

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**THE REGIONAL MUNICIPALITY OF WATERLOO**

Applicants

- and -

**PERSONS UNKNOWN AND TO BE ASCERTAINED**

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

**REPLY MOTION RECORD**

**WATERLOO REGION COMMUNITY LEGAL SERVICES**  
450 Frederick Street, Unit 101 Kitchener, Ontario N2H 2P5

Ashley Schuitema (LSO# 68257G)  
ashley.schuitema@wrcls.clcj.ca  
Tel: 519-743-0254 x. 17  
Fax: 519-743-1588

Joanna Mullen (LSO# 64535V)  
joanna.mullen@wrcls.clcj.ca  
Tel: 519-743-0254 x. 15  
Fax: 519-743-1588

Shannon K. Down (LSO# 43894D)  
Email: shannonkdown@gmail.com

Lawyers for the Respondents

TO: **Paliare Roland Rosenberg Rothstein LLP**  
155 Wellington St. West, 35<sup>th</sup> Floor  
Toronto, ON M5V 3H1

**Gordon Capern (LSO # 32169H)**  
Tel: 416.646.4311

Email: gordon.capern@paliareroland.com

**Andrew Lokan (LSO # 31629Q)**

Tel: 416.646.4324

Email: andrew.lokan@paliareroland.com

**Kartiga Thavaraj (LSO # 75291D)**

Tel: 416.646.6317

Email: kartiga.thavaraj@paliareroland.com

**Greta Hoaken (LSO # 87903I)**

Tel: 416.646.6357

Email: greta.hoaken@paliareroland.com

Lawyers for the Applicant  
The Regional Municipality of Waterloo

AND TO: **SWADRON ASSOCIATES**

Barristers & Solicitors  
115 Berkeley Street  
Toronto, ON M5A 2W8

**Jen Danch (LSO # 74520I)**

Tel: (416) 362-1234

Email: jdanch@swadron.com

**Karen A. Steward (LSO # 58758O)**

Barrister & Solicitor

Email: karenannesteward@yahoo.ca

Tel: (416) 270-0929

Lawyers for the Mental Health Legal  
Committee (Intervener)

July 7, 2025

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

and

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**REPLY MOTION RECORD**

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# **TAB 1**

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

**B E T W E E N:**

**THE REGIONAL MUNICIPALITY OF WATERLOO**

**Applicant**

**and**

**PERSONS UNKNOWN AND TO BE ASCERTAINED**

**Respondents**

**2ND AFFIDAVIT OF EMILY (“EDDY”) GRINGON**

I, Emily “Eddy” Gringon, of the City of Kitchener, in the Region of Waterloo, 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 previously affirmed an affidavit dated May 12, 2025. I adopt and rely upon that Affidavit and update certain matters below. I affirm this affidavit as part of the Named Respondents Reply Motion Record in a motion for an injunction restraining the Region from enforcing the Site-Specific By-law.
  
3. I attend at the Encampment regularly to act as an observer and to provide support to those living there. In my previous affidavit I indicated that I would go to the Encampment about five times a week and stay for overnight shifts. I have reduced the frequency of my shifts since then. For a period of about 3-4 weeks I was attending three nights a week, and recently I have reduced that further to attending only two nights a week.

**No Shelter Spaces Available**

4. On several occasions I have assisted Encampment residents in attempting to access a space in the emergency shelter system and have been unsuccessful. Many residents do not have a telephone and the main way to access a space within the emergency shelter system is to call First Connect, the phone line that coordinates access to the shelter system. People can also physically line up outside a shelter for when it opens and hope to get a spot. Shelters are regularly at capacity each night and people are turned away. By the time a person learns that they won't be accepted because there is no bed, it is often too late to try to get a bed at a different shelter.
  
5. Encampment residents have advised me of the challenges they face in accessing emergency shelter beds. These include spaces being full, difficulty in getting transportation to the

shelter, and a lack of choices that fit their needs. For example, there are no spaces in emergency shelters for couples. Some people are banned from going to certain shelters, or had traumatic experiences there and do not want to return. However if a resident is looking for support in accessing a shelter bed, I will assist them.

6. I have observed the significant challenges people face when trying to access a shelter bed for a night, while also trying to preserve their survival items, like their tent, sleeping bags, and personal possessions. In particular over the winter, women from the Encampment were taking turns going to the Frederick Street shelter in Kitchener over night because there were not enough beds. The women had a system, where they or their friends would watch over each others items as they cannot take these items into the shelter with them. The women's shelter in Kitchener is particularly challenging for women to access as you have to make it there at a particular time in order to claim a spot and leave by a certain time in the morning. I have observed Encampment residents planning and working with community to safeguard their possessions to make sure stuff doesn't get stolen if they stay a night in shelter.
7. On multiple occasions I have asked residents if they want me to call First Connect for them. About half of the time the resident agrees and we call First Connect together. In my experience if the process with First Connect takes a long time, the resident may walk away. I understand this is because it is hard to sit and wait for something they aren't sure will even happen. First Connect is usually pretty good at picking up and we speak for a few minutes about the specific needs of a resident. Multiple times I have called for a resident that is at the Encampment with their partner, when I explain this to First Connect and indicate they want to stay together somewhere, First Connect will call someone else to

double check and see if options are available. Usually their answer is that there are no options available.

8. On March 13, 2025, at approximately 9:50 pm, I attempted to call First Connect for a resident that asked for assistance. The Warming Centre at Thresholds in Kitchener was not answering calls, I was calling there directly. I was told by the person at First Connect that the emergency shelter in Cambridge (Bridges) had capacity. When I asked if they could send a cab to the Encampment to assist the resident in getting to Cambridge they told me they could not do that. My understanding is that First Connect has a policy that they will not send cabs if the busses are running, even though residents of the Encampment cannot afford bus fare. It would take someone over 4.5 hours to walk from the Encampment to the shelter in Cambridge. The bus would take over 1 hour and involves over 2-3 bus transfers depending on the route. It would be very difficult for a resident to take their belongings with them on the bus to access an emergency shelter bed in Cambridge. On at least two occasions I've paid for an Uber for people to get to the shelter when they have no other options and don't have money for bus fare, but I can't do this every time as I live on a low income. On these occasions the residents were taking bags of personal items with them in the Uber.
9. On May 5, 2025, at approximately 7:55 am, I called First Connect for a resident that asked for assistance. The resident could not go to the Edith Mac Shelter operated by SHIP, as they had some issues in the past with SHIP that I didn't inquire further about, and I was told that House of Friendship (HOF) ShelterCare at 190 Weber Street North, Waterloo had no spots available. I was advised "there's nothing" for this resident and advised I should

call back in an hour. The resident told me to just forget about and stayed at the encampment for a few days.

10. I have been asked multiple times if I can help a resident get a motel. I have called First Connect asking for motels for residents and one is never offered through First Connect. I've been told I need to wait until the morning and call someone from the Region. My understanding is that residents are supposed to be talking to Region outreach workers, so I've been telling people if you have a worker talk to your worker and get them to advocate for you to get a motel. I have not observed residents successfully advocating for a motel and then being moved to a motel, although I understand that it does happen.

11. At least three residents I have observed leaving the Encampment to go to a motel have since returned to the encampment. Two returned and were living at the Encampment, the other has retained her motel room but returns frequently to the Encampment to be with community and sometimes stays overnight at the Encampment. Of the two that returned and were living at the Encampment I understand the one was evicted from the motel, and the other had a fight with their partner and left the motel.

### **Security Onsite**

12. In my experience the security onsite is not very helpful. They have made it clear they cannot enter a tent or the sandbag house. Residents have expressed frustration to me about this, and suggested to me that they do not find the security helpful.

13. On May 9, 2025 at approximately 4:00 am, I observed a female resident ask security to assist her in getting a man out of her tent. The security guard told me that they are not allowed to go inside a tent or to kick anyone out of a tent. The security guard then returned to their vehicle, without offering any further assistance to the resident. I went to the resident's tent with her and advised the man in her tent that he needed to leave. I worry about what would have happened to this woman if she was living unsheltered or tenting in the bush somewhere without community support. Just recently I was onsite at night and there was a resident yelling and asking for security to come out and help them, and the security guard just gave him the finger.

#### **Drug Poisonings / Overdoses Prevented**

14. Fight Back has one tent located on the property. We store harm reduction supplies, naloxone, band aids, hand warmers, foot warmers, emergency blankets, tarps, towels, flashlights, cigarettes, snacks, and water. On several occasions we have been asked by residents for Naloxone (Narcan) to assist in preventing an overdose. I have never observed security with Narcan and I have never witnessed them use it.

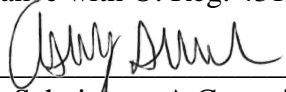
15. I was present on June 21, 2025, at approximately 5:20 am, when an overdose was prevented. A resident came to the Fight Back tent and grabbed the Narcan that we have clipped on the outside of our tent. My colleague ran off with the resident to double check everything was okay and ask if they wanted us to call an ambulance. I went to the resident's tent to check in and they said their friend was up and fine and we didn't need to call an ambulance. We continued to check in periodically on these residents for the next 1.5 hours.

16. I have been advised by other members of Fight Back of at least three other occasions where Fight Back's supply of Narcan has been used by residents to successfully reverse a potentially fatal overdose without having to call an ambulance. Residents are very knowledgeable about Narcan and are well versed in how to use it. I will defer to residents and will call an ambulance if they ask me to, I have called an ambulance a couple of times, typically if Narcan is used twice and the person remains unresponsive. In the instances when I have called the ambulance no one has died, the person was revived either as I was calling, or as ambulance was arriving.

17. People are extremely good at using the buddy system when using substances. In general I have observed more people using substances communally than people using alone. I have observed the benefits to residents in using communally, for example the ability to have someone to get Narcan if there is a poisoning or having a buddy watch over their stuff while the other nods off. I have observed residents sharing harm reduction supplies with one another.

