their cultural integrity and their ability to determine and develop their own priorities and strategies for development.”⁹⁹ Recognition of the indivisible nature of Indigenous Peoples’ human rights, and the obligation to uphold these rights, must shape all government engagement with Indigenous encampment residents, as well as the Indigenous Peoples who own or occupy the land or territories upon which the encampment is located.

69 Compliance with international human rights law requires:

i. **Recognition of the distinct relationship that Indigenous Peoples have to their lands and territories**

In order to ensure adequate housing for Indigenous Peoples, States, Indigenous authorities, and other actors must recognize the distinct spiritual and cultural relationships that Indigenous Peoples have with their lands and territories.¹⁰⁰ This recognition includes protection for Indigenous residents of encampments, who have the right to utilize their lands and territories in line with their own economic, social, political, spiritual, cultural, and traditional practices (as defined and assessed by the Peoples themselves).¹⁰¹

Under international human rights law, governments “should respect those housing structures which an Indigenous community deems to be adequate in the light of their own culture and traditions.”¹⁰² In the context of encampments, governments must respect Indigenous Peoples’ right to construct shelter and housing in ways that incorporate their lived histories, cultures, and experiences.¹⁰³

ii. **Guarantee of self-determination, free, prior and informed consent and**

⁹⁹ A/74/183, particularly para 6: “The right to adequate housing can be enjoyed by Indigenous Peoples only if its articulation under article 11 (1) of the International Covenant on Economic, Social and Cultural Rights is understood as interdependent with and indivisible from the rights and legal principles set out in the United Nations Declaration on the Rights of Indigenous Peoples.”

¹⁰⁰ A/74/183.

¹⁰¹ A/74/183.

¹⁰² A/74/183, para 62.

¹⁰³ A/74/183.

meaningful consultation of Indigenous Peoples

Governments must ensure the participation of Indigenous Peoples in all decision-making processes that affect them.¹⁰⁴ Governments must consult with Indigenous encampment residents in order to obtain their free, prior, and informed consent before taking any action that may affect them.¹⁰⁵

Engagement with Indigenous communities should involve genuine dialogue and should be guided by “mutual respect, good faith and the sincere desire to reach agreement.”¹⁰⁶ This consultation process must engage representatives chosen by Indigenous Peoples themselves, in accordance with their own procedures and practices.¹⁰⁷ As outlined in Principle 2, governments must provide Indigenous residents with necessary institutional, financial, and other resources in order to support their right to participate.¹⁰⁸ Indigenous women and girls must be consulted on a priority basis.¹⁰⁹

iii. Prohibition against the forced eviction, displacement, and relocation of Indigenous Peoples

Indigenous Peoples’ access to and control over their lands, territories and resources constitute a fundamental element of the realization of their right to adequate housing.¹¹⁰ As such, international human rights law strictly prohibits the relocation of Indigenous Peoples in the absence of free, prior, and informed consent.¹¹¹

iv. Protection and guarantees against all forms of violence and discrimination for Indigenous women, girls, and gender diverse peoples

Indigenous women, girls, gender diverse, and Two-Spirit peoples experience particular forms of violence – including sexual violence and

¹⁰⁴ United Nations Declaration on the Rights of Indigenous Peoples.

¹⁰⁵ United Nations Declaration on the Rights of Indigenous Peoples, in particular arts. 10, 19, and 23.

¹⁰⁶ A/74/183, para 56.

¹⁰⁷ United Nations Declaration on the Rights of Indigenous Peoples, art. 18. See also Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 6(1)(b); American Declaration on the Rights of Indigenous Peoples, arts. XXI (2) and XXIII (1); and A/HRC/18/42, annex (Expert Mechanism advice No. 2 (2011)). See also Human Rights Committee, General Comment No. 23 (1994) on the rights of minorities, para 7.

¹⁰⁸ Committee on Economic, Social and Cultural Rights’ General Comment No. 4, para 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para 39).

¹⁰⁹ A/74/183, para 59.

¹¹⁰ A/74/183, para 51. See also A/HRC/7/16, paras 45–48; The United Nations Declaration of the Rights of Indigenous Art. 26.2: “Indigenous Peoples have the right to own, use, develop, and control the lands, territories and resources that they possess by reason of traditional occupation or use, as well as those which they have otherwise acquired.”

¹¹¹ United Nations Declaration on the Rights of Indigenous Peoples, Art. 10: “Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

homicide – in relation to the intersection of their indigeneity, gender identity, socioeconomic and cultural status, and their housing status.¹¹² Canadian law recognizes the concept of multiple and intersecting forms of discrimination, and under international human rights law all Indigenous women, girls, and those who are gender diverse or Two-Spirited “must enjoy full protection and guarantees against all forms of violence and discrimination, whether inside or outside their communities.”¹¹³

It is incumbent upon governments to provide Indigenous women and girls protection and guarantee against all forms of violence and discrimination within encampments, including from state authorities, in a manner that is consistent with Indigenous self-determination and self-governance.

¹¹² A/74/183, para 59.

¹¹³ A/74/183, para. 59.

SCHEDULE A: Select Case Law on Homeless Encampments in Canada

Victoria (City) v. Adams, [2009 BCCA 563](#)¹¹⁴

The City of Victoria made an application for an injunction to remove a "tent city" at Cridge Park. The City relied on its *Streets and Traffic Bylaw* and *Parks Regulation Bylaw*, which prohibits loitering and taking up an overnight temporary residence in public places. On appeal, the Court of Appeal established that the Victoria City bylaws violated section 7 of the *Canadian Charter* "in that they deprive homeless people of life, liberty and security of the person in a manner not in accordance with the principles of fundamental justice," and the provisions were not saved by section 1 of the *Charter* (para. 42). The Court of Appeal confirmed that the bylaw was overbroad "because it is in effect at all times, in all public places in the City."¹¹⁵

Abbotsford (City) v. Shantz, 2015¹¹⁶

The City of Abbotsford applied for an interim injunction requiring the defendants to remove themselves and their encampment from a city park. The Court concluded that the bylaws were "grossly disproportionate" because:

"the effect of denying the City's homeless access to public spaces without permits and not permitting them to erect temporary shelters without permits is grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless."¹¹⁷

The Court concluded that allowing the City's homeless to set up their shelters overnight and taking them down during the day would "reasonably balance the needs of the homeless and the rights of other residents of the City."¹¹⁸

¹¹⁴ *Victoria(City) v. Adams* (2009, BCCA 563). Online,

<https://www.canlii.org/en/bc/bcca/doc/2009/2009bccca563/2009bccca563.html?resultIndex=1>

¹¹⁵ The Court of Appeal stated at para. 116 that: "The prohibition on shelter contained in the Bylaws is overbroad because it is in effect at all times, in all public places in the City. There are a number of less restrictive alternatives that would further the City's concerns regarding the preservation of urban parks. The City could require the overhead protection to be taken down every morning, as well as prohibit sleeping in sensitive park regions." This case is perhaps one of the most notable successes in homeless litigation in Canada.

¹¹⁶ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online,

<https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

¹¹⁷ Para 224

¹¹⁸ The Court stated, "The evidence shows, however, that there is a legitimate need for people to shelter and rest during the day and no indoor shelter in which to do so. A minimally impairing response to balancing that need with the interests of other users of developed parks would be to allow overnight shelters to be erected in public spaces between 7:00 p.m. and 9:00 a.m. the following day." [para 276]

***British Columbia v. Adamson*, [2016 BCSC 584](#) [*Adamson #1*] and [2016 BCSC 1245](#) [*Adamson #2*]**¹¹⁹

The Province of BC applied for an interlocutory injunction to restrain the defendant encampment residents from trespassing on the Victoria courthouse green space. On the first application, the court concluded that the balance of convenience did not favour the granting of the injunction, stating

“the balance of convenience is overwhelmingly in favour of the defendants, who simply have nowhere to move to, if the injunction were to issue, other than shelters that are incapable of meeting the needs of some of them, or will result in their constant disruption and a perpetuation of a relentless series of daily moves to the streets, doorways, and parks of the City of Victoria.”¹²⁰

Following this, a second injunction was filed based on new evidence of the encampment deterioration conditions, as well as supporting evidence that the Province would make housing available to encampment residents. The court made an order requiring the encampment to be cleared, but granting residents to stay until alternate housing options were made available to them.¹²¹

***Vancouver (City) v. Wallstam*, [2017 BCSC 937](#)**¹²²

The City of Vancouver applied for an interlocutory injunction requiring encampment residents to vacate and remove all tents and other structures from a vacant city lot. The Court relied on the injunction test set out in *RJR-MacDonald*.¹²³ The court noted that:

“The test requires that the *applicant prove it will suffer irreparable harm* if the injunction is not granted...When I asked counsel what harm the *City* would suffer if the injunction was not granted, he answered that not granting the injunction would mean that a ‘vital social housing project won't go ahead’ and that interferes with the public good. He also points out the timeline for development of the project requires the injunction urgently ... While everyone can agree that more social housing is an important goal, I must balance that general concern against the position of the occupants that the tent city, as it currently exists, is now providing shelter and safe living space for the occupants.”¹²⁴

¹¹⁹ *British Columbia v. Adamson* (2016 BCSC 1245). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1245/2016bcsc1245.html?resultIndex=1>

¹²⁰ Para 183.

¹²¹ Paras 85-86,

¹²² *Vancouver (City) v. Wallstam* 2017 BCSC 937 at para 60. Online, <https://www.canlii.org/en/bc/bcsc/doc/2017/2017bcsc937/2017bcsc937.html?resultIndex=1>

¹²³ In *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311

¹²⁴ Para 46-47.

The court concluded that the City failed to meet the *RJR-MacDonald* test and dismissed the City's application, but without prejudice to bring it forward again on a more complete factual record.¹²⁵

¹²⁵ Para 64.

SCHEDULE B: An Elaboration on Principle 6

Ensure encampments meet basic needs of residents consistent with human rights

Canadian governments must ensure, at a minimum, that rudimentary adequacy standards are ensured in homeless encampments on an urgent and priority basis, while adequate housing options are negotiated and secured. Government's compliance with international human rights law requires:

i. **Access to safe and clean drinking water**

Water and sanitation are critical to health for all people. Through *Resolution 64/292*, the United Nations explicitly recognized the right to safe and clean drinking water and sanitation as a "human right that is essential for the full enjoyment of life and all human rights."¹²⁶ The *Resolution* calls upon States and international organizations "to provide safe, clean, accessible and affordable drinking water and sanitation for all." This obligation extends to those residing in homeless encampments.¹²⁷

To ensure access to safe and clean drinking water, governments should provide homeless encampments with resources for:

- On site/close-proximity clean and safe drinking/potable water, ensuring a sufficient number of access points for water relative to the number of residents
- Dishwashing Station(s) with clean water, sufficient in number for the number of residents

ii. **Access to hygiene and sanitation facilities**

Homeless encampments must be provided with sufficient resources and supports to ensure access to hygiene and sanitation facilities – toilets, showers, hand-washing stations, for example – within the encampment, or within very close proximity. Using existing facilities that remain open to the general public will not be appropriate. Facilities should ensure the hygiene and dignity of all residents irrespective of needs or identity. Peer-led hygiene and sanitation facilities have worked well in some contexts.

Hygiene and sanitation facilities should include:

- Washing stations, including showers with privacy and safety for women and gender diverse peoples, stocked with soap, water, paper towels

¹²⁶A/RES/64/292, para 2. Available at:

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

¹²⁷ A/RES/64/292, para 3. Available at:

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

- Adequate numbers of toilets based on the encampment population which must be accessible for residents with disabilities. Every toilet station must also have a hand-washing station
- Access to cleaning and bathing supplies
- Access to free laundry facilities
- Free feminine hygiene products
- Access to clean bedding

iii. **Resources and support to ensure fire safety**

General safety precautions should be implemented in an encampment environment to ensure residents are safe from fire and chemical exposure. Fire Departments should assist residents in developing a harm reduction approach to fire safety. Residents should be provided with resources to support best safety practices, including:

- Fire-safety approved sources of heat (e.g., safe metal vessels for heat)
- Warming tents
- In-tent heat sources
- Fire-proof tents
- Fire evacuation plan
- Signage indicating evacuation plans
- Accessible information on fire safety tips and how to handle and store flammable materials (e.g., gasoline, butane, propane)
- Fire extinguishers appropriately spaced and training for residents on how to operate them
- Electricity/charging stations for phones and laptops
- On-site ashtrays or cigarette disposal posts

iv. **Waste management systems**

The lack of waste management systems in homeless encampments has serious health and safety implications. Encampments necessarily create garbage during the course of daily activities, including during food preparation or shelter building. Unwanted materials can pile up quickly when there is no waste system in place to remove garbage from the area. Garbage piles can become combustible fire hazards and can increase the risk of exposure to chemical waste.

Human and animal biological waste also poses a particular danger. Without sanitary facilities, accumulated fecal waste can contaminate the ground and transmit diseases.¹²⁸ The improper disposal of needles can also transmit diseases through puncture wounds or re-use of needles.

¹²⁸ CalRecycle. *Homeless Encampment Reference Guide*. Online at <https://www.calrecycle.ca.gov/illegaldump/homelesscamp#SolidWaste>

It is the responsibility of governments to ensure that homeless encampments have sufficient resources for the establishment of waste management systems, which should include:

- Weekly garbage and recycling (more frequent if needed)
- Regular service for waste water and portable toilets
- Independent waste bins for flammable/hazardous waste (e.g., fuel, motor oil, batteries, light bulbs)
- Large rodent-proof waste bins with tight fitting lids
- Garbage bags, cleaning supplies, hand soap, hand sanitizer
- Waste water holding tanks (if there are no sewers near encampment)

v. **Social Supports and Services**

Residents of homeless encampments should be ensured access to health, mental health, addiction, and broader social services in a manner equitable to other community residents and consistent with human rights. All supports should be culturally appropriate and anti-oppressive. Governments should consult encampment residents on how best to provide access to these services, including through approaches such as outreach and/or on-site service provision. The provision of social services should not be linked to data gathering of any kind.

i. **Guarantee Personal Safety of Residents**

Although research indicates that unsheltered people in Canada are disproportionately targets of violence, rather than perpetrators,¹²⁹ interpersonal violence and exploitation can occur within encampments. Interpersonal violence is often exacerbated when people do not have their basic needs met,¹³⁰ thus the provision of meaningful resources and supports will likely help ameliorate issues of safety.

It is the State's duty to protect the safety of all residents, particularly those who may be particularly vulnerable to abuse, harm, trafficking, or exploitation. Responses to violence must be guided by principles of transformative justice, rather than reproduce punitive outcomes and must be based in community-developed safety protocols. Governments must recognize that engaging police or other state authorities as a response to violence in encampments may put people at increased risk of harm, including due to risks of being criminalized or incarcerated.

¹²⁹ Sylvia, N., Hermer, J., Paradis, E., & Kellen, A. (2009). "More Sinned Against than Sinning? Homeless People as Victims of Crime and Harassment." In: Hulchanski, J. David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (Eds.), *Finding Home: Policy Options for Addressing Homelessness in Canada* (e-book), Chapter 7.2. Toronto: Cities Centre, University of Toronto.
www.homelesshub.ca/FindingHome

¹³⁰ Slabbert, I. (2017). Domestic violence and poverty: Some women's experiences. *Research on social work practice*, 27(2), 223-230.

Any approach to addressing interpersonal safety within encampments must:

- Center on the most vulnerable members of the encampment, namely: BIPOC, women, trans-people and other LGBTQ2S+ persons, persons with disabilities, and other groups who experience discrimination or marginalization.
- Provide resources and supports to allow for Indigenous and other non-colonial approaches to conflict resolution.
- Provide safe, confidential, accessible, and non-coercive mechanisms through which individuals experiencing violence can report these experiences and receive trauma-informed supports and services, ensuring that these individuals are able to access alternative safe housing (as desired).

vi. **Facilities and resources that support food safety**

Consuming contaminated food or water can cause a variety of foodborne illnesses. Encampments are often more susceptible to foodborne illnesses due to a lack of storage, cooling appliances, improperly cooked foods, and limited or no access to clean water. Diseases can spread quickly in an encampment setting.

One of the best ways to prevent the spread of illness is to for governments to provide resources that enable the encampment to implement food safety measurements. This includes:

- Rodent-proof storage containers, with lids that can be sealed
- Shelving units to ensure food is stored off the ground
- Soap and sanitizer to clean food preparation surfaces
- Cooling appliance(s) to prevent spoilage
- Cooking appliance(s) to ensure food is thoroughly cooked

vii. **Resources to support harm reduction**

Governments must provide homeless encampments with the resources to implement effective harm reduction measures within homeless encampments. Appropriate professionals should support residents to establish emergency protocols for responding to overdoses and other health emergencies.

Encampment residents should be provided with:

- Overdose prevention training (e.g., CPR training)
- Overdose prevention supplies (e.g., Naloxone)
- Overdose Prevention Sites, where possible
- Puncture-proof containers for needle disposal
- Harm reduction outreach supports
- Regular servicing of puncture-proof containers by a certified waste-management company

- Information about available emergency services in the event of overdoses or other health-related crises

viii. **Rodent and pest prevention**

The presence of rodents and pests can pose a significant threat to the health of residents. Appropriate prevention and treatment options should be available for pest management that are safe for use in human environments (e.g., diatomaceous earth). Encampment residents should be provided with the resources to prevent and address the presence of rodents and pests, including:

- Resources and information on rodent and pest prevention
- A bait-station to detract rodents from sleeping tents, regularly serviced and monitored
- Cleaning materials and gloves to dispose of rodents

In implementing these standards, it must be recognized that residents of encampments are the experts of their living spaces — they often know what resources are needed and how best to mobilize them. As a matter of human rights, encampment residents must be engaged in planning and carrying out any measures developed to improve access to basic services for the encampment. Practices, systems, and agreements residents already have in place should be recognized by government officials and should inform any further improvements.

THIS IS **EXHIBIT “D”** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
AFFIRMED THIS 7TH DAY OF SEPTEMBER, 2022

DocuSigned by:

Ashley Elizabeth Schuitema

F793F43B57D44F6...

ASHLEY ELIZABETH SCHUITEMA

A Commissioner, etc.,

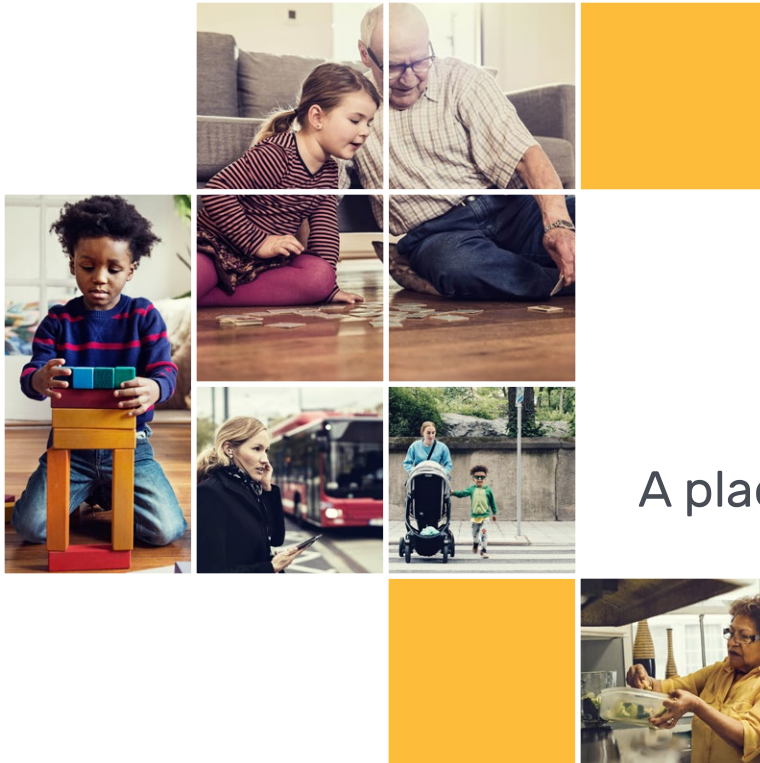
Province of Ontario,

While a Barrister and Solicitor.

LSO # 68257G



Canada's National Housing Strategy



A place to call home



Contents

- 3** Message from the Minister of Families, Children and Social Development
- 4** Canada's First Ever National Housing Strategy
- 8** **Chapter 1**
Housing Rights Are Human Rights
- 10** **Chapter 2**
Federal Re-Engagement Through the National Housing Co-Investment Fund
- 13** **Chapter 3**
Maintaining a Resilient Community Housing Sector
- 15** **Chapter 4**
A New Canada Housing Benefit
- 16** **Chapter 5**
Progress Through Partnership: Enhanced Support to Provinces and Territories
- 18** **Chapter 6**
Letting Communities Lead: A Plan to Make Homelessness History
- 19** **Chapter 7**
"Nothing About Us, Without Us"
- 20** **Chapter 8**
Evidence-Based Housing: Research, Data and Demonstrations
- 22** **Chapter 9**
Improving Homeownership Options for Canadians
- 24** **Chapter 10**
Gender-Based Analysis Plus (GBA+)
- 30** **Chapter 11**
The Journey to a National Housing Strategy
- 32** **Chapter 12**
Housing Progress Report

Message from the Minister of Families, Children and Social Development

It is my great honour and pleasure to present Canada's first ever National Housing Strategy (NHS), an ambitious \$40-billion plan to help ensure that Canadians have access to housing that meets their needs and that they can afford.

Bringing this Strategy to life has been a priority for the Government of Canada for the past 18 months. We are making historic investments in housing – and planning for transformational change – because we understand the value of home. Safe, affordable housing is a launch-pad for better socio-economic outcomes for our citizens, a more inclusive society where everyone has the opportunity to be well and to succeed, a stronger economy and a cleaner environment.

But for too many Canadian families, a decent home is simply not affordable. Across Canada, 1.7 million people are in housing need, living in homes that are inadequate or unaffordable. Another 25,000 Canadians are chronically homeless. This needs to change.

Building on investments announced in Budgets 2016 and 2017, the NHS signals a meaningful re-engagement by the federal government in housing. It is a key element of our Government's plan to help strengthen the middle class, promote growth for everyone, and lift more Canadians out of poverty.

Important learnings emerged from last year's Let's Talk Housing consultations, and our Strategy is stronger for it. Now the work of implementing these ideas begins.

To be successful, the NHS requires the collaboration and commitment of more partners than ever before, in a coherent, integrated and whole-of-government approach. The provinces and territories will, of course, be primary partners in the Strategy, but we will also work more closely with municipalities, the private and non-profit sectors, and others who share our goal of creating a new generation of housing in Canada.

We have set clear goals for the NHS, including removing 530,000 Canadian families from housing need and reducing chronic homelessness by half over the next decade. We will track and report on our success, and adapt our approach as needed as the Strategy unfolds. Our primary focus will be on meeting the needs of vulnerable populations, such as women and children fleeing family violence, seniors, Indigenous peoples, people with disabilities, those dealing with mental health and addiction issues, veterans and young adults.

The release of the NHS marks the beginning of a new era for housing in Canada. We have a Strategy that all Canadians can be proud of and support. I encourage you to become part of this nation-wide effort to ensure that all Canadians have the safe and affordable housing they need and deserve.



The Hon. Jean-Yves Duclos



Canada's First Ever National Housing Strategy

The Government of Canada believes every Canadian deserves a safe and affordable home. Affordable housing is a cornerstone of inclusive communities. It helps to strengthen the middle class and grow the economy. Canada's first ever National Housing Strategy is a 10-year, \$40-billion plan that will give more Canadians a place to call home.

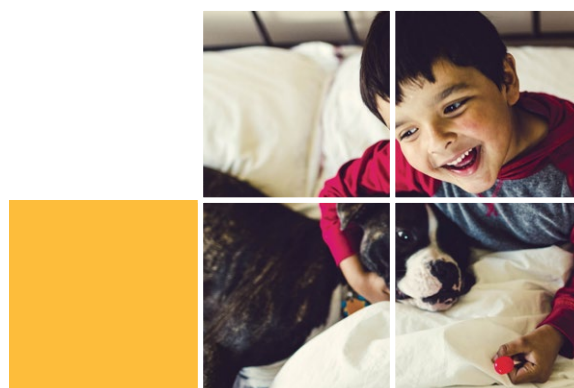
Canada's National Housing Strategy sets ambitious targets to ensure that unprecedented investments and new programming deliver results. This will include a 50% reduction in chronic homelessness, and as many as 530,000 households being taken out of housing need.¹ The National Housing Strategy will result in up to 100,000 new housing units and 300,000 repaired or renewed housing units.

Through new initiatives like the National Housing Co-Investment Fund and the Canada Community Housing Initiative, the National Housing Strategy will create a new generation of housing in Canada. Our plan will promote diverse communities. It will build housing that is sustainable, accessible, mixed-income, and mixed-use. We will build housing that is fully integrated into the community—close to transit, close to work, and close to public services.

Expanded and reformed federal homelessness programming, a new Canada Housing Benefit, and a rights-based approach to housing will ensure that the National Housing Strategy prioritizes the most vulnerable Canadians including women and children fleeing family violence, Indigenous peoples, seniors, people with disabilities, those dealing with mental health and addiction issues, veterans and young adults. All programs in the National Housing Strategy will be based on best evidence and ongoing input from people with lived experience of housing need.

The National Housing Strategy is truly a national project, built by and for Canadians. The success of our plan requires collaboration from many partners. The National Housing Strategy invests in the provinces and territories, so all regions can achieve better and more affordable housing. It invests in municipalities, to empower communities to lead the fight against homelessness. It also creates new opportunities for the federal government to innovate through partnerships with the community housing sector, co-operative movement, private sector, and research community.

The National Housing Strategy also respects the Government of Canada's commitment to a nation-to-nation, Inuit-to-Crown, government-to-government relationship with Indigenous peoples. That is why the National Housing Strategy commits the Government of Canada to fund and continue the significant work currently underway to co-develop distinctions-based housing strategies for First Nations, Inuit and Métis Nation partners.



¹ Households whose housing need is significantly reduced or eliminated.

A vision for housing in Canada:
Canadians have housing that meets their needs and they can afford. Affordable housing is a cornerstone of sustainable, inclusive communities and a Canadian economy where we can prosper and thrive.



Principles of the National Housing Strategy

Housing is more than just a roof over our heads

People

- Every Canadian deserves a safe and affordable home
- Housing investments must prioritize those most in need, including: women and children fleeing family violence; seniors; Indigenous peoples; people with disabilities; those dealing with mental health and addiction issues; veterans; and young adults
- Housing policy should be grounded in the principles of inclusion, participation, accountability, and non-discrimination

Communities

- Housing programs should align with public investments in job creation, skills training, transit, early learning, healthcare, and cultural and recreational infrastructure
- Housing investments should support Canada's climate change agenda and commitment to accessible communities
- Communities should be empowered to develop and implement local solutions to housing challenges

Partnerships

- First Nations, Inuit and Métis Nation housing strategies must be co-developed and founded in the values of self-determination, reconciliation, respect, and cooperation
- Good housing policy requires transparent and accountable partnership between the federal government, provinces, territories, municipalities, the social and private sectors, and people with lived experience of housing need
- The community housing sector must be prioritized, protected and grown

National Housing Strategy Targets

530,000
households removed from housing need

100,000
new housing units created representing **4x** as many units built under federal programs from 2005 to 2015*

300,000
existing housing units repaired and renewed representing **3x** as many units repaired and renewed under federal programs from 2005 to 2015*

385,000
community housing units protected and another **50,000** units created through an expansion of community housing

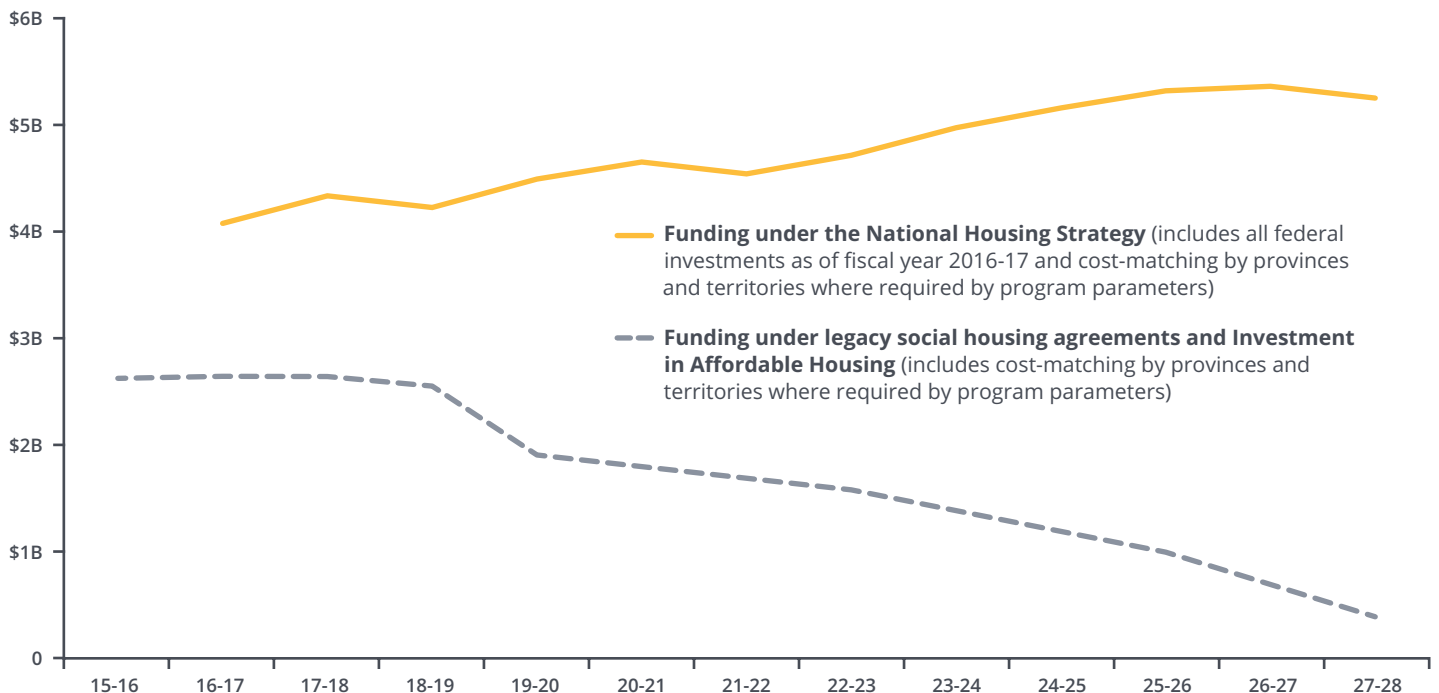
50%
reduction in estimated number of chronically homeless shelter users