18. I make this affidavit in support of the Notice of Motion and for no other or improper purpose.

AFFIRMED remotely by Emily (Eddy) Gringon )  
at the City of Kitchener, in the Province )  
of Ontario, before me at the City of Kitchener )  
in the Province of Ontario on July 7, 2025 in )  
accordance with O. Reg. 431/20. )

  
\_\_\_\_\_  
Ashley Schuitema, A Commissioner of  
Oaths (LSO # 68257G)

  
\_\_\_\_\_  
EMILY (EDDY) GRINGON

**THE REGIONAL MUNICIPALITY OF  
WATERLOO**  
Applicants

and

**PERSONS UNKNOWN AND TO BE  
ASCERTAINED**  
Respondents

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

**AFFIDAVIT OF EMILY "EDDY" GRIGNON**

**WATERLOO REGION COMMUNITY LEGAL SERVICES**  
450 Frederick Street, Unit 101  
Kitchener, Ontario N2H 2P5

Ashley Schuitema (LSO# 68257G)  
ashley.schuitema@wrcls.clcj.ca  
Tel: 519-743-0254 x. 17  
Fax: 519-743-1588

Joanna Mullen (LSO# 64535V)  
joanna.mullen@wrcls.clcj.ca  
Tel: 519-743-0254 x. 15  
Fax: 519-743-1588

Shannon K. Down (LSO# 43894D)  
shannonkdown@gmail.com

Lawyers for the Respondents

# **TAB 2**

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

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PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

APPLICATION UNDER Rule 14.05 of the *Rules of Civil Procedure*

**2<sup>ND</sup> AFFIDAVIT OF SARA ESCOBAR**

I, Sara Escobar, 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 previously affirmed an affidavit dated June 23, 2025. I adopt and rely upon that Affidavit and update certain matters below. I affirm this affidavit as part of the Named Respondents Reply Motion Record in a motion for an injunction restraining the Region from enforcing the Site-Specific By-law.

## **Growth of Encampment**

3. I am not a member of Fight Back KW and never have been. However as a local grass roots group they play a valuable role in our community as lived experts. To minimize the work they are doing and the connections they have to the encampment community is unfair.
  
4. I am aware of the suggestion made by Peter Sweeney in the 2<sup>nd</sup> Affidavit of Peter Sweeney, affirmed July 2, 2025, that the Encampment has grown in size “as a result” of Fight Back and/or other “activists” encouraging unhoused individuals to set up tents there (para 9 and 90). This is suggesting that there is something unusual or improper about the continual influx and growth of residents at the Encampment. Despite expanding the shelter capacity slightly, there are still not enough shelter, motel, transitional, supportive beds or rental subsidies combined in the Region to meet the needs of the entire unsheltered population which has more than doubled since 2021. By necessity some of the Region’s 2,300 homeless population will live in tents. The Region knows this.
  
5. The Region acknowledges there is not enough shelter space for everyone that needs it by funding the distribution of tents and other survival gear as part of their winter warming strategy. I sat on a Winter Warming Committee preparing for the winter for 2024-2025 facilitated by staff within the Community Services Department of the Region. For approximately three years, as part of the Region’s winter warming strategy, they fund community partners to distribute winter warming packages to people experiencing unsheltered homelessness that include sleeping bags, tents and tarps. I attach as **Exhibit “A”** a copy of the Region’s Press Release

posted on December 14, 2022, titled “Region to Provide Winter Warming Packages”. The Region is aware that many of the social service agencies that they fund will supply unsheltered people in the Region with tents. See as **Exhibit “B”** an email from Krystina Damyanovich, Social Planning Associate, Housing Services to the Winter Warming Committee dated November 28, 2024 confirming the base items in the Winter Warming Supplies provided by the Working Centre include: boots, hats, gloves, hand warmers, socks, long johns, arctic lanterns and candles, sleeping bags, tents and tarps. I confirm that winter warming packages were made available this past winter for 2024-2025, including tents and were distributed across Waterloo Region.

6. Further, community partners retain Winter Warming Supplies they received and continue to give out tents to those living unsheltered in our community throughout the year because the need doesn’t stop.

### **Building Trust**

7. As someone who has worked with and supported the unsheltered population for more than two decades I am confused by the approach taken by the Region to engage with the residents at the Encampment. Although Peter Sweeney is comparing this to the approach taken when a shelter closes, it is very different. A shelter is staffed to support the needs of people using that space, people have food, running water, a bed to sleep in, air conditioning, and access to staff. This is not the case for people living at an encampment. It is inappropriate to compare the two spaces and inappropriate to use the same strategy when attempting to close down the encampment.

8. Developing trust of those living unsheltered is more challenging and harder than working with those staying in an emergency shelter. As a front line worker, I understand that folks that have been pushed to live at the Encampment can be harder to reach and less trusting of people coming around. Often people that live in encampments are marginalized and tend to have limited access to other spaces because of mental health disabilities, service restrictions and/or substance use. It takes a lot of work to get to know people and people are more hesitant to engage and trust outreach workers.
  
9. I am not aware of the exact date when the Region unhoused support workers (“USWs”) began to provide direct service to the Encampment related to housing but in order to build the relationships needed it should have been happening as soon as the previous decision was released, and I know it was not done at that time. In my experience as an outreach worker, in order to be successful an outreach worker must be able to dedicate a significant amount of time to a client and support them in attending appointments like housing, medical, legal, etc. to serve to stabilize the person and build rapport. In my experience the USWs are unable to do this because they are limited in the amount of time they are able to spend with Encampment residents.
  
10. The way in which the Region went about dropping off the dumpsters and site trailer on April 16, 2025 was harmful. There was no warning given to any community partners, including the residents. Front line workers in the community have advised me that residents were woken up to noises of heavy machinery, and many have trauma related to other encampment clearings

which caused anxiety and stress. Given the role of the Plan to End Chronic Homelessness Co-Creators group, if the Region suspected that something they are doing may have a negative impact on a community group they ought to attempt to minimize that impact or harm. The Region did nothing to attempt to minimize that harm. That will impact the USWs ability to build trust.

11. Additionally, telling residents they have to leave the property by a certain date does not build trust, it is an ultimatum. I recently became aware of the Federal Housing Advocate's new report on Meaningful Engagement with Encampment Residents, which I attach it here as **Exhibit "C"**. In my experience as an outreach worker, the residents deserve autonomy and meaningful choice when engaging in discussions about what truly meet their needs. The approach taken by the Region to require the Encampment to close by December 1, does not allow the USWs to meaningfully engage with the residents about their choices or options.

### **Housing First Approach**

12. Not everyone at the Encampment requires a "staged" approach to housing. Not everyone will require a period of stabilization before moving on to their own housing. People need to be given autonomy to make these decisions, and it does not sound like the Region's plan provides for that. Also the emergency shelter system does not necessarily stabilize people. For example, emergency shelters that require people to leave every morning and return every evening do not offer the stability required to truly stabilize someone. Emergency shelter can be destabilizing and triggering for some, as can motels.

13. On average people may stay in an emergency shelter for six months to one year or longer, as there are very limited resources to move people into. The waiting lists for transitional and supportive and affordable housing are between 10-15 years long. People that do not live at the Encampment but are waiting in shelter, or are otherwise experiencing homelessness other than the Encampment, will be bumped further down this wait list and have to wait even longer if residents from the Encampment are prioritized for space.

14. I make this Affidavit in support of the Notice of Application, and for no improper purpose.

AFFIRMED remotely by Sara Escobar )  
at the City of Kitchener, in the Province )  
of Ontario, before me at the City of Kitchener )  
in the Province of Ontario on July 7, 2025 in )  
accordance with O. Reg. 431/20. )



\_\_\_\_\_  
Ashley Schuitema, A Commissioner of  
Oaths (LSO # 68257G)



\_\_\_\_\_  
SARA ESCOBAR

THIS IS **EXHIBIT "A"** REFERRED TO IN  
THE AFFIDAVIT OF SARA ESCOBAR  
SWORN BEFORE ME AT THE  
CITY OF KITCHENER  
THIS 7<sup>TH</sup> DAY OF JULY, 2025

A handwritten signature in black ink, appearing to read "Ashley Schuitema". The signature is written in a cursive, flowing style.

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



Region of Waterloo

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## Region to Provide Winter Warming Packages

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Posted on Wednesday December 14, 2022

 [Subscribe](#)

**Waterloo Region** – With colder temperatures approaching, the Region of Waterloo is partnering with The Working Centre to provide Winter Warming Packages for people experiencing unsheltered homelessness.

“Our first priority is always to connect individuals to safer indoor shelter spaces and support services,” said Councillor Jim Erb, Chair of the Community and Health Services Committee, Region of Waterloo. “Extreme winter weather conditions pose serious risks for those experiencing unsheltered homelessness. The Winter Warming Packages will provide cold weather supplies and a connection to support services as we continue work to transition people into housing.”

The Working Centre and other community partners are working hard to sign people up and order the supplies as quickly as possible. The limited number of packages will include winter clothing, a warm sleeping bag, an insulated sleeping pad, and other outdoor winter supplies. Packages will be given to individuals staying in encampments or living rough in Kitchener, Waterloo and Cambridge while supplies last.

“Responding to health and safety concerns, the Region hosted community partners exploring a plan to support people living outdoors during the winter months,” said Stephanie Mancini, co-founder of The Working Centre. “We have been working with Mountain Equipment Company, whose expertise is outdoor living to create the Winter Warming Packages. This is a combined effort to keep people as safe as possible, while we still work forwards on finding more indoor sheltering/housing options.”

The Region recognizes the support of Mountain Equipment Company, the City of Kitchener and the Cambridge Food Bank for this project.

The Region has an extreme weather protocol. It provides support to emergency shelters and drop-in programs to adjust services and expand hours of operation during periods of extreme cold, adhering to health and safety processes and protocols, and depending on the program staffing ability.

[Chat](#)

The Interim Housing Solutions strategy is working to reduce unsheltered homelessness across Waterloo Region.

Chat

challenge of  
visit,

[engagewr.ca/interim-housing-solutions](https://www.regionofwaterloo.ca/interim-housing-solutions).

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[519-575-4481](tel:519-575-4481), [Email Us](#)

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Chat

THIS IS **EXHIBIT "B"** REFERRED TO IN  
THE AFFIDAVIT OF SARA ESCOBAR  
SWORN BEFORE ME AT THE  
CITY OF KITCHENER  
THIS 7<sup>TH</sup> DAY OF JULY, 2025

A handwritten signature in black ink, appearing to read "Ashley Schuitema". The signature is written in a cursive, flowing style.

---

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

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**From:** Krystina Damyanovich <[kdamyanovich@regionofwaterloo.ca](mailto:kdamyanovich@regionofwaterloo.ca)>  
**Sent:** Thursday, November 28, 2024 2:12 PM  
**To:** Andrea Ferguson <[mos@oneroof.org](mailto:mos@oneroof.org)>; Bree Woods <[bree@sanguen.com](mailto:bree@sanguen.com)>; Char Lee <[charlee3689@gmail.com](mailto:charlee3689@gmail.com)>; 'Christopher -' <[cmorton@Healthcaringkw.org](mailto:cmorton@Healthcaringkw.org)>; Christina Silva <[Christina.Silva@wcswr.org](mailto:Christina.Silva@wcswr.org)>; 'David -' <[david.alton@waterlooregion.org](mailto:david.alton@waterlooregion.org)>; 'Emily Jordan -' <[ejordan@sanguen.com](mailto:ejordan@sanguen.com)>; Erica Poulin <[epoulin@Healthcaringkw.org](mailto:epoulin@Healthcaringkw.org)>; Heather Maujury <[heather@waterlooregion.org](mailto:heather@waterlooregion.org)>; Iain Morton <[imorton@cambridgesheltercorp.ca](mailto:imorton@cambridgesheltercorp.ca)>; 'j.gordon@ywcacambridge.ca' <[j.gordon@ywcacambridge.ca](mailto:j.gordon@ywcacambridge.ca)>; Jose deLima <[macsmanager@acckwa.com](mailto:macsmanager@acckwa.com)>; 'Kayli Kinnear' <[kaylik@theworkingcentre.org](mailto:kaylik@theworkingcentre.org)>; Lesley Crompton <[la-crompton@hotmail.com](mailto:la-crompton@hotmail.com)>; 'Meg Walker' <[megan.walker@waterlooregion.org](mailto:megan.walker@waterlooregion.org)>; Narine Sookram <[firstconnect.ns@execulink.com](mailto:firstconnect.ns@execulink.com)>; 'Rebekah Haynes' <[bek.new1@gmail.com](mailto:bek.new1@gmail.com)>; Regan Sunshine Brusse <[reganbrusse@gmail.com](mailto:reganbrusse@gmail.com)>; 'Sara Escobar' <[sarae@cjiwr.com](mailto:sarae@cjiwr.com)>; 'Sarah Hillier' <[sarahlh@theworkingcentre.org](mailto:sarahlh@theworkingcentre.org)>; Sharon Livingstone <[srlogan43@gmail.com](mailto:srlogan43@gmail.com)>; 'Tristian Lippert -' <[tlippert@healthcaringkw.org](mailto:tlippert@healthcaringkw.org)>; Ashley kwunwpcnavigator <[kwunwpcnavigator@gmail.com](mailto:kwunwpcnavigator@gmail.com)>; Kristine Allison <[KristineA@communitycareconcepts.ca](mailto:KristineA@communitycareconcepts.ca)>; Cathy Harrington <[cathyh@communitycareconcepts.ca](mailto:cathyh@communitycareconcepts.ca)>  
**Cc:** Amy Wells <[AWells@regionofwaterloo.ca](mailto:AWells@regionofwaterloo.ca)>; Chris McEvoy <[CMcEvoy@regionofwaterloo.ca](mailto:CMcEvoy@regionofwaterloo.ca)>; Francisco Truong <[FTruong@regionofwaterloo.ca](mailto:FTruong@regionofwaterloo.ca)>  
**Subject:** RE: Winter Warming - Core Group - Notes & Actions

<https://doodle.com/meeting/participate/id/dJzZN0yd>

Hi everyone,

I hope you are all well! I know that we all have very busy schedules as the end of the year approaches. I am hoping that we can meet virtually to provide an opportunity for folks to meet and get some clarity around all things winter warming. Please fill in the doodle poll using the link above to vote on all available dates that you are able to attend. I hope we are able to find a time to connect, or we will provide an update via email. If you could vote by end of day tomorrow that would be a huge help!

Also, enclosed as an attachment to this email is The Working Center Winter Warming Supplies form. Kayli has kindly shared the form that should be used for packages. Kayli has informed me that they are happy to receive requests for things that are not included in the base items to help folks stay warm and safe this winter. Base items include: boots, hats, gloves, hand warmers, socks, long johns, arctic lanterns and candles, sleeping bags, tents and tarps.

Package pick up will take place at 54 Queen St S by appointment that can be set up by contacting Kayli by calling at 226 751 2417 or email: [kaylik@theworkingcentre.org](mailto:kaylik@theworkingcentre.org)

Please let me know if you have any questions!  
Take good care,

**Krystina Damyanovich MPS (She/ Her)**  
Social Planning Associate  
Housing Services, Region of Waterloo

150 Main St. 1<sup>st</sup> Floor  
Cambridge ON N1R 6P9  
Email: [kdamyanovich@regionofwaterloo.ca](mailto:kdamyanovich@regionofwaterloo.ca)  
Mobile: 226 753 4665

---

**From:** Krystina Damyanovich

**Sent:** November 26, 2024 8:47 AM

**To:** Andrea Ferguson <[mos@oneroof.org](mailto:mos@oneroof.org)>; Bree Woods <[bree@sanguen.com](mailto:bree@sanguen.com)>; Char Lee <[charlee3689@gmail.com](mailto:charlee3689@gmail.com)>; 'Christopher -' <[cmorton@Healthcaringkw.org](mailto:cmorton@Healthcaringkw.org)>; Christina Silva <[Christina.Silva@wcswr.org](mailto:Christina.Silva@wcswr.org)>; 'David -' <[david.alton@waterlooregion.org](mailto:david.alton@waterlooregion.org)>; 'Emily Jordan -' <[ejordan@sanguen.com](mailto:ejordan@sanguen.com)>; 'Erica Poulin' <[epoulin@Healthcaringkw.org](mailto:epoulin@Healthcaringkw.org)>; Heather Maujory <[heather@waterlooregion.org](mailto:heather@waterlooregion.org)>; 'Iain Morton' <[imorton@cambridgesheltercorp.ca](mailto:imorton@cambridgesheltercorp.ca)>; 'j.gordon@ywacacambridge.ca' <[j.gordon@ywacacambridge.ca](mailto:j.gordon@ywacacambridge.ca)>; Jose deLima <[macsmanager@acckwa.com](mailto:macsmanager@acckwa.com)>; 'Kayli Kinnear' <[kaylik@theworkingcentre.org](mailto:kaylik@theworkingcentre.org)>; Lesley Crompton <[la-crompton@hotmail.com](mailto:la-crompton@hotmail.com)>; 'Meg Walker' <[megan.walker@waterlooregion.org](mailto:megan.walker@waterlooregion.org)>; Narine Sookram <[firstconnect.ns@execulink.com](mailto:firstconnect.ns@execulink.com)>; 'Rebekah Haynes' <[bek.new1@gmail.com](mailto:bek.new1@gmail.com)>; Regan Sunshine Brusse <[reganbrusse@gmail.com](mailto:reganbrusse@gmail.com)>; 'Sara Escobar' <[sarae@cjiwr.com](mailto:sarae@cjiwr.com)>; 'Sarah Hillier' <[sarahlh@theworkingcentre.org](mailto:sarahlh@theworkingcentre.org)>; Sharon Livingstone <[srlogan43@gmail.com](mailto:srlogan43@gmail.com)>; 'Tristian Lippert -' <[tlippert@healthcaringkw.org](mailto:tlippert@healthcaringkw.org)>; Ashley kwunwpcnavigator <[kwunwpcnavigator@gmail.com](mailto:kwunwpcnavigator@gmail.com)>; Kristine Allison <[kristinea@communitycareconcepts.ca](mailto:kristinea@communitycareconcepts.ca)>; cathyh <[cathyh@communitycareconcepts.ca](mailto:cathyh@communitycareconcepts.ca)>

**Cc:** Amy Wells <[AWells@regionofwaterloo.ca](mailto:AWells@regionofwaterloo.ca)>; Chris McEvoy <[CMcEvoy@regionofwaterloo.ca](mailto:CMcEvoy@regionofwaterloo.ca)>; Francisco Truong <[FTruong@regionofwaterloo.ca](mailto:FTruong@regionofwaterloo.ca)>

**Subject:** RE: Winter Warming - Core Group - Notes & Actions

Hi Winter Warming Core Group,

I hope you are all doing well! I am the new Social Planning Associate that is taking over some of Emily's projects as she transfers over to her new role. I would like to schedule a Teams call with everyone to communicate updates for winter warming supplies, spaces and warming buses. We will be taking notes during the meeting in case you are unable to attend the meeting. Please let me know if you have any questions. I realize that we are already on Tuesday, but we are hoping to meet with you all this week. Please take a moment to respond to the dates and times that are listed in the polls, and we will try to make something work. If none of these dates work, we will meet next week.