300,000
households provided with affordability support through the Canada Housing Benefit

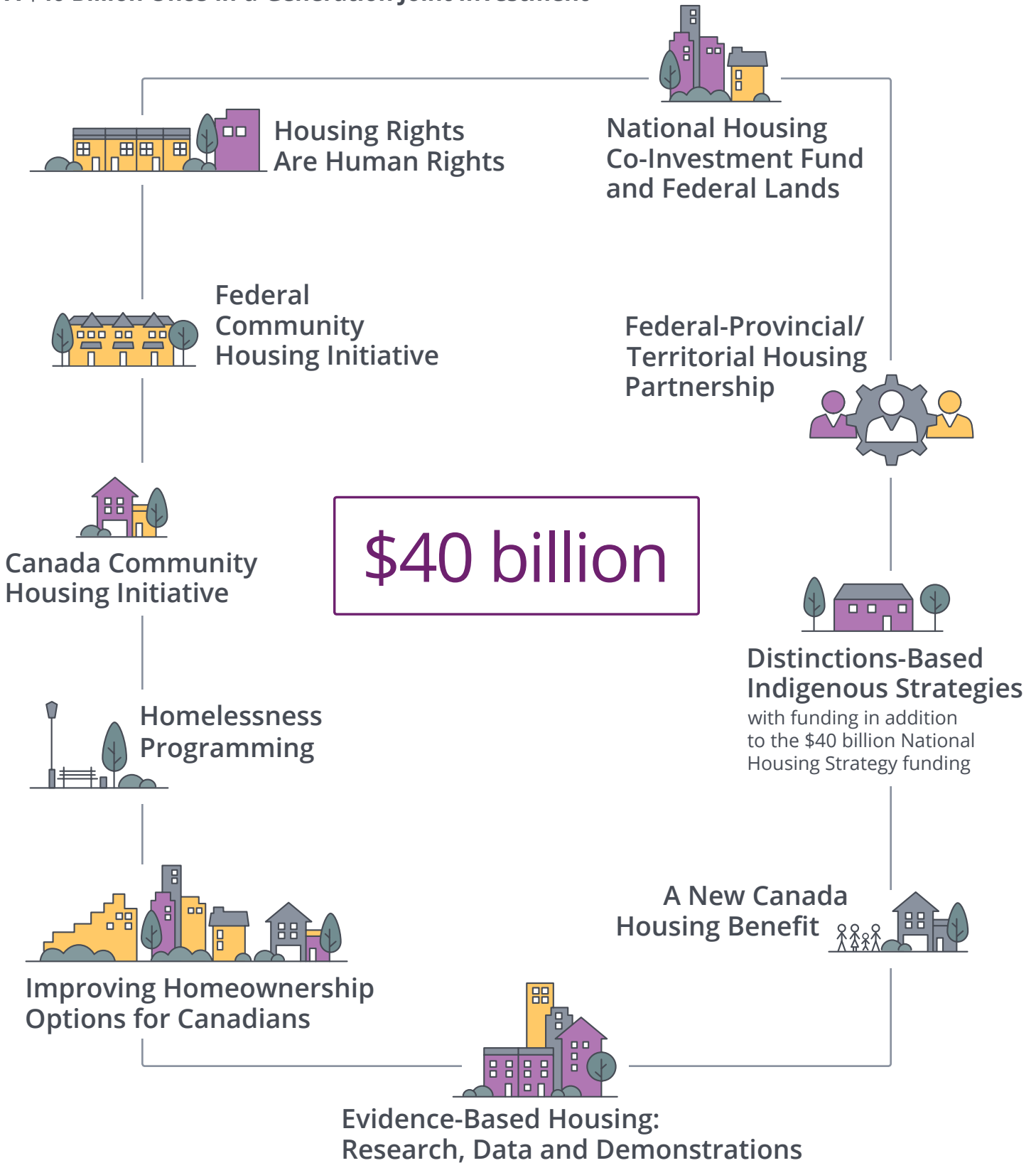


* Compared to units built and repaired through the Affordable Housing Initiative (AHI), Renovation Programs and the Investment in Affordable Housing (IAH).

Investments under the National Housing Strategy vs. Baseline Housing Investments



A \$40 Billion Once-in-a-Generation Joint Investment



Chapter 1

Housing Rights Are Human Rights



Canadians deserve safe and affordable housing. That is why the federal government is taking these additional steps to progressively implement the right of every Canadian to access adequate housing. Our plan is grounded in the principles of inclusion, accountability, participation and non-discrimination, and will contribute to United Nations Sustainable Development Goals and affirm the International Covenant on Economic, Social and Cultural Rights.

The National Housing Strategy will create...

Accountability and Participation

New legislation will require the federal government to maintain a National Housing Strategy and report to Parliament on housing targets and outcomes

A new Federal Housing Advocate will examine and recommend to Canada Mortgage and Housing Corporation and the responsible Minister, solutions to systemic barriers that Canadians face in accessing affordable housing

Non-discrimination and Inclusion

A new National Housing Council with diverse participation — including those with lived experience of housing need—will provide Canada Mortgage and Housing Corporation and the responsible Minister with ongoing input on policy, programming and research related to the National Housing Strategy

A new Community-Based Tenant Initiative will provide funding to local organizations which assist people in housing need, so that they are better represented and able to participate in housing policy and housing project decision-making

A new public engagement campaign will seek to reduce stigma and discrimination and highlight the benefits of inclusive communities and inclusive housing

New Legislation

Following a period of consultation with housing partners, the federal government will introduce a bill to enable new legislation that promotes a human rights-based approach to housing. The new legislation will require the federal government to maintain a National Housing Strategy that prioritizes the housing needs of the most vulnerable. It will also require regular reporting to Parliament on progress toward the Strategy's targets and outcomes. A detailed National Housing Strategy report will be tabled every three years, starting in early 2020. The legislative approach will ensure that the National Housing Strategy is here to stay and grow.

A New Federal Housing Advocate

It is critical that those most affected by the National Housing Strategy are meaningfully involved in its ongoing development. Through the creation of a new Federal Housing Advocate, vulnerable groups, low-income Canadians, and people with lived experience of housing need will have the opportunity to raise systemic issues or barriers they face in accessing adequate housing. The Federal Housing Advocate will provide advice to Canada Mortgage and Housing Corporation and the responsible Minister, identifying potential corrective actions to these systemic barriers.

A New National Housing Council

A new National Housing Council will be established to promote participatory and evidence-based analysis to support the National Housing Strategy. The Council will bring together representatives from the federal government, provinces and territories, municipalities, the housing sector, the research community and people with lived experience of housing need to provide ongoing input on the National Housing Strategy. The National Housing Council will begin its work in 2018.

A New Community-Based Tenant Initiative

Achieving greater awareness of housing challenges faced by vulnerable people, including those living in community housing, is important for fostering inclusion. Equally important is ensuring that those in housing need have the ability to participate in decisions that affect them. A new, community-based program will provide funding to local organizations that assist people in housing need. As a result of the proposed initiative, those in housing need will be better represented and able to participate in housing policy and housing project decision making.

A New Public Engagement Campaign

Discrimination and stigmatization of low-income households are barriers to ensuring affordable housing is fully integrated into communities. Reducing discrimination and stigma are pillars of a human rights-based approach to housing. The Government of Canada will undertake a multi-year public engagement campaign focused on better informing public views on different housing types and tenures. The campaign will support the successful development of socially inclusive housing projects in vibrant neighbourhoods.

Chapter 2

Federal Re-Engagement Through the National Housing Co-Investment Fund



In part through Federal leadership in housing in the 1950's, 60's and 70's, Canada's community and affordable rental housing supply has been home to many Canadians for decades. Today, it is aging, often energy-inefficient, and lacking the features that contribute to inclusive communities. The incidence of severe core housing need, where households spend more than 50% of their income on housing, is increasing.

Through the National Housing Strategy, the federal government is re-engaging in affordable housing by investing in the growth of livable communities and the resilience of the community housing sector. To ensure existing rental housing is not lost to disrepair and to develop new, high-performing affordable housing integrated with supports and services, the federal government is creating a \$15.9-billion federally managed **National Housing Co-Investment Fund**. The National Housing Co-Investment Fund alone is expected to create up to 60,000 new units of housing and repair up to 240,000 units of existing affordable and community housing. The Fund will consist of nearly \$4.7 billion in financial contributions and \$11.2 billion in low interest loans. The Government's recently announced Rental Construction Financing Initiative will be integrated into the National Housing Co-Investment Fund, as will the Government's recently created Affordable Rental Innovation Fund.

The National Housing Co-Investment Fund will attract partnerships with and investments from the provinces and territories, municipalities, non-profits and co-operatives, and the private sector, to focus on new construction and the preservation and renewal of the existing affordable housing supply. The Fund will support more shelter spaces for survivors of family violence, transitional and supportive housing, new and renewed affordable and community housing, and ways of making homeownership more affordable. It will also support Canada's climate change goals, as well as improve accessibility of housing for people with disabilities by promoting universal design and visitability.

The Fund will align with public investment in job creation, skills training, transit, early learning, health care, and cultural and recreational infrastructure.

\$15.9 billion

National Housing Co-Investment Fund

\$4.7 billion
financial contributions

+

\$11.2 billion
low interest loans



Partnerships are a central feature of the Fund to maximize investments, ensure coordination of efforts, and remove barriers to the development process. To ensure coordination of investments, federal funding provided under the National Housing Co-Investment Fund must be supplemented by investments from another order of government. Contributions from other partners could include provincial, territorial and municipal lands, inclusionary zoning provisions, accelerated municipal approval processes, waiving of development charges and fees, tax rebates, and other government loans. As the National Housing Co-Investment Fund is established the federal government will work closely with provinces and territories to ensure housing investments are well coordinated and aligned.

You Spoke. We Listened.

55% of Canadian households in core housing need are female-led, as are 63% of households living in subsidized housing. Leaders in the housing community have asked that at least 25% of National Housing Strategy investments go to projects for women, girls, and their families. The Government of Canada supports this commitment and will work toward its realization, alongside our investment partners, including provinces, territories, municipalities, and the community housing sector. The Government is proud that the National Housing Strategy is grounded in a Gender-Based Analysis Plus. The National Housing Strategy aims to ensure that

no federally enabled housing program will negatively impact Canadians on the basis of gender or gender expression. The National Housing Strategy recognizes that women and girls are disproportionately impacted by housing need, and that the types of housing barriers faced by women and girls are unique. We also recognize that intersections of identities such as race, sexual orientation, age, and socio-economic status create distinct experiences among women and girls. While Canada's vulnerable populations include subgroups of men and women, many National Housing Strategy programs will have a particular positive impact on women.

**National Housing Co-Investment Fund Outcomes**

60,000
New Units

240,000
Repaired Units

At least

7,000

shelter spaces created or repaired
for survivors of family violence
4,000 (NHS) + 3,000 (Budget 2016)

At least

12,000

new affordable units
created for seniors
7,000 (NHS) + 5,000 (Budget 2016)

At least

2,400

new affordable units
created for people with
developmental disabilities



Applications for the National Housing Co-Investment Fund will be accepted starting April 1, 2018.

Making Federal Lands Available for Affordable Housing

To maximize the impact of the National Housing Co-Investment Fund, the Government will combine contributions and loans with the transfer of federal lands to community and affordable housing providers. Over the next 10 years, up to \$200 million in federal lands will be transferred to housing providers to encourage the development of sustainable, accessible, mixed-income, mixed-use developments and communities. Starting in 2018-19, this initiative will also provide funding for renovations or retrofits and environmental remediation and to ensure surplus federal buildings are suitable for use as housing.

Prioritization and Mandatory Requirements

The National Housing Co-Investment Fund will prioritize projects that exceed mandatory requirements, bring more partners and additional investment to the table, and address the needs of vulnerable populations.

Affordable

NEW

30% of units must have rents at less than 80% of median market rents, for a minimum of 20 years

RENEWAL AND REPAIR

30% of units must have rents at less than 80% of median market rents, for a minimum of 20 years

Green

NEW

At least 25% reduction in energy consumption and greenhouse gas emissions over national building and energy codes must be achieved

RENEWAL AND REPAIR

At least 25% reduction in energy use and greenhouse gas emissions relative to past performance must be achieved

Accessible

NEW

20% of units must meet accessibility standards and projects must be barrier-free or have full universal design

RENEWAL AND REPAIR

20% of units must meet accessibility standards and projects must be barrier-free in common areas

Creative Housing and Student Opportunities

Greg Bechard is the affordable housing entrepreneur behind Field of Dreams, an innovative approach to community living that combines student opportunities, community development and new technology. Located in Elmira, Ontario, Field of Dreams offers supportive yet independent living for people with intellectual challenges. Greg's business model is based on 43 years of affordable supportive housing experience. A key feature of the model is the Good Neighbours concept. A social work scholarship program with Renison University College and Wilfred Laurier University provides a supportive relationship with other tenants. In exchange, student rent and tuition are covered. The model has been expanded to include community members. Greg's business model has sparked intergenerational friendships and allowed the buildings to run entirely through rent revenues without additional government subsidies. Thanks to federal investments in affordable housing, Phase 3 of Field of Dreams will open in January 2018.



Chapter 3

Maintaining a Resilient Community Housing Sector



Community housing has been the backbone of Canada's response to housing challenges for more than 60 years and provides an affordable place to live for thousands of Canadians. Federal investments have supported the creation of community housing for low- and modest-income families and individuals. The federal government is deeply committed to ensuring that Canada's existing community housing stock remains affordable and in good repair well into the future.

A New Canada Community Housing Initiative

Provinces and territories play an important role in achieving the outcomes of the National Housing Strategy and meeting the housing needs of the most vulnerable Canadians. About 80% of all community housing is administered by the provinces and territories. As long-term social housing operating agreements expire, the federal government will renew our investments in provinces and territories to protect low-income households and stabilize the operations of housing providers.

Through a \$4.3-billion **Canada Community Housing Initiative**, the federal government will support the provinces and territories as they protect and build a sustainable community-based housing sector. In order to participate in the program, provinces and territories will be required to cost-match this funding. This level of funding will enable provinces and territories to protect affordability for the total number of households currently living in community housing administered by provinces and territories and supported by former federal programs. It will also support repair and renewal of the existing supply, and expansion of the supply of community-based housing.

As part of the Canada Community Housing Initiative, provinces and territories must guarantee that the overall number of households currently supported by community housing in their province or territory

will not be reduced. As a result, the Canada Community Housing Initiative is expected to maintain affordability for approximately 330,000 households in community housing nationally.



A New Federal Community Housing Initiative

To protect tenants living in federally administered community housing as operating agreements expire and to stabilize the operations of housing providers, the federal government will implement a new 10-year,

\$500-million Federal Community Housing Initiative.

This initiative will put in place new operating agreements as old social housing operating agreements expire. Under these new agreements, community housing providers will continue to receive funding to subsidize rents for tenants in need.

\$500-million

Federal Community Housing Initiative

- ✓ **Stabilize the operations of federally administered community housing providers**
- ✓ **Maintain the current federally administered community housing stock and its 55,000 households**

Starting April 1, 2020, federally administered community housing providers with operating agreements expiring between April 1, 2016, and March 31, 2027, including those that receive continued subsidies through Budget 2016, will be eligible for a new rental assistance program under the Federal Community Housing Initiative. The objective of this program is to maintain the current federally administered community housing stock and its 55,000 households. The federal government will consult on the development of this new program with the non-profit and co-operative housing providers that own federally administered community housing. To receive the funding, providers will need to meet minimum requirements for affordability, social inclusion, asset management, and governance.

Before April 1, 2020, federally administered community housing providers with long-term operating agreements ending between April 1, 2018, and April 1, 2020, will continue to receive the same level of subsidy currently provided under existing operating agreements. This will give them time to transition to the new rental assistance program. A Technical Resource Centre will also support housing providers through this transition.

More Flexibility for Provinces, Territories, Municipalities and the Community Housing Sector²

Starting in 1996, the federal government offered provinces and territories the opportunity to take responsibility for community housing through bilateral Social Housing Agreements. At the time, the Social Housing Agreements gave provinces and territories greater control over their community housing stock. Today, the Social Housing Agreements that were signed over the last 20 years do not fully align with the new vision for housing under the National Housing Strategy. For this reason, the federal government is taking steps to make Social Housing Agreements more flexible and ensure they are coordinated with the National Housing Strategy and its intended outcomes.

Among other benefits, this new flexibility will give the provinces and territories the ability to reinvest funds from disposed properties back into the community-housing sector, support capital repair or improve the affordability of existing community housing.

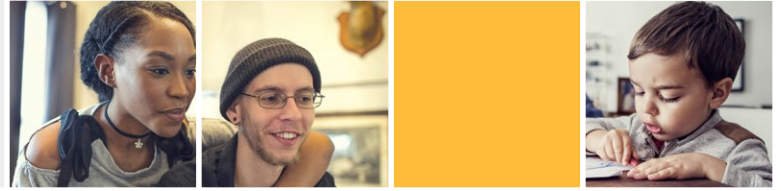
Housing providers will now be able to access loans before their long-term operating agreements end, including new loans under the National Housing Strategy to help them repair their housing stock and support increased financial, environmental and social sustainability. Housing projects that are still under long-term operating agreements will also be eligible for funding through the Investment in Affordable Housing for its remaining term until March 31, 2019.

In addition, the 2016 Prepayment Initiative, which was introduced to allow community housing providers with long-term, closed Canada Mortgage and Housing Corporation mortgages to prepay their high-interest loans without penalty, will be modified. Under the original initiative, existing rent supplements were only provided for up to five years. Providers will now be eligible to maintain rent supplements until their operating agreements end. This will help providers maintain affordability and take advantage of improved interest rates.

² All provinces and territories, except Quebec and Prince Edward Island, have signed Social Housing Agreements. Quebec and Prince Edward Island administer their housing through separate federal-provincial agreements.

Chapter 4

A New Canada Housing Benefit



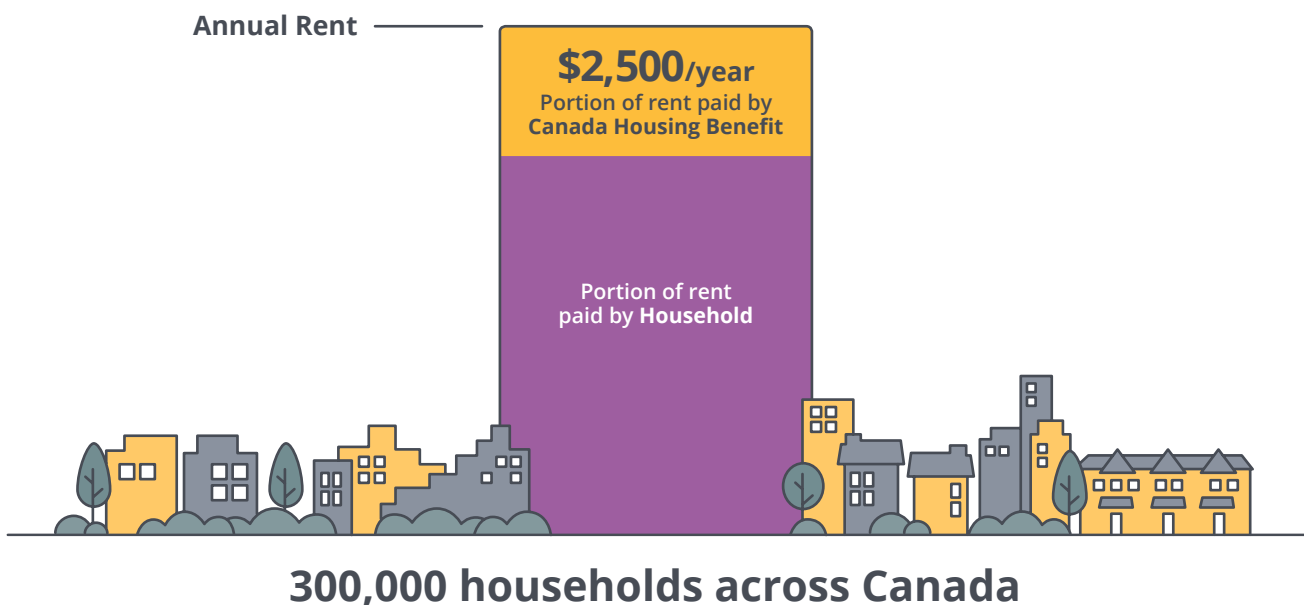
As part of the National Housing Strategy, the federal government will partner with provinces and territories to develop a **\$4-billion Canada Housing Benefit**. Designed to meet local needs and delivered by provinces and territories, the Canada Housing Benefit will be a new tool to fight the challenge of housing affordability. Launching in 2020, the Canada Housing Benefit will provide affordability support directly to families and individuals in housing need, including potentially those living in social housing, those on a social housing wait-list, or those housed in the private market but struggling to make ends meet. The Government estimates that the Canada Housing Benefit will deliver an average of **\$2,500 per year** to each recipient household. Over time, the Canada Housing Benefit will grow to support at least **300,000 households** across the country.

The Canada Housing Benefit will be co-developed with the federal government and delivered by the provinces and territories, and coordinated with municipalities and other partners. This will better allow the Canada Housing Benefit to provide rapid and responsive relief from rising housing costs, and respond to evolving local housing needs and priorities.

Provinces and territories will report regularly on their program outcomes. Programs designs will align with the principles of the National Housing Strategy and

mitigate the potential for inflationary impacts, in part through prioritization of the community housing sector, as well as progressive portability.

Between now and 2020, the federal government will work jointly with the provinces and territories to design the Canada Housing Benefit in a way that reflects local priorities, including those of rural communities, and aligns with federal principles.



Note: For illustration only and not an indication of program design, benefit amount and eligibility.

Chapter 5

Progress Through Partnership: Enhanced Support to Provinces and Territories



Following the Government's Budget 2016 commitment to increase federal investments in provincial and territorial housing programs to \$4.4 billion in 2016 and 2017, the National Housing Strategy will deliver an additional \$16.1 billion in federal housing investment to provinces and territories. As a result, over a 12-year period, the federal investment in provincial and territorial housing programs will reach approximately \$20.5 billion. Provinces and territories will be required to cost-match roughly half of this total investment.

\$20.5 billion in federal support to provinces and territories + close to \$9 billion in expected provincial and territorial cost-matching

\$8.4 billion

delivered through existing federal-provincial/territorial agreements in place from 2018-19 to 2027-28

\$4.4 billion

in federal investments in provincial and territorial housing programs in 2016 and 2017, including new investments announced in Budget 2016

\$4.3 billion

for a new Canada Community Housing Initiative that will protect, regenerate and expand community housing (totalling **\$8.6 billion** with expected provincial/territorial cost-matching)

\$2 billion

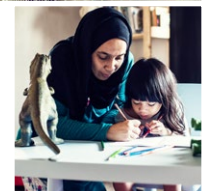
for a new Canada Housing Benefit (totalling **\$4 billion** with expected provincial/territorial cost-matching)

\$1.1 billion

for provinces and territories to address distinct housing priorities, including affordability, repair and construction (totalling **\$2.2 billion** with expected provincial/territorial cost-matching)

\$300 million

in additional federal funding to address housing needs in Canada's North



The federal government's investment in provinces and territories recognizes that housing needs vary across the country. Funding will support regional needs and priorities related to community and affordable housing repair, construction and rental assistance. Federal investments will be committed through bilateral agreements.

Expected Results Through Federal Investment in Provinces and Territories

✓ **330,000 units**
continue to be offered in existing community housing

At least
✓ **20% units repaired**
from existing community housing stock

At least
✓ **15% expansion**
of rent-assisted units

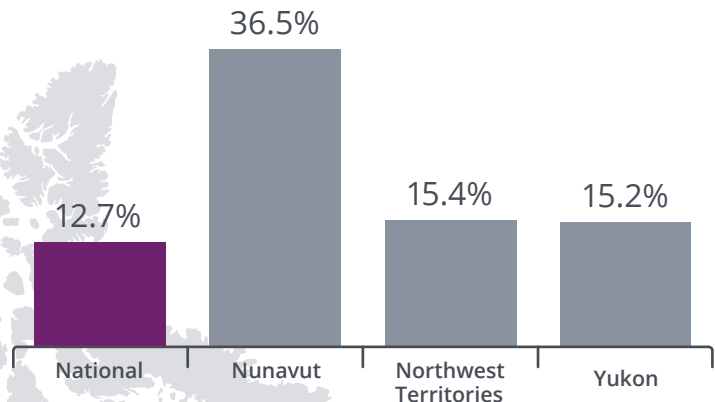
At least
✓ **300,000 households**
supported through a Canada Housing Benefit



Focus on Northern Housing

In addition to the federal government's investment in the territories through Social Housing Agreements, the Canada Community Housing Initiative, the Canada Housing Benefit, and funding to provinces and territories, the federal government is providing \$300 million over 10 years to help offset the higher need and cost of housing in the North. This funding will help approximately 3,000 Northern families find an adequate, suitable and affordable place to call home. This targeted investment is in addition to Indigenous-specific housing investments that will be made as part of funding to improve infrastructure in Indigenous communities.

Incidence of Core Housing Need in the North, 2016



Chapter 6

Letting Communities Lead: A Plan to Make Homelessness History



A home is more than just an address. Having a home makes it possible to access employment, enroll in school, and open a bank account. A home provides shelter, security, and a place to raise our families. All Canadians deserve a dignified place to call home.

The National Housing Strategy will reduce chronic homelessness by 50% by empowering local communities to deliver a combination of housing measures. Developed and delivered alongside persons with lived experience of homelessness, federal programming will include support for responsive interventions as well as preventative strategies aimed at stemming the flow of people into homelessness. Programming will recognize the distinct housing barriers faced by vulnerable populations, including the LGBTQ2 community, homeless women, women and children fleeing family violence, seniors, Indigenous peoples, people with disabilities, those dealing with mental health and addiction issues, veterans and young adults.

The Government of Canada will invest \$2.2 billion over 10 years to tackle homelessness through an expanded federal homelessness program. The program, along with complementary initiatives under the National Housing Strategy such as the National Housing Co-Investment Fund and the Canada Housing Benefit, will provide an opportunity to reaffirm and redesign the federal response to homelessness.

The Government's redesigned homelessness program will launch April 1, 2019, following the conclusion of the existing Homelessness Partnering Strategy. The direction of this redesigned program will be based on the work, consultation and advice of the Advisory Committee on Homelessness.

Addressing Homelessness Among Veterans

Veteran homelessness is unacceptable. That is why the government is expanding veterans' access to affordable housing and continuing to work with all orders of government to ensure veteran homelessness becomes rare and doesn't reoccur. We will also partner with non-governmental organizations who provide support to homeless veterans. Our work to tackle veteran homelessness is further supported by Budget 2017's investment of \$4 million in a Veterans Emergency Fund that provides veterans in crisis with immediate and flexible financial support and is aligned with the Veterans Affairs Canada belief that Veteran homelessness is unacceptable in Canada and that one homeless Veteran is one too many.



Chapter 7

“Nothing About Us, Without Us”



No relationship is more important to the Government than the one with Indigenous peoples. Indigenous leaders have told us that there is a pressing need to co-develop federally supported distinctions-based First Nations, Inuit and Métis Nation housing strategies that are founded in principles of self-determination, reconciliation, respect, and co-operation. We agree, because the status quo is unacceptable. Over the past year, the Government of Canada has engaged with Indigenous people in co-developing distinctions-based housing strategies and approaches to addressing the Indigenous housing crisis in Canada.

First Nations are leading the development of a First Nations National Housing and Infrastructure Strategy to ensure the future of housing and infrastructure reform is envisioned from a First Nations perspective. Moving forward, First Nations and the Government of Canada will continue to work together to co-develop a new policy framework for housing and infrastructure reform that moves toward a long-term approach that will support First Nations care, control and management of housing and infrastructure and address the needs of First Nations people living both on and off reserve.