Thank you and take good care,  
Krystina

[Poll: Meeting dates](#)

Take good care,

**Krystina Damyanovich MPS (She/ Her)**  
Social Planning Associate  
Housing Services, Region of Waterloo

150 Main St. 1<sup>st</sup> Floor  
Cambridge ON N1R 6P9  
Email: [kdamyanovich@regionofwaterloo.ca](mailto:kdamyanovich@regionofwaterloo.ca)  
Mobile: 226 753 4665

---

**From:** Emily Burnell

**Sent:** July 23, 2024 3:34 PM

**To:** Andrea Ferguson <[mos@oneroof.org](mailto:mos@oneroof.org)>; Bree Woods <[bree@sanguen.com](mailto:bree@sanguen.com)>; Char Lee <[charlee3689@gmail.com](mailto:charlee3689@gmail.com)>; 'Christopher -' <[cmorton@Healthcaringkw.org](mailto:cmorton@Healthcaringkw.org)>; Christina Silva <[Christina.Silva@wcswr.org](mailto:Christina.Silva@wcswr.org)>; 'David -' <[david.alton@waterlooregion.org](mailto:david.alton@waterlooregion.org)>; 'Emily Jordan -' <[ejordan@sanguen.com](mailto:ejordan@sanguen.com)>; 'Erica Poulin' <[epoulin@Healthcaringkw.org](mailto:epoulin@Healthcaringkw.org)>; Heather Maujury <[heather@waterlooregion.org](mailto:heather@waterlooregion.org)>; 'Iain Morton' <[imorton@cambridgesheltercorp.ca](mailto:imorton@cambridgesheltercorp.ca)>; 'j.gordon@ywcacambridge.ca' <[j.gordon@ywcacambridge.ca](mailto:j.gordon@ywcacambridge.ca)>; Jose deLima <[macsmanager@acckwa.com](mailto:macsmanager@acckwa.com)>; 'Kayli Kinnear' <[kaylik@theworkingcentre.org](mailto:kaylik@theworkingcentre.org)>; Lesley Crompton <[la-crompton@hotmail.com](mailto:la-crompton@hotmail.com)>; 'Meg Walker' <[megan.walker@waterlooregion.org](mailto:megan.walker@waterlooregion.org)>; Narine Sookram <[firstconnect.ns@execulink.com](mailto:firstconnect.ns@execulink.com)>; 'Rebekah Haynes' <[bek.new1@gmail.com](mailto:bek.new1@gmail.com)>; Regan Sunshine Brusse <[reganbrusse@gmail.com](mailto:reganbrusse@gmail.com)>; 'Sara Escobar' <[sarae@cjiwr.com](mailto:sarae@cjiwr.com)>; 'Sarah Hillier' <[sarahh@theworkingcentre.org](mailto:sarahh@theworkingcentre.org)>; Sharon Livingstone <[srlogan43@gmail.com](mailto:srlogan43@gmail.com)>; 'Tristian Lippert -' <[tlippert@healthcaringkw.org](mailto:tlippert@healthcaringkw.org)>

**Cc:** Amy Wells <[AWells@regionofwaterloo.ca](mailto:AWells@regionofwaterloo.ca)>; Chris McEvoy <[CMcEvoy@regionofwaterloo.ca](mailto:CMcEvoy@regionofwaterloo.ca)>; Francisco Truong <[FTruong@regionofwaterloo.ca](mailto:FTruong@regionofwaterloo.ca)>

**Subject:** RE: Winter Warming - Core Group - Notes & Actions

Hi all,

Thanks again for the ways in which you've engaged over the last six weeks, I've really appreciated getting to collaborate with you all.

I've taken some of the additional thoughts/input from yesterday's meeting and added them to the word document – so have a more updated version attached here.

1. If you have capacity, please review the attached word document and let me know if there are things missing from your perspective. This attached document is not the proposal – but designed to try and ensure I've accurately understood your input/notes,

to inform the proposal (alongside the notes from our rural partners and other folks we're engaging with).

If you weren't able to join yesterday – or if you have more thoughts that have occurred to you – please send me an email, or fill out the [survey](#) (that just gives you a chance to input suggestions into the three key areas – supplies, overnight warming and emergency shelter overflow; and any additional thoughts/inputs into how we can centre equity) by **tomorrow (Wed July 24<sup>th</sup>) end of day**. I've also included [the interactive presentation](#) from yesterday in case that's useful.

2. We discussed timelines as a group so wanted to highlight those for everyone here. **You should hear back from me late August/early September with an update – at the very least on winter warming supplies, and then mid-late September with an update on the progress of conversations related to Emergency Shelter Overflow and Overnight Warming Spaces/options**. There may not be finalized decisions at that time but at the very least I will share where the conversations are at, and what next steps look like.

I have really valued our time together, thank you again – and look forward to collaborating with many of you on upcoming work!

In that vein, we are also starting conversations about the forthcoming **Point in Time Count** – so please let me know if you're interested in being part of that work/some preliminary conversations in early August.

Thank you again,  
Emily

---

**From:** Emily Burnell

**Sent:** Wednesday, July 17, 2024 6:16 PM

**To:** Andrea Ferguson <[mos@oneroof.org](mailto:mos@oneroof.org)>; Bree Woods <[bree@sanguen.com](mailto:bree@sanguen.com)>; Char Lee <[charlee3689@gmail.com](mailto:charlee3689@gmail.com)>; 'Christopher -' <[cmorton@Healthcaringkw.org](mailto:cmorton@Healthcaringkw.org)>; Christina Silva <[Christina.Silva@wcsvr.org](mailto:Christina.Silva@wcsvr.org)>; 'David -' <[david.alton@waterlooregion.org](mailto:david.alton@waterlooregion.org)>; 'Emily Jordan -' <[ejordan@sanguen.com](mailto:ejordan@sanguen.com)>; 'Erica Poulin' <[epoulin@Healthcaringkw.org](mailto:epoulin@Healthcaringkw.org)>; Heather Maujry <[heather@waterlooregion.org](mailto:heather@waterlooregion.org)>; 'Iain Morton' <[imorton@cambridgesheltercorp.ca](mailto:imorton@cambridgesheltercorp.ca)>; 'j.gordon@ywcacambridge.ca' <[j.gordon@ywcacambridge.ca](mailto:j.gordon@ywcacambridge.ca)>; Jose deLima <[macsmanager@acckwa.com](mailto:macsmanager@acckwa.com)>; 'Kayli Kinnear' <[kaylik@theworkingcentre.org](mailto:kaylik@theworkingcentre.org)>; Lesley Crompton <[la-crompton@hotmail.com](mailto:la-crompton@hotmail.com)>; 'Meg Walker' <[megan.walker@waterlooregion.org](mailto:megan.walker@waterlooregion.org)>; Narine Sookram <[firstconnect.ns@execulink.com](mailto:firstconnect.ns@execulink.com)>; 'Rebekah Haynes' <[bek.new1@gmail.com](mailto:bek.new1@gmail.com)>; Regan Sunshine Brusse <[reganbrusse@gmail.com](mailto:reganbrusse@gmail.com)>; 'Sara Escobar' <[sarae@cjiwr.com](mailto:sarae@cjiwr.com)>; 'Sarah Hillier'

<[sarahh@theworkingcentre.org](mailto:sarahh@theworkingcentre.org)>; Sharon Livingstone <[srlogan43@gmail.com](mailto:srlogan43@gmail.com)>; 'Tristian Lippert -'  
<[tlippert@healthcaringkw.org](mailto:tlippert@healthcaringkw.org)>

**Cc:** Amy Wells <[AWells@regionofwaterloo.ca](mailto:AWells@regionofwaterloo.ca)>; Chris McEvoy <[CMcEvoy@regionofwaterloo.ca](mailto:CMcEvoy@regionofwaterloo.ca)>;  
Francisco Truong <[FTruong@regionofwaterloo.ca](mailto:FTruong@regionofwaterloo.ca)>

**Subject:** Winter Warming - Core Group - Notes & Actions

Hi all,

Thanks so much for your robust engagement over the last five weeks.

I've taken some time to synthesize and summarize the notes from the group as I understand them (Winter Warming Core Group – Summary of Notes). I've also consolidated the actual/rough notes into one document so you can see your thoughts/contributions directly reflected there (Consolidated Winter Warming Meeting Rough Notes).

Knowing not everyone has been able to attend every session, and that folks may not have felt that the written notes captured what they were trying to share – I've included a [Microsoft Forms survey here](#), to allow folks to add any additional comments or recommendations under the three key areas (winter warming supplies, overnight warming spaces, and shelter overflow), as well as equity considerations we may have missed and any additional thoughts or suggestions. I'd ask that you submit thoughts there by **Wednesday July 24<sup>th</sup>** to allow me time to incorporate them, as I work to submit the proposal by end of July.

Looking forward to our final connect on Monday. I'm hoping we can use that time to validate these notes, ensure I understand where the priority areas are as you all see them, communicate timelines and next steps as I understand them – as well as create space for you all to share or coordinate any additional next steps as you see them.

Thanks again for being such an incredible group to collaborate with – I appreciate the work we've done and look forward to moving this forward.

Emily

**Emily Burnell** MSW, RSW (she/her)

[\[hear my name\]](#)

**Social Planning Associate**

**Homelessness and Supportive Housing**

Region of Waterloo, Community Services

226-752-8608 ; [eburnell@regionofwaterloo.ca](mailto:eburnell@regionofwaterloo.ca)

**Accessibility Note:** If this email or attachments are inaccessible to you, if you require an alternative format, or would like to share ways my communication(s) could be more accessible to you – please

let me know.

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**Territorial Acknowledgement:** The Region of Waterloo is situated on the lands within the Haldimand Treaty of 1784, a formally ratified agreement acknowledging six miles on either side of the Grand River as treaty territory belonging to Six Nations of the Grand River. The Region of Waterloo serves an area within the traditional territories of the Anishinaabe, Chonnonton and Haudenosaunee peoples. This territory is within the lands protected by the Dish with One Spoon Wampum. We acknowledge the enduring presence, knowledge and philosophies of Indigenous Peoples, and the continuing accomplishments and contributions Indigenous Peoples make in shaping Waterloo Region. Visit the Region's Website on [Truth and Reconciliation](#) for more information.

# Winter Warming Package

To help keep warmer while in encampments this winter, a package is being prepared.