The Government is also working closely with Inuit Tapiriit Kanatami and Inuit land claim governments and organizations through the recently established Inuit-Crown Partnership Committee. This collaborative work respects and strengthens the Inuit-Crown relationship and will help achieve the common goal of reducing the housing needs in Inuit Nunangat and developing long-term solutions that reflect Inuit lifestyles, traditions and culture. The approach being taken emphasizes the direct role of Inuit organizations and governments in addressing housing needs in their communities.

The signing of a Canada-Métis Nation Accord on April 13, 2017, marked a significant step toward a renewed relationship based on recognition of rights, respect, co-operation and partnership. The Accord outlines the ways in which the Government and the Métis Nation will work together to set priorities and develop policy in areas of shared interest, including housing. Key goals are to facilitate greater Métis Nation control of housing delivery and improve access to more housing options, such as affordable homeownership.

The respectful process established to collaboratively develop each of the Indigenous housing strategies will take time but will lay the foundation for the achievement of better housing outcomes over the long term.

Chapter 8

Evidence-Based Housing: Research, Data and Demonstrations



New, more and better housing information is key to overcoming housing challenges. Research and evidence-based approaches will inform our policies and lead to better housing outcomes for all Canadians. Through the National Housing Strategy, the federal government is committing \$241 million over 10 years to enhance housing research, data and demonstrations. This investment will identify barriers to accessing housing, measure and assess the impact of existing housing policies, identify future research opportunities, and shape the National Housing Strategy.

\$241-Million National Housing Strategy Research Agenda

- ✓ **Develop tools within government** to address data gaps and measure National Housing Strategy outcomes
- ✓ **Build capacity for greater partnership and housing research** outside government
- ✓ **Support researchers and research communities** outside government
- ✓ **Develop a network of housing experts** to analyze housing challenges
- ✓ **Introduce Solution Labs** to solve housing problems
- ✓ **Support demonstrations** put forward by researchers and housing partners outside of government

Open Data

Canada is lagging behind other countries in the development and collection of housing data. The timely collection and analysis of a complete set of housing data, in collaboration with stakeholders, will increase Canada's ability to develop housing policy in anticipation of changing housing needs, conditions and market forces.

Through the National Housing Strategy, the federal government will ensure that more and better data are available to serve as the basis for housing decisions. In particular, the government will look into data gaps related to the housing needs of Canada's most vulnerable populations, including women and children fleeing family violence, seniors, Indigenous peoples, people with disabilities, those with mental health and addiction issues, veterans, young adults, recent immigrants and those experiencing homelessness.

Two new surveys will be designed to obtain a more comprehensive picture of households residing in community and affordable housing and the condition of the community housing stock. This information will help develop a more complete understanding of how the community and affordable housing sector is affected by changes in supply, demand, affordability and other conditions.

As announced in Budget 2017, Statistics Canada will develop a comprehensive housing database that integrates social, economic and financial information to produce official housing statistics.



Research

The federal government will increase funding and capacity for housing research both inside and outside government and enhance the channels available to communicate research results. New investments will recognize excellence in housing-related research and ensure research is supported across the career continuum—from emerging researchers to established experts.

Enhanced research collaborations exploring priority areas of interest will be supported through targeted funding to partners and stakeholders. The housing community will convene regularly for discussions and knowledge-sharing on housing research. Canada Mortgage and Housing Corporation will also explore opportunities to support larger in-depth research in co-operation with funding organizations like the National Sciences and Engineering Research Council, the Social Sciences and Humanities Research Council, and the Canadian Institutes of Health Research.

Demonstrations

The federal government will support demonstrations of forward-looking technologies, practices, programs, policies and strategies that show what is possible for the future of housing in Canada. Demonstrations that support sustainable, energy-efficient, accessible, age-friendly and socially inclusive affordable housing will be prioritized, such as pilots testing innovative housing responses to situations of family violence.

Solution Labs

Solution Labs will be funded to bring experts and a range of housing stakeholders together to rapidly incubate and scale potential solutions to housing affordability pressures. Through open competitive processes, teams from the housing sector will be invited to identify housing challenges in key National Housing Strategy priority areas and propose strategies to develop new, world-leading solutions.



Chapter 9

Improving Homeownership Options for Canadians



While the primary goal of the National Housing Strategy is to make safe and affordable housing accessible for the most vulnerable Canadians and for those struggling to make ends meet—the Strategy also addresses housing needs across the entire housing continuum. This includes supporting affordable homeownership for Canadians in stable and competitive housing markets.

Improving Homeownership Options for Canadians

- ✓ **Maintain access to homeownership** for qualified borrowers through government-backed mortgage loan insurance
- ✓ **Conduct in-depth research** to inform policy on homeownership, urban planning, and infrastructure investments
- ✓ **Implement new measures** to counter mortgage fraud and protect the long-term financial security of borrowers and all Canadians

Mortgage Loan Insurance

Mortgage loan insurance helps Canadians access a range of mortgage financing options and contributes to the stability and resiliency of Canada's housing finance system. Mortgage loan insurance is typically required by lenders when homebuyers make a down payment of less than 20% of the purchase price of a home. This helps protect lenders against mortgage default, and enables consumers to purchase homes with down payments starting at 5% and with interest rates comparable to consumers purchasing homes with a higher down payment. In 2016, government-backed mortgage loan insurance covered over half a million mortgages across Canada.

The federal government has implemented several rounds of mortgage loan insurance regulatory changes to reinforce our housing finance system and protect the long-term financial security of borrowers and all Canadians. Notable changes have included tightening

the underwriting of mortgages and prohibiting access to mortgage loan insurance for mortgage refinancing and for properties over one million dollars. These regulatory changes reduce the likelihood that Canadians will take on more mortgage debt than they can afford, and create conditions where the middle class can enter into homeownership with less risk. Furthermore, financial stability supports healthy housing finance and housing markets, creating a climate conducive to accessing home ownership.

The federal government also supports the funding of mortgage lending through its securitization programs: *National Housing Act* Mortgage-Backed Securities and Canada Mortgage Bonds. Together, these securitization programs facilitate the supply of reliable funds for mortgage lending in Canada and foster competitiveness within the mortgage industry by allowing smaller lenders across Canada to provide mortgage financing at rates comparable to those offered by large banks.

Maintain Access to Homeownership

Beyond the existing support for homeowners, the Government of Canada is exploring ways to facilitate access to mortgage loan insurance for borrowers who are more challenging to qualify, such as self-employed individuals. Today's job market requires many Canadians to adopt alternative means of generating income, including by running their own businesses. Approximately 15% of Canadians are self-employed and may have difficulty accessing financing to buy a home, since their income sources may vary or be less predictable than those of employed borrowers. To address this issue, the federal government is examining if there are barriers to housing finance for self-employed borrowers and options to expand access to mortgage loan insurance.

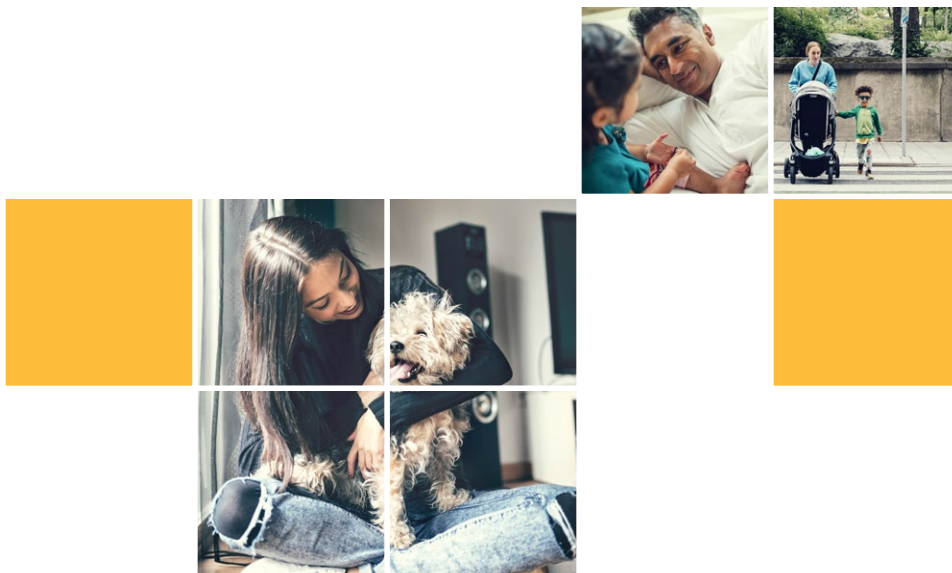
The Government of Canada is also taking steps to improve affordability in high-priced housing markets. Canada's highest-priced economic regions of Toronto and Vancouver represent particular housing challenges for young families, those migrating from lower-cost cities, low- to modest-income families and single-member households. One form of investor speculation, "house flipping," is a unique problem in heated markets that puts upward pressure on already elevated house prices. Speculation in condominium markets in particular, where units are bought pre-construction and sold prior to completion, has helped drive prices to record highs in recent years. The Government has made

changes to tax laws to improve compliance in the real estate sector, particularly to ensure that the principal residence exemption is claimed as intended, and continues to examine ways to further enhance compliance procedures in the sector.

Promoting balanced housing markets serves both access and financial stability objectives by moderating house price growth. The Government seeks to work collaboratively with all orders of government to improve housing market data and modelling, and to support the complex challenges of urban land use choices. This includes strengthening relationships with provinces, territories and municipalities to further expand, obtain and exchange information on real estate transactions.

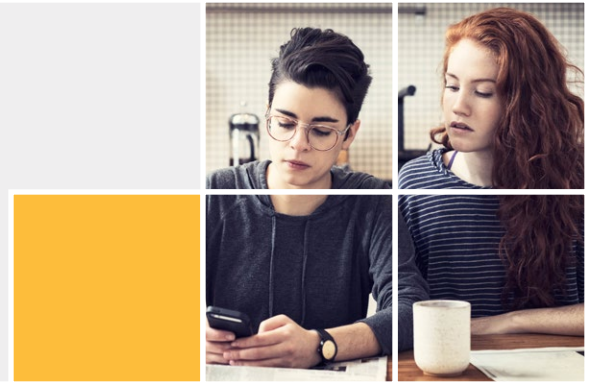
Mortgage Fraud

The Government of Canada has conducted extensive background research and analysis to better understand and address mortgage fraud. Mortgage fraud is still rare in Canada, but when it occurs, it increases the cost of housing for all Canadians. Over the next two years, the federal government will implement new measures in consultation with industry stakeholders and government partners to improve income verification processes, and enhance information sharing to better detect and prevent mortgage fraud.



Chapter 10

Gender-Based Analysis Plus (GBA+)



55% of Canadian households in core housing need are female-led, as are 63% of households living in subsidized housing. While Canada's vulnerable populations include subgroups of men and women, many National Housing Strategy programs will have a particularly positive impact on women. Across the country, women face unique barriers to housing because they are more likely to have low incomes, engage in part-time and precarious work, take on more caregiving responsibilities, and may be dependent on a partner for income. Intersections of identities such as race, sexual orientation, gender expression, age, and socio-economic status create unique experiences among women, including unique experiences of housing instability and homelessness.

The National Housing Strategy is grounded in, and supportive of, the Government's commitment to GBA+ to ensure that programs will not negatively impact Canadians on the basis of gender and other identity factors.

The GBA+ of the National Housing Strategy was based on feedback from consultations, including focus groups with people with lived experience of housing need and homelessness. This feedback was supplemented by input from provinces and territories, reviews of literature on women, identity and housing, as well as data analysis and evaluations of current programs.

The federal government held the first Pan-Canadian Voice for Women's Housing Symposium in September 2017. The Symposium brought together women from diverse backgrounds, including those with lived experience of housing need, shelter workers, and representatives of non-governmental organizations to talk about women's housing. The voices and perspectives heard during this event have helped inform the National Housing Strategy.



The federal government has and will continue to take a proactive approach to integrating GBA+ throughout the program cycle of the National Housing Strategy. The adoption of a GBA+ approach to the National Housing Strategy will support the Government of Canada's commitment to gender equality as presented in *The Federal Plan for Gender Equality*. The Government anticipates that the adoption of a GBA+ approach to the National Housing Strategy will also align with commitments made under UN Habitat III.

Vulnerable Populations Supported by the National Housing Strategy

Certain subgroups of the population are more likely to experience housing needs than others, and women within these subgroups are especially vulnerable. The National Housing Strategy aims to support these Canadians through a number of housing programs that work in distinct but complementary ways. Targeted groups include, but are not limited to, the following:

Survivors fleeing family violence: Gender-based family violence is a key factor contributing to women's housing instability and homelessness in Canada. Many women

experiencing family violence or elder abuse are unable to afford housing without their partner's financial support and, as a result, either continue living in an abusive household or become homeless. On any given night in Canada, 3,491 women and their 2,724 children sleep in shelters because it is not safe to sleep at home; an additional 300 women and children are turned away each night because shelters are full. Youth may also experience homelessness due to family violence; they may be considered too old for child welfare services and often face a lack of appropriate shelters.

The proposed National Housing Strategy approach prioritizes survivors fleeing family violence who face limited suitable shelter space. The National Housing Co-Investment Fund aims to build and renew shelter spaces for survivors fleeing family violence. It is expected that this will help reduce the wait-list for shelter spaces and lower the number of women who might otherwise return to violent relationships or turn to the street. The Fund will also encourage partnerships between housing projects and support services, such as for mental health issues or addictions. In addition, new investments in homelessness programs will allow communities to tailor interventions to vulnerable populations most in need, including youth, LGBTQ2 individuals, veterans and Indigenous peoples.

Northern and remote residents: A history of poor planning, a lack of understanding of the North and declining federal funding for community housing have contributed to housing issues in the North. In 2011, 60% of female-led Indigenous households in Nunavut lived below housing standards. It is not uncommon for the scarce emergency shelters in Northern communities to serve as permanent housing for many women because of the lack of transitional and second-stage housing in these communities.

Housing in the North has been identified as a key priority area under the National Housing Strategy, and initiatives are expected to have positive effects on Northern women and Indigenous households. Funding provided through enhanced support to

provinces and territories, along with additional funding for the North, will offset higher costs of building, operating and maintaining housing in Northern and remote communities. It is expected that this approach, in addition to the Federal Community Housing Initiative, will provide predictable and stable funding for housing in the North, help reduce housing need, and permit the construction and operation of additional housing options based on community needs.

Newcomers: Immigrant women are at an increased risk of experiencing housing insecurity. In 2011, recent immigrant female lone parents were more likely to be in core housing need (50%) than their male counterparts (33%). Immigrant women often have no choice, or may perceive that they have no choice, but to continue living with their sponsor, who is often a partner or family member, in order to maintain their immigration status. This may serve as a barrier to leaving the household, whether it is abusive or otherwise. Studies also report that landlords are more likely to take advantage of immigrant and refugee women, many of whom experience cultural and racial discrimination from landlords and service providers.

The National Housing Strategy initiatives will positively impact low-income households, including immigrant women and refugee households. Through the community housing initiatives and the Canada Housing Benefit, the severity of housing need is expected to be reduced through the preservation of affordability. By implementing a human rights-based approach, housing access will be facilitated for populations identifying systemic barriers and discrimination. The Community-Based Tenant Initiative is expected to aid immigrant and refugee women in the search for suitable housing and provide them with more information to negotiate tenancy agreements.

Aging population: Low-income seniors and senior women living alone are populations with high incidences of core housing need. About a third of households that live in community housing are seniors. Senior women living alone are more likely than senior

men to live in core housing need (27% compared to 21%). Many senior women face economic insecurity, stemming from limited pensions, minimal retirement savings, or widowhood.

As the Canadian population ages, the need for affordable housing is expected to grow for seniors. The proposed National Housing Strategy approach will reduce housing need for seniors by providing rental support through the Canada Housing Benefit. Affordability for low-income seniors living in community housing will be protected through the community housing initiatives and funding to provinces and territories. The National Housing Co-Investment Fund will also support the construction, repair and renewal of housing units for seniors, which is expected to relieve affordable housing demand among low-income seniors. In addition, the Fund will invest in affordable housing and will support partnerships with services to allow for seniors to age in place.

People with disabilities: People with disabilities face unique challenges in accessing affordable and appropriate housing. Inadequate social supports, insufficient financial assistance and inaccessibility of housing units all contribute to the difficulties they may face in their quest to live independently. People with disabilities are more than twice as likely to live on low incomes as those without a disability. Women with disabilities face higher rates of core housing need (19%) than the overall population.

The National Housing Strategy is expected to have a positive impact on people with disabilities, especially women by improving social inclusion, including accessibility of housing units as well as other accessibility measures, such as proximity to transit, services and supports, and employment opportunities. The National Housing Co-Investment Fund sets accessibility requirements for new and renewed projects and targets the construction, repair and renewal of housing for people with developmental disabilities.

GBA+ Process

A GBA+ lens was applied throughout the development of the National Housing Strategy by following Status of Women Canada's step-by-step process:

1. Identify the issue

The National Housing Strategy will address the issue of housing need, specifically for vulnerable populations. As discussed in the previous section, women face numerous barriers to accessing safe, affordable housing. In particular, certain subgroups of the female population are more vulnerable and experience higher rates of core housing need than the overall population and compared to their male counterparts, including survivors fleeing family violence, women living in Northern and remote areas, immigrant women, senior women and women with disabilities.

2. Challenge the assumptions

In order to challenge the underlying assumptions of the proposed programs, an internal GBA+ team provided a guidance tool to make sure that each housing program was developed with a GBA+ lens. The tool consists of a list of questions challenging potential assumptions that might inadvertently affect the desired outcome of the program in terms of targeted populations. This exercise was done interactively between the GBA+ team and each group that was tasked to develop a housing program or initiative.

3. Gather the facts

Where available, the GBA+ team collected gender-disaggregated housing data for various identity factors, including age, geography, household type, Indigenous status, immigration status and disabilities, from the Census and the National Household Survey, and made requests to Canada Mortgage and Housing Corporation data specialists to provide cross tables to account for intersectionality. The data gathering was done simultaneously with a scan of the literature to ensure no emerging population trends were ignored.

Consultations also contributed to the development of the National Housing Strategy with a GBA+ lens. Prior to the development of the National Housing Strategy, Canada Mortgage and Housing Corporation conducted consultations with Canadians with diverse backgrounds, including those with lived experience, to identify housing issues and help shape a National Housing Strategy that will strive to improve the lives of those in greatest need. Other forms of consultations were also conducted through Pan-Canadian Voice for Women's Housing: a Symposium, as well as discussions with provinces and territories and with housing providers and stakeholders.

4. Develop options and make recommendations

The GBA+ information collected through research and consultation led to recommendations and guided the development of the National Housing Strategy programs. The programs were developed with populations in mind who were more likely to be in housing need. The recommendations included filling key housing data gaps that were identified.

5. Monitor and evaluate

The National Housing Strategy will include GBA+ monitoring and evaluation activities. This will be done through continuous consultations with diverse populations for the duration of the National Housing Strategy. These activities will allow for adjustments to the programs to ensure that the National Housing Strategy continues to have positive impacts on those most in need.

6. Document

The data and analysis that guided our approach and recommendations provide meaningful background information that could be used for future proposals. The internal GBA+ team developed an open repository where the information collected and tools created can be accessed by anyone involved in GBA+ within Canada Mortgage and Housing Corporation.

7. Communicate

Finally, GBA+ work and results are shared and discussed regularly within the organization and with other key departments, such as Status of

Women Canada. This approach also aims to grow buy-in within the organization by communicating the importance of GBA+ for everyone.

Knowledge Gaps

Current gaps in our knowledge and data make it difficult to assess the impact housing programs and initiatives may have on certain groups. Significant gaps in housing data and research mainly concern the needs of seniors, refugees, LGBTQ2, LGBTQ2 youth and Indigenous youth and the construction of sustainable and suitable housing in the North. There are also knowledge gaps relating to discrimination and housing security of racialized women. In addition, a key theme from the women's housing symposium pointed to a lack of data on women who are homeless, as neither those who are in shelters for survivors fleeing family violence nor those who are hidden homeless are represented in homelessness statistics.

Another significant gap in knowledge concerns the state of community housing in Canada. We know that nearly three times as many female-led households live in subsidized housing compared to male-led households, so enhancing our information on the community housing stock is critical in order to understand women's housing needs. A comprehensive assessment of the community housing stock would help to determine the level of repairs and new construction required to fulfil current and future needs.

The National Housing Strategy will fill some of these knowledge and data gaps by collecting new housing data, fostering housing research and showcasing innovative approaches to housing. New housing surveys will gather information to better respond to the housing needs of vulnerable populations. The research program will launch a platform to connect housing researchers and provide opportunities for targeted research on diverse groups of women and men. It will also show the extent to which the National Housing Strategy is meeting the needs of these diverse groups and whether adjustments are necessary.

The Way Forward

Over the next 10 years, the federal government is committed to ensuring that the National Housing Strategy maximizes housing outcomes for Canadians most in need. There are several ways the federal government plans to advance an integrated approach to gender equality in the National Housing Strategy.

Ongoing consultations with vulnerable groups and stakeholders: The Government of Canada is committed to involving vulnerable and under-represented people with lived experience in decision-making processes regarding housing. Their experience, knowledge and contribution are key to improving housing, strengthening communities and enhancing quality of life.

Pan-Canadian Voice for Women's Housing: a Symposium participants clearly expressed that policies that affect women should not be developed without the input of women. Canada Mortgage and Housing Corporation has committed to convening a group of women annually to discuss housing issues and solutions from a gender perspective. Focus groups with other vulnerable groups with lived experience and consultations with key stakeholders and service providers will also be held regularly to inform the evolution of the National Housing Strategy.

In addition, a National Housing Council will bring together people with lived experience as well as representatives from governments, the housing sector and the research community to provide advice on how the federal government can achieve greater progress on key social, environmental and economic outcomes through the National Housing Strategy.

A specialized Federal Housing Advocate will be tasked with assessing systemic barriers to housing that people from various backgrounds and circumstances may experience. The Advocate will be tasked with drafting recommendations that the Government of Canada can implement to alleviate these barriers and improve housing outcomes.

Creating a GBA+ framework to build capacity and knowledge: As part of the Government's commitment to GBA+, the development of a GBA+ framework will provide tools, information, networking opportunities and capacity-building activities and ensure that GBA+ is a consistent priority for the National Housing Strategy so that inequality is not perpetuated. Ongoing horizontal consultations with other federal departments and agencies on GBA+ will take place regularly to facilitate a common understanding of GBA+ and promote co-operation in order to support sustainable GBA+ implementation across the federal government.

From school to shelter to transformed lives

The Centre Mechtilde is a shelter in Gatineau, Quebec, that has provided shelter and safety for women and their children since 1979. Thanks to federal investments in affordable housing of over \$1 million, the Centre is breaking ground on a new project that will create 31 long-awaited transitional housing units within the existing structure of the former Saint-Paul Elementary School. These units will be in addition to Centre Mechtilde's existing 14 shelter spaces and will provide safe housing for women facing homelessness and single mothers experiencing family violence. By helping women regain autonomy and self-confidence, the new transitional housing will help bridge the gap between people finding basic shelter and rebuilding their lives. Located at the heart of the neighbourhood, the new building will open in the spring of 2018.

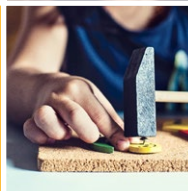


National Housing Strategy measures that will benefit women

At least 25% of National Housing Strategy Investments

will support projects that specifically target
the unique needs of women and girls

Ongoing consultations,
including an annual Women's
Housing Symposium



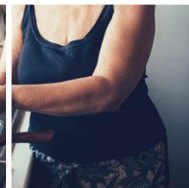
Ongoing community
housing subsidies

New and repaired
shelter spaces



Targeted research
on women's
housing needs

Financial support
through the Canada
Housing Benefit

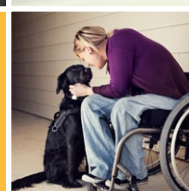
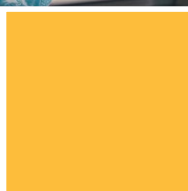


Affordable housing
for senior women

Improved affordable
housing options and
increased shelter space
through the National
Housing Co-Investment Fund



Improved housing
affordability and
safety through a
human rights-based
approach to housing



Chapter 11

The Journey to a National Housing Strategy



The development of the National Housing Strategy has been a collaborative process, involving extensive consultations with multiple partners. In 2016, the federal government launched national consultations with Canadians, provincial, territorial and municipal governments, Indigenous peoples, housing organizations, stakeholders and experts on the vision, themes, principles and outcomes of the National Housing Strategy.

Multiple forms of consultation were made available for Canadians to share their ideas. On the Let's Talk Housing website, Canadians were invited to share their opinions and suggestions by completing a survey, uploading written submissions or posting on an idea board.

Housing experts and organizations participated in 22 round tables across the country, where they provided feedback on the submissions that had been received through the consultations. Round tables in Ottawa examined topics ranging from homelessness and shelters to community housing, affordable rental housing, homeownership and housing finance. Other round tables in Thunder Bay, Winnipeg and Whitehorse focused on

the housing needs of First Nations communities, rural and remote Indigenous households, Northern communities and urban Indigenous households.

In addition to the round tables, the Government held 15 bilateral meetings and forums with national Indigenous organizations, including the Assembly of First Nations, the Congress of Aboriginal Peoples, the Métis National Council, Inuit Tapiriit Kanatami, the Native Women's Association of Canada and the National Association of Friendship Centres. Many of these organizations worked with their local and regional chapters to canvas their members and ensure the views of First Nations, Inuit and Métis Nation were shared.



Survey Responses

6,351



Document Uploads

478



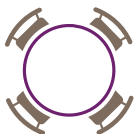
Ideas Submitted on Website

132



Ideas on Social Media

1,905



Let's Talk Housing Round Tables

22



Focus Groups with Vulnerable Peoples

21



MP Town Halls

10



Bilateral Meetings and Forums with Indigenous Organizations

15

A total of 21 focus groups were also held to gather feedback from Canadians who have lived experience of housing need, including people with disabilities, low-income individuals, people who are or have been homeless, survivors fleeing family violence and seniors. Across all groups, affordability and the availability of housing that meets essential needs were unanimously identified as being the most common housing challenges.

On National Housing Day on November 22, 2016, the results of these consultations were released in a report entitled **What We Heard**. The message was clear: Canadians want better housing outcomes, not just for themselves, but also for all those individuals and families who are in greatest housing need, including low-income Canadians, homeless people and other vulnerable groups with distinct needs.

The National Housing Council will build on the success of the National Housing Strategy consultations. The Council, which will bring together representatives from the federal government, the provinces and territories, municipalities, the housing sector, the research community, and people with lived experience of housing need, is designed to increasingly democratize the development of housing policy in Canada. Council members will bring a diversity of experience and expertise to the table to advise on the federal government's research and inform its policy planning. The Council will also provide input into regular assessments of the National Housing Strategy, as part of an annual report on the progress of the Strategy.



Chapter 12

Housing Progress Report



Budget 2016 increased the federal investment in affordable housing by \$2.3 billion over two years. This funding is in addition to annual federal investments of \$1.7 billion to support existing community housing under long-term operating agreements.

Expanding Affordable Housing: Provincial and Territorial Delivery

Budget 2016 increased the federal government's total housing investment through the provinces and territories by \$1.4 billion over two years. Information about how provinces and territories use these investments becomes available to Canada Mortgage and Housing Corporation when provinces and territories provide claims related to funding commitments and their claims-based indicators. The following offers an overview of some of the progress and impacts that have resulted from these increased investments so far:

Investments / Initiatives	Progress to Date
<p>Doubling the Investment in Affordable Housing (IAH)</p> <p>\$504.4 million</p> <p>in funding to double current federal funding under the provincial/territorial cost-matched portion of the IAH (delivered by provinces and territories).</p>	<p>As of September 30, 2017:</p> <ul style="list-style-type: none"> • 3,192 projects to assist 11,153 households • \$303.5 million claimed by the provinces and territories
<p>Increasing Affordable Housing for Seniors (IAH)</p> <p>\$200.7 million</p> <p>to increase affordable housing for seniors and improve their housing conditions (provided through the IAH, delivered by provinces and territories).</p>	<p>As of September 30, 2017:</p> <ul style="list-style-type: none"> • 949 projects to assist 3,553 households • \$105.5 million claimed by the provinces and territories
<p>Increasing Affordable Housing for Victims of Family Violence (IAH)</p> <p>\$89.9 million</p> <p>for the construction and renovation of off-reserve shelter spaces for victims of family violence (provided through the IAH, delivered by provinces and territories).</p>	<p>As of September 30, 2017:</p> <ul style="list-style-type: none"> • 3,118 projects to assist 4,520 households • \$63.1 million claimed by the provinces and territories

Investments / Initiatives	Progress to Date
<p>Supporting Energy- and Water-Efficiency Retrofits to Existing Community Housing (IAH)</p> <p>\$490.4 million</p> <p>for retrofits and renovations to existing community housing administered by the provinces and territories to address the increasing demand for repairs, improve efficiency and reduce energy use (provided through the IAH, delivered by provinces and territories).</p>	<p>As of September 30, 2017:</p> <ul style="list-style-type: none"> • 2,317 projects to retrofit or renovate 95,403 units • \$490.5 million claimed by the provinces and territories
<p>Supporting Northern Housing (IAH)</p> <p>\$97.7 million</p> <p>to address urgent housing needs in Northern communities (provided through the IAH, delivered by territories).</p>	<p>As of September 30, 2017:</p> <ul style="list-style-type: none"> • 41 projects to assist 183 households • \$40 million claimed by territories

Expanding Affordable Housing: Federal Programs

Budget 2016 also committed \$870 million in new funding over two years to support federally administered housing and homelessness programs, including programs for First Nation people living on- and off-reserve. This funding is in addition to the \$403.3 million in annual funding that is currently invested for pre-existing federally administered housing program commitments. Many of these new investments are already being implemented across the country, including the following:

Investments / Initiatives	Progress to Date
<p>Renovation and Retrofit of Existing Federally Administered Community Housing</p> <p>\$83.5 million</p> <p>Investment is being provided over two years, starting in 2016-17, for retrofits and renovations to existing federally administered community housing to address the increasing demand for repairs, improve efficiency and reduce energy use.</p>	<p>As of September 30, 2017:</p> <ul style="list-style-type: none"> • 248 projects to retrofit or renovate 7,739 units • \$19.4 million expended • \$74.3 million committed

Investments / Initiatives

Rent Subsidies for Federally Administered Community Housing Providers

\$30 million

Budget 2016 reallocated up to \$30 million over two years, starting in 2016-17, to renew subsidies for eligible federally administered community housing projects that have operating agreements expiring in the next two years, until the end of March 2018.