## Items available:

**Artic Lantern**

**Artic Candles**

**Gloves**

**Toque**

**Tarps**

**Space Blankets**

**Bungee cords**

**Tuck Tape**

**Hand Warmers**

**Socks**

**Winter Boots**

**Long Johns**

Please circle which of the above items that would be useful for you.

Please fill out the below form for sizing and requests for items not listed.

<b>Your Name</b>				
<b>Encampment Location</b>				
<b>Contact Info</b>				
<b>Boot Size</b>	Women's Size		Men's Size	
<b>Glove Size</b>	Small	Medium	Large	X-Large
<b>Other Items requested</b>				
<b>Notes</b>				

THIS IS **EXHIBIT "C"** REFERRED TO IN  
THE AFFIDAVIT OF SARA ESCOBAR  
SWORN BEFORE ME AT THE  
CITY OF KITCHENER  
THIS 7<sup>TH</sup> DAY OF JULY, 2025

A handwritten signature in black ink, appearing to read "Ashley Schuitema". The signature is fluid and cursive, with the first name "Ashley" being more prominent than the last name "Schuitema".

---

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



FACTSHEETS ●●●●●●●●

# Guide to Meaningful Engagement and Integrating a Human Rights- based Approach into Encampment Responses



Office of the  
Federal Housing  
Advocate

Bureau du  
défenseur fédéral  
du logement

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# Introduction to the Resource

*“A neighborhood that does not seek to meet the needs of all people, whether housed or not, is not a successful community. Too often, people living in encampments are seen as obstacles rather than as human beings” (Stakeholder).*

In February 2024, the Federal Housing Advocate released her report, [Upholding dignity and human rights](#), presenting her findings and recommendations following a systemic review of homeless encampments across Canada.<sup>1</sup> The report highlighted that governments have human rights obligations to people living in encampments and called for the adoption of a human rights-based approach.<sup>2</sup>

This resource has been developed to provide additional guidance to governments on how they should adopt a human rights-based approach when it comes to encampment responses. It is particularly relevant for municipal decision-makers and officials, who are most often on the frontlines when it comes to encampment responses. However, it can also be used as a tool for other levels of government, service providers and advocates. Recognizing that forced evictions of encampments are a violation of human rights and that they are inherently harmful, this guide encourages municipalities to explore alternatives rooted in a human rights-based approach and to value meaningful engagement of people living in encampments. The use of a human rights-based approach, which includes people living in encampments in the design and delivery of durable solutions, is a win-win for a community. This approach not only improves the quality of life and health of people living in encampments, but it also helps to find long-term solutions that address people’s real needs.

The resource also attempts to respond to concerns expressed by people living in encampments and human rights advocates, who have noted that the language of human rights, reconciliation and consultation has been co-opted in some instances and even used to

---

1. The term “encampments” refers to emergency accommodations established by people who are unhoused, usually on public property or privately-owned land, and often without permission. The Advocate has chosen to use the term “homeless encampment” as the language most commonly in use for now. She recognizes, however, that the term may not reflect everyone’s reality or experience and that it differs from terms commonly used internationally, such as informal settlements. Some people refer to “tent cities” and others prefer terminology which speaks of “people living on the street”.

2. A full list of recommendations for municipalities is available at this [link](#) and for provinces and territories at this [link](#).

justify processes that cause harm. The Federal Housing Advocate is concerned about some examples she has heard about where municipalities put consultation processes in place without a willingness to change their practices or after they had already determined what the outcome will be. One example that was shared, which does not demonstrate the spirit of reconciliation with First Nations peoples, was a municipality adding territorial acknowledgement to an eviction notice.

A human rights-based approach to encampments requires commitment to a paradigm shift and to doing things differently. It is not enough to claim to adopt and to be applying a human rights-based approach; it is essential to take actions that lead to rights being protected and a real improvement in the lives of people living in encampments. This must not be limited to efforts to ensure access to adequate housing but must also include immediate measures to respect human dignity and protect lives until such time as adequate long-term housing solutions are available in sufficient quantities and adapted to meet people's needs.

This resource articulates eight key principles that are necessary to guide municipal decision-makers and staff in ensuring meaningful engagement is carried out and to implement a human rights-based approach in their encampment responses. For each principle, there is a fact sheet that identifies actions needed to put the principle into practice. It is important to note that there is not one road map that can be applied systematically to all situations. Each community is unique and every person living in an encampment has their distinct experience and needs.

Readers are encouraged to reflect individually and collectively on their role in implementing these principles and to apply the principles and actions into concrete policies, protocols, plans and laws. Adopting a human rights-based approach begins with understanding the realities and perspectives of people living in encampments and that they are rights-holders and taking action to protect safety, dignity and human rights.

When a human rights-based approach to encampment is put in place, it will build trust, encourage participation and engagement as well as empower people to contribute to solutions that will provide appropriate, accessible and adequate long-term housing solutions and services as well as measures to address their immediate needs.

It is also important to recognize that all levels of government have a role to play. Municipalities do not always have the powers, capacity and resources to address the systemic nature of homelessness and encampments across Canada. This shared responsibility requires all levels of government to support municipalities, including funding, to develop appropriate housing solutions and adapted services. However, regardless of the budgets available, it is important to remember that the starting point remains the same – genuine engagement with people living in encampments to understand their individual and collective needs is essential for a human rights-based approach. They are in the best position to determine what actions will improve their living and health conditions, and therefore to assess whether a municipality is truly implementing a human rights-based approach.

The information contained in this resource is the fruit of pan-Canadian engagement with a range of stakeholders which has continued since the Advocate launched her review of homeless encampments in February 2023. This resource builds on the perspectives of people with lived experience in encampments, advocates and municipal officials who contributed to the Advocate's review and participated in follow up engagement activities that took place between October 2024 and March 2025.

It is strongly recommended that the reader take the time to review all the information in every fact sheet to gain a full understanding of how to implement a human rights-based response to encampments. The fact sheets are not designed as a series of steps to be followed in a precise order, but as a guide to encourage deeper reflection and action to advance human rights. Individual fact sheets can also be consulted if the reader is seeking guidance to address a specific principle or situation.

The Advocate will continue to monitor the implementation of her recommendations and looks forward to continuing her work with municipalities and others that are making genuine efforts to implement a human rights-based approach to encampments.

*This resource was produced to advance human rights for people experiencing homelessness and guide actions to improve the living conditions of people living in encampments. It is not a legal opinion and is not legal advice, but a guide to support a stronger commitment to meaningful engagement with people living in encampments and more effective action to put in practice a human rights-based approach in municipal encampment responses.*

# The Eight Principles to Guide Meaningful Engagement with People Living in Encampments

## 1 Understand and respect the realities of people living in encampments

Many people, including people responsible for municipal responses to encampments, make assumptions about the reality of people living in encampments without taking into account their voices, which means that the measures put in place may not adequately meet their needs. Homeless encampments exist because of the lack of adequate alternative housing options, colonialism, racism and systemic discrimination. People are choosing to live in encampments because, for most, a makeshift shelter in a public space is still often the best or only option available to them. Before proposing solutions, it is important to take time to learn about and understand their experiences and to consider that people choose to live in encampments because housing and emergency shelters are unavailable, inaccessible or do not provide the safety and security they need.

Durable solutions will only come about when the responses address the real issues and needs identified by the people living in encampments. This cannot be done without a commitment to meaningful engagement.

[Click here to go directly to the actions that will help put this principle into practice.](#)

## 2 Publicly recognize the human rights of people living in encampments

All governments in Canada, including municipalities, have legal obligations to respect, protect and fulfil human rights. People experiencing homelessness and living in encampments have the same human rights as everyone else in Canada.

In 2019, the *National Housing Strategy Act* reaffirmed Canada's commitment to housing as a fundamental human right and recommitted Canada to the progressive realization of the right to adequate housing as defined in the [International Covenant on Economic, Social and Cultural Rights](#). The right to adequate housing is clearly defined in

international human rights law<sup>3</sup>, and interconnected rights such as the right to life<sup>4</sup> and freedom from discrimination, are part of *Canada's Charter of Rights and Freedoms*.

Explicit recognition that people living in encampments are entitled to the protection of their human rights is a critical first step to changing the conversation and moving away from enforcement approaches that have failed in the past and continue to cause harm. Forced evictions are a violation of international human rights law and inherently harmful. If a proposed action risks infringing on human rights, it must be reconsidered and an adequate alternative found that meets the needs of the people living in encampments.

Adopting a human rights-based approach to encampments aligns with Canada's human rights obligations. It provides an alternative to enforcement approaches which criminalize people for experiencing homelessness and cause further harm. It also provides a framework to understand and address the systemic nature of homelessness in Canada and design and implement long-term solutions to realize the human rights of people living in encampments.

A human rights-based approach to encampments is focused on finding sustainable solutions that will provide access to adequate housing. It ensures that all policies and plans to support people living in encampments are designed following meaningful engagement and implemented in compliance with international human rights standards. In the absence of concrete possibilities to be adequately rehoused, a human rights-based approach requires taking immediate actions to protect the human rights of people experiencing homelessness, including the right to life and making available services that meet their fundamental needs.

[Click here to go directly to the actions that will help put this principle into practice.](#)

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3. See the Committee on Economic, Social and Cultural Rights general comments [No. 4 \(1991\) on the right to adequate housing](#) and No. 7 (1997) on forced evictions.

4. See the Committee on Civil and Political Rights' [general comment 36 on the right to life](#), Article 26 which states: "The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include high levels of criminal and gun violence, pervasive traffic and industrial accidents, degradation of the environment, deprivation of indigenous peoples' land, territories and resources, the prevalence of life-threatening diseases, such as AIDS, tuberculosis and malaria, extensive substance abuse, widespread hunger and malnutrition and extreme poverty and homelessness."

### **3 Recognize and uphold the rights of First Nations, Inuit and Métis Peoples living in encampments**

As a direct result of colonization and displacement, First Nations, Inuit and Métis people are acutely over-represented in Canada's population of people experiencing homelessness and living in encampments. Encampment responses must integrate the rights found in the *United Nations Declaration on the Right of Indigenous Peoples* (UNDRIP). Métis, Inuit, and First Nations governments must be supported in managing and implementing housing solutions that reflect self-governance and community-specific needs.

Urban Indigenous populations are over-represented in encampments and face distinct housing challenges, including inadequate access to culturally appropriate services as well as systemic barriers to affordable housing. It is critical to establish dedicated financial mechanisms to bridge jurisdictional gaps and provide sustainable housing solutions for Indigenous communities regardless of where they live.

[Click here to go directly to the actions that will help put this principle into practice.](#)

### **4 Build and maintain the trust of people living in encampments**

Meaningful engagement with people living in encampments is an essential component of a human rights-based approach and a necessary step in finding sustainable housing solutions. It must be built upon relationships of trust that demonstrate transparency, accountability and integrity. All too often, people living in encampments have been asked for their opinions, but their ideas were not taken into consideration. Engagement processes that are sincere and focus on the real interest of people living in encampments help to establish and strengthen bonds of trust.

Meaningful engagement takes time and requires the investment of resources. To achieve this, it is essential to provide people living in encampments with the support they need to overcome obstacles to their participation in engagement processes and to ensure they see that their voice has a real impact.

When such engagement processes are implemented authentically with genuine intention to bring about positive change, it leads to concrete solutions that respect the rights of people living in encampments— instead of band-aid fixes that waste time

and taxpayer money, and further harm the people affected. Meaningful engagement with people living in encampments requires a proactive approach to involve them in finding solutions that can pre-empt community concerns.

If no individuals from encampments wishes or is able to participate meaningfully in an engagement process, it is crucial to examine the reasons for this. Was the process authentic? Was it implemented with integrity? Was every effort made to create truly accessible spaces and to ensure that the interests of people living in encampments were represented effectively? Did their perspectives inform decisions?

[Click here to go directly to the actions that will help put this principle into practice.](#)

## **5 Provide services adapted to the needs and realities of people living in encampments**

People living in encampments do not have access to the same basic services as those who are living in adequate housing, particularly in terms of protections from the elements, access to potable water and waste collection for example. They face challenges accessing the care they need to protect their physical and mental health, including harm reduction supports to save the lives of people who use substances. Although in Canada the recording of mortality rates for people experiencing homelessness is inconsistent or even absent in several provinces, research demonstrates that the difficult living conditions experienced by people experiencing homelessness are clearly a risk factor for mortality.<sup>5</sup>

To save lives and uphold the dignity of people living in encampments, it is critical to also advance the right to health of people living in encampments, ensuring that the services are available to address their fundamental and complex mental and physical health needs of people.

[Click here to go directly to the actions that will help put this principle into practice.](#)

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5. Roncarati, J. S., Baggett, T. P., O'Connell, J. J., Hwang, S. W., Cook, E. F., Krieger, N., & Sorensen, G. (2018). Mortality among unsheltered homeless adults in Boston, Massachusetts, 2000–2009. *JAMA Internal Medicine*, 178(9), 1242. <https://doi.org/10.1001/jamainternmed.2018.2924> ; Roncarati, J. S., O'Connell, J. J., Hwang, S. W., Baggett, T. P., Cook, E. F., Krieger, N., & Sorensen, G. (2020). The use of high-risk criteria to assess mortality risk among unsheltered homeless persons. *Journal of Health Care for the Poor and Underserved*, 31(1), 441–454. <https://doi.org/10.1353/hpu.2020.0032>

## **6 Facilitate participation in decision-making of people living in encampments**

Excluding people living in encampments from decision-making processes perpetuates their marginalization and undermines their right to autonomy. This kind of exclusion undermines trust and compromises efforts to build meaningful relationships.

It is important that engagement processes begin as early as possible and that they be ongoing to facilitate the participation of people living in encampments. They must be included in decision-making processes concerning policies, programs, practices and laws that affect them. Their perspective must be taken into account in the decisions that directly influence their own lives if we are to achieve real sustainable solutions.

[Click here to go directly to the actions that will help put this principle into practice.](#)

## **7 Support the self-determination and autonomy of people living in encampments**

Encampment responses should be designed to uphold the dignity of people living in encampments as well as their autonomy to be part of decisions that affect their lives. Consultations are a mere formality when decisions have already been made, making it clear to encampment residents that their input is not important. It is critical to stop instrumentalizing people living in encampments solely to satisfy consultation requirements. It is important to remember that people living in encampments are able to think critically and have the ability to organize and make decisions about their own lives.

It is also important to put in place measures which help to empower and build the confidence of people living in encampments by, for example, supporting their shared responsibility for managing and maintaining their encampment. This can enhance a sense of belonging in the community, provide stability, and can be an important step in a person's journey to adequate housing.

[Click here to go directly to the actions that will help put this principle into practice.](#)

## 8 Continue to work towards long-term adequate housing solutions

Encampments are not a solution to the housing and homelessness crisis. Municipal efforts must continue to prioritize adequate housing that meets the international standard for security of tenure, availability of services, affordability, habitability, accessibility, location and cultural adequacy<sup>6</sup> at the same time as efforts are undertaken to protect the human rights of people living in encampments.

To adopt a human rights-based approach, it is essential for municipalities to quickly establish services that meet the immediate needs of people living in encampments and protect their lives and dignity. They must also continue to fully mobilize their own resources to facilitate access to adequate housing, along with the necessary and desired support services. It is important that municipalities continue their advocacy with other levels of government to secure funding to achieve these ends. People should not be forced or required to go to an emergency shelter before being considered for a permanent and adequate housing solution.

[Click here to go directly to the actions that will help put this principle into practice.](#)

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6. The Right to Adequate Housing, UN Habitat Fact Sheet 21, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)

# Human Rights, Indigenous Rights and a Human Rights-Based Approach<sup>7</sup>

## The Human Rights of People Living in Encampments

According to the former Special Rapporteur on the Right to Adequate Housing, Leilani Farha:

*“Homelessness is a profound assault on dignity, social inclusion and the right to life. It... violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.”<sup>8</sup>*

With the 2019 *National Housing Strategy Act*, recognition of the right to adequate housing, as defined in international human rights law, is now also explicitly enshrined in domestic federal law.

The right to adequate housing is more than four walls and a roof. Adequate housing under international law<sup>9</sup> includes:

- **Security of tenure:** Housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.
- **Availability of services, materials, facilities and infrastructure:** Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage and refuse disposal.

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7. For a more detailed description of human rights and legal obligations, see Flynn, A., Kiiwetinepinesik Stark, H., Van Wagner, E., 2024, Encampments and legal obligations: Evolving rights and relationships. The Office of the Federal Housing Advocate.

8. Leilani Farha, Guidelines for the Implementation of the Right to Adequate Housing: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, UN Doc. A/HRC/43/43, UN Human Rights Council (2019), para. 30 [Guidelines for the Implementation of the Right to Adequate Housing].

9. The Right to Adequate Housing, UN Habitat Fact Sheet 21, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)

- **Affordability:** Housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights.
- **Habitability:** Housing is not adequate if it does not guarantee physical safety and provide adequate space as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
- **Accessibility:** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
- **Location:** Housing is not adequate if it is cut off from employment opportunities, healthcare services, schools, childcare centres and other social facilities, or if it is located in polluted or dangerous areas.
- **Cultural adequacy:** Housing is not adequate if it does not respect and take into account the expression of cultural identity.

It is important for municipalities and municipal actors to recognize that forced evictions<sup>10</sup> of encampments make people more unsafe and expose them to a greater risk of violence and harm a person's safety, health, dignity and may even cost them their life. Evictions destabilize people, remove them from their support systems, and cause them to lose the tools and equipment they need to survive.

International human rights law also prohibits measures that would arbitrarily and unnecessarily deprive individuals of housing, including temporary or informal shelters such as encampments.<sup>11</sup> The prohibition of forced evictions requires that individuals and communities be relocated only after adequate consultation. People should not be displaced without somewhere to go. They should not be expected to move to a situation that results in worse conditions or diminished access to services. For example, if they have access to toilets in their current location, they should have similar access if another location is being

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10. To better understand the prohibition on forced evictions under international law, see Principle 3 in the [National Protocol for Homeless Encampments in Canada](#), Leilani Farha and Kaitlin Schwan, 2020.

11. The obligation of States to refrain from, and protect against, forced evictions from homes and land arises from several international legal instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the International Covenant on Civil and Political Rights (art. 17, 23 and 27) the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination Against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination. In its resolution 1993/77, the Commission on Human Rights stated that the "practice of forced eviction constitutes a gross violation of human rights, in particular of the right to adequate housing." <https://www.ohchr.org/en/special-procedures/sr-housing/forced-evictions>

proposed. A short-term offer of an emergency shelter bed is not enough to not meet the requirements of adequate housing.

Relocation without consent must be limited to exceptional circumstances. When individuals or communities do not consent to be relocated because the proposed alternatives do not meet their real needs, municipalities have an obligation to be transparent and demonstrate to the people living in the encampment, to their advocates and to the public that the relocation is genuinely necessary, that all options have been explored and that the actions being taken respect human rights principles. If it is determined that an eviction is justified, it should only take place with a clear, long-term plan for where people will go during both the night and daytime, a strategy for how they will move, and a plan for equivalent or improved shelter and services.

Furthermore, it is important to note that forced evictions include evictions by coercion. One thing commonly reported by unhoused people is being told that if they do not accept a certain shelter or other housing option they believe is unsafe or unsuitable for them, they will be blacklisted from future housing offers (including of permanent housing). Similarly, people are frequently told if they do not take certain offers, their shelters will be destroyed, and they will be forced to live without shelter.

Governments must also accept that people living in encampments are entitled to defend their human rights, and they should have access to legal aid and the support of community advocates in doing so. Making available legal aid, support from community advocates and independent monitors can reinforce respect for rights and demonstrate a willingness to act with transparency and compassion.