Progress to Date

Transitional funding to the first projects started flowing in November 2016 to help support affordability for low-income households in federally administered community housing projects (including those owned by co-operatives) with operating agreements expiring until the end of March 2018.

As of September 30, 2017:

- 7,057 community housing households are benefiting from continued subsidies

Tackling Homelessness

\$111.8 million

Provided by Budget 2016 over two years (\$57.9 million in 2016-17 and \$53.9 million in 2017-18), which builds on existing funding of nearly \$600 million over five years (2014-19).

Budget 2016 funding was primarily allocated to regionally delivered streams enabling:

- funding for the Designated Communities stream to be increased by \$27 million in both 2016-17 and 2017-18, to a total of \$110.8 million each year;
- a doubling of investments in the Aboriginal Homelessness stream. This represents an increase of \$14.3 million in both 2016-17 and 2017-18, to a total of \$28.7 million each year; and
- a doubling of investments in the Rural and Remote Homelessness stream. This represents an increase of \$5.6 million in both 2016-17 and 2017-18, to a total of \$11.2 million each year.

Budget 2016 invested an incremental \$12.5 million over two years in the Innovative Solutions to Homelessness stream.

Outside Quebec, all contribution agreements with community entities have been amended to enable additional regionally delivered funding to flow.

An enhanced Canada-Quebec Agreement was concluded in July 2016 to enable the additional funding to flow, with all recommended projects in Quebec having been approved.

Investments / Initiatives

Improving Housing in First Nations Communities

\$554.3 million

To address urgent housing needs on-reserve, Budget 2016 proposed to provide \$554.3 million over two years, including \$416.6 million over two years to address immediate housing needs on-reserve.

The remaining \$137.7 million will be provided over two years to support the renovation and retrofit of existing housing on-reserve, including \$10 million over two years for skills and capacity development for the design, construction, inspection and overall management of housing on-reserve.

In addition to these targeted investments, an average of \$143 million per year has been provided by Indigenous Services Canada and approximately \$150 million per year has been provided by Canada Mortgage Housing Corporation to First Nations to support a range of housing needs, including construction, renovation, maintenance, insurance, capacity building, debt servicing, and the planning and management of their housing portfolios.

\$10.4 million

Budget 2016 also provided an additional \$10.4 million over three years to support the construction of new shelters for victims of family violence and the renovation of existing shelters in First Nations communities on-reserve.

Progress to Date

Budget 2016 investments are being delivered through existing programs on reserve to ensure that funds reach communities as quickly as possible and that they continue to have the flexibility to allocate funds based on their most pressing local needs. First Nations partners report on projects completed at year end.

Delivered by Canada Mortgage Housing Corporation:

Construction, renovation and service of homes in First Nations on-reserve communities:

To address urgent housing needs on reserve, Budget 2016 provides additional \$554.3 million over two years beginning in 2016-17 (\$416.6 million for Indigenous and Northern Affairs Canada and \$137.7 million for Canada Mortgage Housing Corporation). These important levels of investments are resulting, over the 2 years commitment, and as of June 30 2017, in the construction, renovation/retrofit and or servicing of 8,808 units. Of that number, more than 50% have been completed, representing 4,460 new homes for First Nations people across the country.

Renovation and Retrofit On-Reserve:

As of September 30, 2017:

- 4,332 units to be renovated or retrofitted
- \$69.1 million being invested
- \$95.4 million committed

Skills and Capacity Development:

As of September 30, 2017:

- 443 First Nations communities assisted
- \$7.0 million invested
- \$8.9 million committed

Shelter Enhancement Program:

As of September 30, 2017:

- To date, all 5 shelters have been committed.

Investments / Initiatives

Progress to Date

Supporting Inuit Housing

\$80 million

In addition to the \$97.7 million provided to the territories through the IAH to address urgent housing needs in Northern communities, Budget 2016 also earmarked another investment of \$80 million to address housing needs in three Inuit regions.

Through Budget 2016, Indigenous and Northern Affairs Canada is flowing funding for housing directly to three of the four organizations managing Inuit issues: the Makivik Corporation in northern Quebec, the Inuvialuit Regional Corporation in the Northwest Territories, and the Nunatsiavut Government in Newfoundland and Labrador. Canada Mortgage and Housing Corporation continues to manage housing requirements in Nunavut with funds flowing through the territorial government.

Budget 2016 investments are being directly delivered by Inuit governments and organizations in Nunavik, Inuvialuit and Nunatsiavut to ensure that funds reach communities as quickly as possible, and that they have the flexibility to plan for the construction season, purchase materials and consider innovative and new ideas. Inuit partners report on projects completed per the requirements in existing funding arrangements and land claim agreements.

Housing Internship Initiative for First Nations and Inuit Youth (HIIFNIY)

\$5 million

A further \$5 million in 2016-17 to support internships for Indigenous youth under HIIFNIY, which provides work experience and on-the-job training in the housing sector. The funding was provided in Budget 2016 under the renewed Youth Employment Strategy.

\$5 million was expended towards 537 youth internships in 2016-17. This Budget 2016 initiative ended on March 31, 2017.

Investments / Initiatives

Supporting the Construction of Affordable Rental Housing – Affordable Rental Innovation Fund

\$208.3 million

An investment of \$208.3 million over five years starting in 2016-17 for the creation of an Affordable Rental Innovation Fund.

Funding will be used to test innovative business approaches such as unique housing designs and financial models, in order to lower the cost and risks of financing affordable rental housing projects.

Progress to Date

The Affordable Rental Innovation Fund was launched September 30, 2016, to encourage new funding models and innovative building techniques in the rental housing market. The Fund is looking for unique ideas that will revolutionize the affordable housing sector. All proposals are being reviewed and assessed on an ongoing basis, and funding announcements will be made when projects have been approved.

As of September 30, 2017:

- 1 project for the creation of 40 households
- \$1.5 million has been expended
- A significant number of applications have been received from across the country

Supporting the Rental Construction Financing Initiative

\$2.5 billion

A total of \$2.5 billion will be invested over four years for a Rental Construction Financing Initiative to encourage the construction of affordable rental housing projects by making low-cost loans available to municipalities and housing developers during the most at-risk phases of development.

The Rental Construction Financing Initiative was launched April 20, 2017, to provide low-cost loans to encourage the construction of rental housing across Canada, where the need for rental homes is clearly demonstrated. Over 30% of Canadians rely on rental housing as an alternative to homeownership. Continued access to both affordable and market rental housing is critical.

As of September 30, 2017:

- A significant number of applications have been received from across the country

Investments / Initiatives

Assisting Homeowners Affected
by Pyrrhotite**\$30 million**

Up to \$30 million over three years, starting in 2016-17, will be invested to help homeowners deal with costly structural problems in their homes as a result of the presence of the mineral pyrrhotite in their foundations. This funding will be provided by the Government of Canada and the Province of Quebec.

Progress to Date

On July 11, 2016, the governments of Canada and Quebec signed an agreement to provide assistance for homeowners dealing with pyrrhotite. Federal funds will be committed through the existing Quebec program to indemnify homeowners whose homes are impacted by pyrrhotite.

As of September 30, 2017:

- The Province of Quebec claimed \$10 million to benefit 162 homeowners

Prepayment Flexibilities for Co-operative
and Non-Profit Housing**\$150 million**

In Budget 2015, the Government announced \$150 million over four years, starting in 2016-17, to allow co-operative housing and non-profit community housing providers to prepay long-term, non-renewable mortgages held with Canada Mortgage and Housing Corporation, without any penalty.

Upon prepayment, housing providers will be able to access financing from the private market at current interest rates, which will lower mortgage expenses and help keep rents affordable. In addition to waiving prepayment penalties, housing providers who received an upfront capital contribution that is earned over the life of the loan will also be forgiven for the unearned portion of the contribution at the time of payout.

As of September 30, 2017:

- 144 long-term, non-renewable mortgages paid out
- \$74.4 million in waived penalties

Investments / Initiatives

Addressing Gaps in Housing Market Information and Data

Canadian households and industry rely on housing market data to make informed decisions. Governments also depend on data to design effective housing policies. Canada Mortgage and Housing Corporation is working to address gaps in both data and information that may be acting as a barrier to informed decision making or the creation of evidence-based housing policy.

Progress to Date

Canada Mortgage and Housing Corporation is working closely with Statistics Canada and the Department of Finance to support access to improved data on foreign investment in housing. To date, Canada Mortgage and Housing Corporation has released information on foreign ownership in Canada's condominium markets by age of structure and local geography and conducted industry round tables on foreign investment in Vancouver, Toronto and Montréal.

In 2016, Canada Mortgage and Housing Corporation broadened its Housing Market Assessment (HMA) framework report to include local-level reports for 15 census metropolitan areas. Canada Mortgage and Housing Corporation also began reporting on prices and square footage for condominium units in December 2016.

In its October Rental Market Survey, Canada Mortgage and Housing Corporation added rental turnover rates and broadened coverage of the centres covered in secondary rental markets. Findings were released on November 28, 2016.

In September 2016, Canada Mortgage and Housing Corporation published a **Housing Market Insight** report on rents at the lower end of the market for purpose-built rental apartment units across Canada. Canada Mortgage and Housing Corporation is currently conducting research concerning municipal government charges on new housing.

ALTERNATIVE TEXT AND DATA FOR FIGURES

Investments under the National Housing Strategy vs. Baseline Housing Investments

- The graph is represented using two lines showing historical trends in funding between the National Housing Strategy as well as legacy social housing agreement and Investment in Affordable Housing.
- The vertical axis represents the funding figures in billions of dollars while the horizontal axis represents the years of funding starting with year 2015-16 until 2027-2028.
- The solid yellow line represents the funding under the National Housing Strategy (includes all federal investments as of fiscal year 2016-17 and cost-matching by provinces and territories where required by program parameters).
- This line starts around \$4 billion at year 16-17 and trends upwards incrementally until reaching a peak of just over \$5 billion. Small dips in the trend line are observed at years 2018-2019 and 2021-22 as it gradually smooths upwards towards the end of the funding period.
- The second time series is represented as grey dotted line stretching from 2015-2016 until 2027-2028. This line represents funding under legacy social housing agreements and Investment in Affordable Housing (includes cost-matching by provinces and territories where required by program parameters). The starting point of the line sits just above \$2.5 billion and plateaus for several years until it dips by close to \$1 billion between 2018 and 2021. From 2021, the line gradually trends downwards as funding decreases in the future years till 2027-2028.

THIS IS **EXHIBIT “E”** REFERRED TO
IN THE AFFIDAVIT OF LAURA PIN
AFFIRMED THIS 7TH DAY OF SEPTEMBER, 2022

DocuSigned by:

Ashley Elizabeth Schuitema

F793F43B57D44F6...

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



TABLE OF CONTENTS

OMBUDSMAN'S MESSAGE	5
EXECUTIVE SUMMARY	9
The City of Toronto's Encampments Clearings of 2021	9
Ombudsman Toronto's Investigation and Interim Report.....	9
Findings: The City's Interdepartmental Encampment Protocol	11
Findings: The Role and Mandate of the Encampment Office	11
Our Recommendations.....	11
The City's Response and Follow-Up	12
INTRODUCTION	14
The City's Encampment Clearings of 2021.....	14
Encampments in Toronto: A Longstanding Presence	14
Ombudsman Toronto Launches an Investigation.....	15
Scope of Investigation	16
What We've Done	16
The Complexity of Investigating Encampment Clearings	17
What We Heard from the Community and People with Lived Experience.....	17
What We Heard from City Staff	18
Overview and Objectives of this Interim Report	19
THE CITY'S INTERDEPARTMENTAL ENCAMPMENT PROTOCOL	21
Updating the Protocol.....	21
Hearing from the Community and People with Lived Experiences.....	22
Analysis & Findings.....	23
THE ROLE AND MANDATE OF THE ENCAMPMENT OFFICE	26
The City Creates an Encampment Office.....	26
Moving the Encampment Office to the Office of Emergency Management.....	27
Analysis & Findings.....	28
CONCLUSION	32



RECOMMENDATIONS 34

THE CITY'S RESPONSE TO OUR RECOMMENDATIONS..... 37

OMBUDSMAN TORONTO FOLLOW-UP 37

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.

Ombudsman Toronto
Interim Investigation
Report

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>

Ombudsman Toronto
Interim Investigation
Report

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.

Ombudsman Toronto
Interim Investigation
Report

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.

Ombudsman Toronto
Interim Investigation
Report

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.

Ombudsman Toronto
Interim Investigation
Report

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



Chris Murray, MCIP RPP
City Manager

City Hall
100 Queen Street West
East Tower, 4th Floor
Toronto, Ontario M5H 2N2

Tel: 416-392-3551
Fax: 416-392-1827
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 blue ink, appearing to read "Josie Scioli".

Josie Scioli
On behalf of Chris Murray
City Manager

**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 LAURA PIN
(AFFIRMED SEPTEMBER 7, 2022)**

**WATERLOO REGION COMMUNITY LEGAL
SERVICES**

450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

Shannon K. Down LSO#43894D,
Tel: 519.743.0254 x 20
Fax: 519.743.1588
Email: shannon.down@wrcls.clcj.ca

Ashley Schuitema LSO #68257G
Tel: 519.743.0254 x 15
Email: ashley.schuitema@wrcls.clcj.ca

Lawyers for the Respondents

**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

ACKNOWLEDGEMENT OF EXPERT’S DUTY

1. My name is Laura Pin. I live at the City of Hamilton, in the Province of Ontario.
2. I have been engaged by or on behalf of the Waterloo Region Community Legal Services to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - (a) to provide opinion evidence that is fair, objective and non-partisan;
 - (b) to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - (c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

9/7/2022

Date

DocuSigned by:

 871172010FFB429...