It is also important not to assume that a space in an emergency shelter or other temporary accommodation is necessarily a better solution for someone living in an encampment. Spaces in emergency shelters do not offer security of tenure and may be inaccessible or unsafe for many people. They do not always take into account the cultural needs of Indigenous people and can be unsafe for women and members of the LGBTQIA2S+ community. Emergency shelters should not be seen as a mandatory step before someone can access permanent and adequate housing. People have the capacity to transition directly to permanent housing without going to a shelter first. This underlines the need to assess the individual and collective needs of people living in encampments and to avoid putting in place obstacles to their social integration and ability to access adequate housing.

This resource aims to better equip municipalities to respect the human rights of people living in encampments and to provide a framework of intervention that recognizes them as rights holders with the autonomy to act and make decisions about their own lives. It identifies actions that are needed right away to protect the lives, dignity and human rights of people living in encampments. It also encourages all levels of government to continue efforts to progressively realize the right to adequate housing and ensure that appropriate services are available for everyone.

## The Rights of Indigenous Peoples

The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) identifies “the minimum standards for the survival, dignity and well-being of Indigenous peoples of the world.” (Art. 43) The following UNDRIP articles are particularly relevant:

- **Article 10** prohibits forced removal of Indigenous Peoples from their lands or territories.
- **Article 20** guarantees Indigenous Peoples’ right to their own means of subsistence and development;
- **Article 21** guarantees the right to the improvement of economic and social conditions, including housing;
- **Article 23** guarantees the right to determine and administer programs and services, including housing; and
- **Articles 26–28 and 32** set out Indigenous Peoples’ right to own, use, develop and control their traditional lands, territories and resources, the requirement that states recognize Indigenous land tenure systems and the right to redress and compensation for the occupation, use or development of Indigenous territories without their free, prior and informed consent.

On June 21, 2021, the Parliament of Canada enacted the *UN Declaration on the Rights of Indigenous Peoples Act* (UNDA), which commits the federal government to achieving full implementation of UNDRIP, including by ensuring that federal laws, regulations and policies are consistent with its requirements. The government of British Columbia had previously adopted provincial legislation with similar requirements and intent.

Indigenous homelessness is not only defined by the lack of stable, permanent and adequate housing, but also by the separation of people's relationship with land, water, region, family, fellow human beings, others, animals, cultures, languages and identities.<sup>12</sup> It is crucial to recognize that First Nations people have been dispossessed of their land, and thus their experience of "home" is felt differently than that of non-Indigenous people. Indigenous homelessness is part of the legacy of this dispossession, discrimination and colonial laws and policies such as the *Indian Act*, residential schools and child welfare legislation.

## A Human Rights-Based Approach

Adopting a human rights-based approach to encampments aligns with Canada's human rights obligations and provides a framework for understanding and addressing the systemic nature of homelessness in Canada and designing and implementing long-term solutions to realize the human rights of people living in encampments.

As the name suggests, a human rights-based approach requires a commitment to upholding and being accountable for all human rights for all people, without discrimination. It is also founded on the principles of participation, empowerment and accountability and requires the investment of time and resources in ensuring meaningful engagement with people living in encampments.

A human rights-based approach does not criminalize people experiencing homelessness. It takes care to ensure that responses do not inflict additional harm on people living in encampments. It respects autonomy and choice and attempts to meet people where they are and to support them in accessing adequate housing while respecting their dignity, autonomy and human rights.

A human rights-based approach and an approach that respects Indigenous rights in encampments must also be complemented by Gender-based Analysis Plus (GBA Plus), cultural safety and trauma and violence-informed approaches.

**Gender-based Analysis Plus (GBA Plus)**<sup>13</sup> is an intersectional analytical tool used to support the development of responsive and inclusive policies, programs and other initiatives. GBA Plus goes beyond biological (sex) and sociocultural (gender) differences to consider

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12. Aboriginal Standing Committee on Housing and Homelessness. (2012). Plan to End Aboriginal Homelessness in Calgary. University of Calgary. <https://homelesshub.ca/resource/plan-end-aboriginal-homelessness-calgary/>

13. Gender-based Analysis Plus (GBA Plus). WAGE. <https://www.canada.ca/en/women-gender-equality/gender-based-analysis-plus.html>. Published February 21, 2025.

other factors, such as age, disability, education, ethnicity, economic status, geography (including rurality), language, race, religion and sexual orientation.

**Cultural safety**<sup>14</sup> is the result of a respectful engagement that recognizes and strives to address power imbalances inherent in public systems. It results in an environment free of racism and discrimination where people feel safe when receiving healthcare.

**A trauma and violence-informed approach**<sup>15</sup> requires changes in the way we engage with people living in encampments and how systems are designed. It is crucial in such an approach to understand and recognize the influence and impact of our actions on their lives and behaviour and to create spaces that are both psychologically and physically safe. It is also important to create opportunities where people living in encampments can choose, collaborate and strengthen their capacities. A table of the values and principles of a trauma-informed approach is available for reference.

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14. Common Definitions on Cultural Safety: Chief Public Health Officer Health Professional Forum. (June 20, 2023). <https://www.canada.ca/en/health-canada/services/publications/health-system-services/chief-public-health-officer-health-professional-forum-common-definitions-cultural-safety.html#a4%60>. For more information: First Nations of Quebec and Labrador Health and Social Services Commission. Cultural Safety: A Human Rights Issue. <https://cssspnq1.com/en/cultural-safety-a-human-rights-issue/>. Published December 6, 2024.

15. Public Health Agency of Canada. Trauma and violence-informed approaches to policy and practice. <https://www.canada.ca/en/public-health/services/publications/health-risks-safety/trauma-violence-informed-approaches-policy-practice.html>. Published February 2, 2018.



## FACTSHEET 1/8

# Actions to Understand and Respect the Realities of People Living in Encampments

*“There is too much racism and discrimination, and government officials do not understand the needs of people living in encampments who struggle day by day just to survive without a roof over their heads. Their encampments are dismantled or destroyed over and over again, which prevents trust from being built between city officials and people living in encampments”. (Stakeholder)*

**A. Recognize that encampments are the result of numerous systemic failures.**

**B. Recognize that it is important to treat people living in encampments with dignity and to respect the spaces and homes they have made for themselves.** In many communities, there are not enough shelter beds that are accessible and adapted to their specific needs. Most people living in encampments would prefer to have access to adequate housing, but they face many barriers due to the cost of housing, the lack of services adapted to their needs and the discrimination they face on a daily basis.

**C. Recognize that there are significant power imbalances** between encampment residents and the service providers, governments, and housed residents who have decision-making influence over most of the resources on which they depend to meet their basic needs. Decisions made about the enforcement of bylaws which may seem minor to those making the decision can have important consequences and make it more difficult for people living in encampments to access what they need to improve their situation.

👉 **Example:** Facilitate the work of independent organizations and advocates to support people living in encampments to actively participate in and influence decision-making processes. Community organizations and advocates can develop a strong bond of trust with people living in encampments and play an important role in ensuring their meaningful engagement and ensuring conditions for more effective collaboration. Ensure people living in encampments have access to legal representation, through legal aid or other means, to defend their human rights when needed, and explore opportunities for restorative justice when harms have occurred.

**D. Recognize that people living in encampments are experts in their reality and are best placed to assess their needs.** They are best placed to identify their needs for survival and priorities for improving their physical and mental health. They should be permitted to make decisions and take the necessary steps to protect themselves from the elements and not be at the mercy of bylaws written without input from people who have lived outdoors.

**E. Recognize that the housing alternatives being offered may not be human rights compliant or meet the definition of adequate housing.** People experiencing homelessness have shared with the Federal Housing Advocate their concerns about housing alternatives they were offered that had serious issues related to their health and safety (e.g., violence, discrimination, bug infestations) and institutional rules that infringed on their dignity and personal autonomy (e.g., curfews, restrictions on visitors and the ability to move about).

**F. Recognize that current emergency shelters and transitional housing may pose greater risks for some people,** specifically, women and people from the 2SLGBTQI+ community, who may face increased danger in shelters or transitional housing than they would living on the street or in an encampment. Emergency shelters and transitional housing also do not provide any security of tenure.

**G. Recognize that First Nations, Inuit and Métis people may have a strong desire to avoid interactions with systems that have been historically oppressive and discriminatory** (e.g., residential schools, child welfare system).

**H. Recognize that restrictions on daytime camping and forced evictions create instability and insecurity for people living in encampments.** These coercive measures create additional hardships for people experiencing homelessness and can have serious repercussions on their physical and mental health.

**I. Recognize that some people living in encampments build a community that provides them with support; ensure that actions do not break relationships with this community, which includes peers, partners, companion animals and others.** It is important to guard against uprooting people from their community and ensure the continuity of support and services that they need to prevent them from returning to the street.

**J. Recognize that people living in encampments are resilient in the face of systemic neglect, and they must focus their daily energy on meeting their basic needs.**

👉 **Example:** People living in encampments will not always be available or able to participate in activities according to the proposed schedule or programs made available to them. Take the time to adapt approaches to their daily reality, and ensure that the timing of interventions does not get in the way of their ability to fulfill their basic needs.

**K. Recognize that people living in encampments also need rest during the day.** There must be spaces made available specifically for them with basic services.

**L. Recognize that people living in encampments will live in public space as long as no suitable alternatives are offered that provide decent, permanent and accessible housing.** Municipal plans must strive to understand the reasons why these individuals are using public space and take steps to protect their fundamental human rights.

**M. Recognize that people living in encampments choose places to settle where they can best meet their needs to have some privacy, to feel safe and to secure and store their personal belongings.** Displacing people and policing where they can erect their tent can make it more difficult to stabilize their situation and improve their well-being.

**N. Recognize that most people living in encampments are affected by trauma,** and it is essential to ensure a trauma- and violence-informed<sup>1</sup> response.