Signature

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 NANCY ROSE SINGER
(AFFIRMED SEPTEMBER 13, 2022)**

I, Nancy Rose Singer, of the City of Kitchener, in the Province of Ontario, SOLEMNLY AFFIRM
AS FOLLOWS:

1. I am a Social Worker registered to practice social work in the Province of Ontario. I have both Bachelor and Master degrees of Social Work and I am registered with the Ontario College of Social Workers and Social Service Workers. In my current role as senior social worker at Waterloo Region Community Legal Services (the "Legal Clinic"), I have met frequently with the residents living in the encampment municipally known as 100 Victoria Street North, Kitchener (the "Encampment"). As such, I have knowledge of the matters described in this affidavit.

2. I first visited the Encampment on Wednesday, May 18, 2022 to determine the unmet legal needs of the residents living there.

3. I spoke with Sean King on or about August 2, 2022 while I was at the Encampment. What Mr. King told me is set out in his unsworn affidavit attached as **Exhibit "A"**. Based on what I recall of our conversation, and notes taken of our conversation, I confirm that the affidavit is an accurate reflection of our conversation.


4. From May 18, 2022 to current date I have often visited the Encampment, usually 2-3 times a week for a few hours on each visit. When I spoke with Mr. King on August 2, he was no longer staying at the Encampment, but was maintaining a tent on the site to store his personal belongings. From August 2, 2022 onwards, I attempted on several occasions to speak with Mr. King when he was on site checking on his belongings, but he was often accompanied by other people, or seemed to want to get on with his intended business and leave. I was unable to connect him with one of the lawyers at the Legal Clinic for the purposes of swearing his affidavit.

5. I make this Affidavit in support of the response to the Application and for no other improper purpose.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 13th day of)
September, 2022)
In the Regional Municipality of Waterloo)



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



NANCY ROSE SINGER

THIS IS **EXHIBIT "A"** REFERRED TO
IN THE AFFIDAVIT OF NANCY SINGER
AFFIRMED THIS 13TH DAY OF SEPTEMBER, 2022



ASHLEY SCHUITEMA

A Commissioner, etc.,
Province of Ontario,

While a Barrister and Solicitor.

LSO #68257G

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 KING

I, Sean King, 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 47 year old male.
3. I receive Ontario Works benefits at \$500 per month.
4. I suffer from drug addiction. I am currently in recovery.
5. I have a service dog named Powder. I am a widower, my wife died on January 1, 2022.

6. I have been homeless for about 10 months and I was living at the encampment for about five months. I am currently staying at the Edith Mac shelter overnight.
7. Prior to being homeless, I resided at a unit on Victoria Street and was evicted for rent arrears. I was not able to attend at the Tribunal hearing about my tenancy as I was arrested and left the unit before the Sheriff came.
8. I have stayed at St. Andrew's Church Emergency Shelter, as well as the Edith Mac shelter. Some of the issues with shelters are that if you are not there by 7:15 or 7:30 p.m., they are full.
9. While staying at the encampment, I have access to St. John's Kitchen for food and washroom facilities. The guards at the soup kitchen have been rude to me, telling me to "hurry the fuck up" while using the bathroom and asking me to empty my pockets before letting me in. Many times, they have refused me access to the washrooms for a period of 24 hours.
10. There are rules at the encampment including, no fighting or yelling, keep the peace, don't steal and respect each other. We watch out for each other here and I try to help my neighbours when I can.
11. At the encampment I access food and washrooms right across the street, they also have a telephone that we can use on occasion and I can bring my dog there to get her out of the heat. I get my safe supply of drugs from Water Street, which is close by.

12. The Region has not consulted with me about my needs, nor have they arranged to meet with me. I have not been offered any sort of shelter or any permanent housing by the Region. One of the barriers I face to being housed is the high cost of rent that is required. I won't be able to meet that as what I receive from Ontario Works is just too low.

13. If evicted from the encampment, I will have to stay at a shelter or find a friend to stay with.

Due to safety reasons, I do not want to set my tent up elsewhere. I feel safe here.

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

SEAN KING

THE REGIONAL MUNICIPALITY OF
WATERLOO and
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 SEAN KING

**WATERLOO REGION COMMUNITY LEGAL
SERVICES**

450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

Shannon K. Down LSO#43894D,
Tel: 519.743.0254 x 20
Fax: 519.743.1588

Email: shannon.down@wrcls.cici.ca

Ashley Schuitema LSO #68257G
Tel: 519.743.0254 x 15

Email: ashley.schuitema@wrcls.cici.ca

Lawyers for the Respondents

**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 NANCY SINGER
(AFFIRMED SEPTEMBER 13, 2022)**

**WATERLOO REGION COMMUNITY LEGAL
SERVICES**

450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

Shannon K. Down LSO#43894D,

Tel: 519.743.0254 x 20

Fax: 519.743.1588

Email: shannon.down@wrcls.cici.ca

Ashley Schuitema LSO #68257G

Tel: 519.743.0254 x 15

Email: ashley.schuitema@wrcls.cici.ca

Lawyers for the Respondents

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

**SUPPLEMENTAL AFFIDAVIT OF NANCY ROSE SINGER
(AFFIRMED SEPTEMBER 14, 2022)**

I, Nancy Rose Singer, of the City of Kitchener, in the Province of Ontario, SOLEMNLY AFFIRM
AS FOLLOWS:

1. I am a Social Worker registered to practice social work in the Province of Ontario. I have both Bachelor and Master degrees of Social Work and I am registered with the Ontario College of Social Workers and Social Service Workers. In my current role as senior social worker at Waterloo Region Community Legal Services (the "Legal Clinic"), I have met frequently with the residents living in the encampment municipally known as 100 Victoria Street North, Kitchener (the "Encampment"). As such, I have knowledge of the matters described in this affidavit.

2. I have worked as a registered social worker in the Legal Aid Ontario clinic system since 2011. In this role, I have worked with numerous unhoused and underhoused clients and I am aware of the economic, structural, disability-related and legal barriers to accessing justice faced by this population.
3. Since in or around May 18, 2022, I have been a frequent visitor of the Encampment. While there, I have attempted to build relationships with the residents and have assisted many of them to connect with medical services, replace lost or stolen identification, and gather documentation for applications to the Ontario Disability Support Program. I also bring food, water, coffee, tents, blankets, and assist with laundry when requested.
4. A significant number of the individuals at the Encampment do not have any form of personal identification of any kind.
5. I have also assisted legal staff at the Respondent Waterloo Region Community Legal Services in connecting with residents of the Encampment who wish to be involved in the present Application.
6. Many residents in the Encampment face multiple intersecting systemic barriers that impede their ability to retain and instruct counsel, including a lack of – or fluctuating – mental capacity, active substance abuse, a lack of reliable access to basic modes of communication, and a distrust of the legal system.
7. There are a number of residents in the Encampment who I have not been able to meaningfully engage with due to their serious, ongoing mental health disabilities. Due to these disabilities, many residents who I have been able to engage with do not appear to

understand or remember that there are legal proceedings ongoing that could result in their eviction from the Encampment.

8. The majority of the people who reside at the Encampment are impacted by substance use disorder and mental health conditions which affects their ability to reliably make use of offered services or to make future plans and decisions.
9. The individuals at the Encampment who are impacted by substance use disorders and mental health conditions to the degree that they do not appear to have the capacity to make decisions or plans would be greatly impacted by the eviction as they do have access at the Encampment to the basic necessities of life such as food, clothing and shelter. There is also the protection of being part of a community and the other residents of the Encampment keep an eye on these most vulnerable individuals.
10. Individual #1 arrived at the Encampment at some time in July 2022. She slept for four or five days and nights in a screen tent on a wet mattress. She spoke to no one, and no one seemed to know who she was, or where she came from. Some residents were upset that she was sleeping in the screen tent because this was where volunteers brought donations of food and other items. Some residents expressed concerns to me that community members dropping off donations would not have a very positive impression of the Encampment because she was sleeping there on a wet mattress. I purchased a small tent for her to move into in order to keep the peace among the residents.
11. For weeks I would intentionally greet Individual #1 every time I was on site, giving her food, fluids, and clothing but she would remain mute. It took nearly a month for her to

actually speak a few words to me. I still know nothing about her – where she came from, how she ended up at the Encampment, what her plans are for winter, if she has an income or a health care practitioner. She does not seem to communicate much with anyone at the Encampment, however the other residents of the Encampment are now very accepting of her and protective of her. For example if she appears cold, someone else will grab a sweater and put it on her. If she is hot, someone will give her a water bottle. She appears to have very little ability to care for herself beyond very basic needs.

12. On September 8th, I noticed a bare patch on her scalp that was bleeding slightly. She wouldn't tell me what happened, and refused to come with me to see the nurse at the building across the street. Another resident encouraged her, but she refused. I cannot recall a time that I have observed her interacting with any other service provider. I do recall one time she accessed the shower at St. John's kitchen. I have not observed her using any substances, but she may have in the past, because she has asked me for methamphetamines once.

13. Individual #2 has moved between the Encampment and another camping site in the bush. He has expressed to me that no one likes him. He appears unkempt and wears inappropriate clothing, for example on September 13th, he was wearing two pairs of jeans, and a neon yellow light reflective shirt that a construction worker would wear. He always asks me for clothes. He has expressed bizarre beliefs about a small action figure being his girlfriend, and he repeats their conversations to me, asking for my opinion. He often wanders into the street, seemingly unaware that it is dangerous. I do know that he had been living in

Hamilton previously, but I am not sure exactly when he came to the Kitchener-Waterloo area or how he got here.

14. Individual #2 collects useless garbage, such as on September 13th, 2022 when he arrived at the Encampment carrying a lawn sign, a poster about a lost cat, and wanted to take garbage from the site of an abandoned tent that workmen were clearing up – he took a pair of foam rubber insoles, a foam water toy, and asked for a lampshade. He doesn't seem to know where he is, and has certainly not made any future plans for winter. Some other residents at the Encampment consider him a nuisance because of his behaviour and taunt him. He has told me that he is “an addict”. He behaves in almost a child-like manner, and his attention is very focused in the present. I am aware that he had been in receipt of ODSP benefits in the past, but he is not interested in pursuing a new application for benefits. He is a very poor historian, and I have never been able to engage him in a meaningful conversation about his past. I have never witnessed him engaging with any other service provider, or accessing any service at St. John's Kitchen.
15. Individual #2 accesses food, clothes and other basic needs while at the Encampment. Removing him from the Encampment would certainly impact his ability to access these basic needs.
16. Individual #3 has become more and more erratic since I first met her sometime in July 2022. Her speech is very pressured: she speaks very fast, jumping from one subject to another. Her non-stop speech sounds like a stream of consciousness, and is very difficult to follow. She frequently calls police to complain about other residents of the

Encampment. She inserts herself inappropriately into others' interactions, causing lots of anger and upset.

17. Community officers who are well acquainted with Individual #3 attended the Encampment one day in the early summer and told me that "this is good for her" when I inquired about the erratic state of her behaviour, suggesting that her behaviour is usually much more erratic . She dresses inappropriately – for example, I've seen her with underwear outside of her clothing. She is also a hoarder. I have tried to speak to her about her needs when it comes to securing housing but she is not interested in speaking about anything outside of the here and now. She put me off saying she needs to know what other people (residents) are doing first. I have never seen her interact with any social service provider, unless it is to access basic needs such as food, water, clothing etc.
18. These are just a few examples of some of my interactions with people living at the Encampment that are not able to meaningfully engage due to serious, ongoing mental health disabilities or substance use disorders or a combination of the two.
19. The individuals I have described above will likely experience poor outcomes and a high risk of harm if evicted from the Encampment as living at the Encampment insulates them from the broader public where their behaviour would likely cause members of the public to call 911 with the likely result that they could be arrested or apprehended under the Mental Health Act. I have observed that there is a lot of informal support from the other Encampment residents which helps to stabilize these individuals to some degree. Individual #1 has improved significantly since the arriving at the Encampment. She still is very ill but was much worse when she first arrived.

20. The vulnerable individuals who lack capacity that I have observed and commented on above would be much more likely to be susceptible to violence or sexual assaults if evicted and removed from the basic supports they currently have at the Encampment.
21. I have observed at least three episodes of drug overdoses or drug poisoning where the Encampment residents or other attending at the Encampment have called 911 or attended to the person overdosing. If the individual overdosing was living outside the Encampment in an isolated place, they would have died.
22. Beyond these examples, other individuals at the Encampment, appear to have a fluctuating understanding of the legal proceedings due their ongoing mental health disabilities. For example, during a conversation with one of our clients in early August, I noted that he was showing signs of psychosis. He mentioned to me that he was afraid bikers were after him and that aliens had implanted a gold chip in his knuckle which caused him to be able to hear the bikers' conversations in his head. On other occasions I have been able to meaningfully engage with this client.
23. The outcome of this Application has the potential to profoundly impact the lives and wellbeing of these acutely vulnerable residents of the Encampment, who currently have no legal representation or means of presenting their perspectives to this court.

24. I make this Affidavit in support of the response to the Application and for no other improper purpose.

AFFIRMED BEFORE ME in the)
City of Kitchener, this 14th day of)
September, 2022)
In the Regional Municipality of Waterloo)



SHANNON KATHLEEN DOWN



NANCY ROSE SINGER

SHANNON KATHLEEN DOWN,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #43894D

THE REGIONAL MUNICIPALITY OF
WATERLOO and
Applicants

PERSONS UNKNOWN AND TO BE
ASCERTAINED
Respondents

Court File No.: CV-22-00000717-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

**SUPPLEMENTAL AFFIDAVIT OF NANCY
SINGER**

(AFFIRMED SEPTEMBER 14, 2022)

WATERLOO REGION COMMUNITY LEGAL
SERVICES

450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

Shannon K. Down LSO#43894D,

Tel: 519.743.0254 x 20

Fax: 519.743.1588

Email: shannon.down@wrcls.cjci.ca

Ashley Schuitema LSO #68257G

Tel: 519.743.0254 x 15

Email: ashley.schuitema@wrcls.cjci.ca

Lawyers for the Respondents

**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

SUPPLEMENTAL RESPONDING RECORD

WATERLOO REGION COMMUNITY LEGAL SERVICES
450 Frederick Street, Unit 101
Kitchener, Ontario N2H 2P5

Shannon K. Down LSO#43894D
Tel: 519.743.0254 x 20
Fax: 519.743.1588
Email: shannon.down@wrcls.cici.ca

Lawyers for the Respondents Jennifer Draper,
Sandra Hayward, Caleb Watson, Drew Zekai,
Michael Wosik, Albert Tugwood, Mark Duke,
John Slade, Andrew Entwistle, Sean King,
Andrew Mandic, Kathryn Bulgin, Lee-Anne
Mason, Liam Flanagan, Jordan Aylott and Sean
Simpell