**O. Recognize that people living in encampments may avoid engagement out of fear** that participation could expose them to racism, ableism, eviction or surveillance.

**P. Recognize the importance of raising awareness, and inform the public about the reality of people living in encampments** and the systemic issues that prevent their rights from being respected and fulfilled.

👉 **Example:** Encourage the public to contact a community organization offering social mediation services and established links to people living in encampments rather than the police if they need support in addressing a concern or conflict between housed and unhoused residents.

1. Trauma- and violence-informed approaches are policies and practices that recognize the connections between violence, trauma, negative health outcomes and behaviours. These approaches increase safety, control and resilience for people who are seeking services in relation to experiences of violence or have a history of experiencing violence. For more info, see [the Public Health Agency of Canada website](#).



## FACTSHEET 2/8

# Actions to Recognize and Respect the Human Rights of People Living in Encampments

*“We don’t believe that involving people in dismantling the encampment where they live should be considered a good practice. Encampments should be tolerated and people supported until there are adequate and appropriate options to offer.” (Stakeholder)*

**A. Formally recognize that people living in encampments are rights holders in all strategies, policies, declarations and laws.** They have the same human rights as everyone else in Canada, and all governments must publicly commit to upholding international and Canadian human rights norms in all responses to homeless encampments.<sup>1</sup> Strategies, policies, declarations and laws that address encampments must be human rights compliant and should be co-developed with people living in encampments to ensure they address their real needs and cause no harm. Action plans and strategies to advance Indigenous rights should be developed with local Indigenous leaders and Indigenous people living in the encampment.

👉 **Example:** Prior to putting place policies, protocols, plans and laws, seek independent advice to review drafts and identify any gaps in compliance with human rights norms as well as Indigenous rights and traditions. If a proposed action might infringe on human rights, it must be reconsidered and not implemented.

**B. Mobilize maximum available resources to ensure that everyone can enjoy the right to adequate housing** without discrimination.

**C. Recognize that the forced dismantling of encampments and other repressive strategies of control and surveillance are harmful** to the physical and mental health of people living in encampments.

**D. Recognize that the forced dismantling of encampments and other repressive strategies of control and surveillance are harmful** to the physical and mental health of people living in encampments.

**E. Draw up concrete action plans that respect human rights principles to help people living in encampments find permanent and adequate housing, and ensure follow through.** Whatever type of housing is proposed as an alternative to living in an encampment, it must respect the seven elements which make up the international definition of the right to adequate housing<sup>2</sup> to guarantee dignified and sustainable conditions.

**F. Ensure people living in encampments have access to legal representation, through legal aid or other means, to defend their human rights when needed.**

**G. Put in place urgent and concrete measures to respect and protect the rights of people living in encampments** to live in dignity, to the highest attainable standard of physical and mental health, to privacy and to protection from arbitrary seizure of their belongings.

👉 **Example:** Coordinate and organize a day with stakeholders and service providers from the community, the public and the municipal sector to offer multiple services directly in the encampment or in the vicinity.

**H. Put an end to bylaws and regulations that criminalize and marginalize people experiencing homelessness for occupying public space.** Put an end to practices which result in the destruction or confiscation of personal belongings. Such measures make people living in encampments feel more insecure and can lead to a violation of their human rights, including the right to life.

👉 **Example:** Review current bylaws and regulations in consultation with people with experience living in encampments, and revoke those that criminalize people experiencing homelessness or are used disproportionately against people living in encampments.<sup>3</sup> Do not seize the belongings people need for survival.

**I. Put in place permanent, effective and accessible accountability mechanisms** that are accessible and have simplified procedures for people living in encampments to file complaints about harassment, intimidation and non-respect of human rights or existing policies and protocols. Ensure access to legal aid and provide timely responses and genuine follow-up.

👉 **Example:** Appoint an independent person or instance with the power to act who can represent the interests of people living in encampments. Provide education and resources to people living in encampments so they can voice their concerns to actively promote and defend their human rights.

**J. Support people living in encampments to take part in the decisions that concern them** and respect their right to decide what is best for them and their security. No alternative should be imposed or actions taken that will worsen their situation. See the actions under Principle 8 for more details.

**K. Use existing human rights-based resources to inform responses and strategies to support people living in encampments.**

👉 **Example:** Review these resources and others and consider how you can change your policies, protocols and plans:

- [Upholding Dignity and Human Rights: The Federal Housing Advocate's Review of Homeless Encampments](#)
- [Encampments and legal obligations: Evolving rights and responsibilities](#)
- [National Protocol for Homeless Encampments in Canada](#)
- [Homeless Encampments: Municipal Engagement Guidance](#)

**L. Dedicate sufficient financial resources to ensure meaningful engagement** with people living in encampments.

👉 **Example:** When developing budgets, ensure specific allocations are available to support engagement with people living in encampments and local Indigenous leaders. Budgets should include amounts for honoraria, food and beverages, transportation and other needs that may be identified by people living in encampments.

**M. Immediately halt practices which traumatize and destabilize people living in encampments,** including forced evictions, dismantling encampments and violence.

👉 **Example:** Put in place policies based on respect for human rights, and provide training to prevent micro-aggressions, such as denigration of particular groups, intimidation, harassment and the destruction of personal belonging required for survival, including items used for drug consumption.

**N. Abolish** hostile architecture and urban planning practices designed to prevent people experiencing homelessness from sitting, sleeping or taking shelter in the public space, as these contribute to the daily challenges they face and hinder their survival capabilities.

👉 **Example:** Involve people living in encampments in the design of urban renovation projects to ensure solutions meet the needs of all people using public space, as they know their environment and needs. For example, a municipality can make a heated bus shelter available so people can protect themselves from cold weather.

1. For more details, see [Upholding dignity and human rights: The Federal Housing Advocate's Review of Homeless Encampments](#) and the [National Protocol for Homeless Encampments in Canada](#)

2. [UN Habitat Fact Sheet No. 21, The Right to Adequate Housing](#)

3. In the last 30 years, new or revised anti-homeless laws have been enacted across Canada targeting the presence and survival activities of homeless people in public spaces. The offence types include: panhandling, loitering, obstructing, salvaging/scavenging, resting/sleeping and disorder. Hermer, J., & Fonarev, E. (2020, July 12). Neo-Vagrancy Laws in Canada. Retrieved from: <http://covid19-phi.ca/>



## FACTSHEET 3/8

# Actions to Recognize and Respect the Rights of First Nations, Inuit and Métis Peoples

*"We protect ourselves and others."  
(Indigenous person living in a camp)*

**A. Recognize, respect and protect the distinct rights of Indigenous people in all contacts with encampment residents.**

**B. Recognize their rights to self-determination and self-governance** and cease applying colonial regulations and laws to control or criminalize them.

**C. Work with local Métis, Inuit and First Nations governments to design and implement housing solutions that reflect self-governance and community-specific needs.**

**D. Recognize that First Nations, Inuit and Métis people** may have a strong desire to avoid interactions with colonial systems that have been historically discriminatory and oppressive (e.g., police, emergency shelters and health care facilities).

**E. Recognize the systemic oppressions** that have undermined the confidence of Indigenous people in colonial institutions and practices.

👉 **Example:** Hire more Indigenous workers to support Indigenous people living in encampments, and ensure the adoption of cultural safety in all activities.

**F. Implement the [calls to action of the Truth and Reconciliation Commission](#) and the calls to justice of the [National Inquiry into Missing and Murdered Indigenous Women and Girls](#).<sup>1</sup>**

**G. Ensure that the meaningful engagement with Indigenous people living in encampments is Indigenous led to promote genuine dialogue guided by “mutual respect, good faith and the sincere desire to reach agreement.”**

**H. Work with Indigenous entities to co-develop engagement processes with Indigenous people,** particularly Indigenous individuals living in the encampment, to ensure that the processes recognize Indigenous rights, are culturally appropriate and result in meaningful engagement.

👉 **Example:** Collaborate with local friendship centres and other Indigenous-led groups that provide essential services and a safe and secure environment to the Indigenous population.

**I. Engage with representatives chosen by Indigenous individuals in the encampment,** in accordance with their own procedures and practices.

**J. Work with higher orders of government to ensure sufficient funding assistance for urban Indigenous populations.**

**K. Provide resources to ensure the meaningful participation Indigenous people living in encampments.**

**L. Respect and implement Indigenous protocols and decision-making processes in responding to encampments inhabited by Indigenous people.**

👉 **Example:** Facilitate the visits of Elders to the tent city as often as possible to talk about traditional medicines and well-being, and enable Indigenous people living in encampments to have Sacred Fires. Elders should be people trusted by the people living in encampments and ideally come from the host First Nation.

For many First Nations, it is appropriate to offer tobacco when meeting with Elders, but it is important to research and understand the Indigenous protocols in your area. Elders should also be offered a stipend to cover travel and other costs.

**M. Ensure Indigenous-led housing solutions** by financing and endorsing Indigenous organizations, such as friendship centres, to be key actors in encampment responses.

**N. Ensure that municipal policies distinctly acknowledge** and address the housing and homelessness needs of urban Indigenous populations independently from on-reserve initiatives.

1. In particular, implement the housing-related recommendations in [Section 4 - Calls for Justice for All Governments: Human Security](#).



## FACTSHEET 4/8

# Actions to Build and Maintain the Trust of Encampment Residents

*“Start with small actions that build trust, like keeping a promise. Don’t just show up one day and say you’re suddenly going to listen and be respectful after not doing so before.” (Person living in an encampment)*

**A. Take the time to build relationships with people living in encampments**, understanding that their communication methods may be different. Recognize that they have to prioritize just meeting their daily needs because of the inadequacy of the services that are available and adapted to their needs.

👉 **Example:** Plan engagement activities keeping in mind the schedules and needs of people living in the encampment.

**B. Take the time to get to know the people living in encampments**, and ask if and when they are available and willing to discuss the subjects you want to talk about. Avoid making assumptions.

👉 **Example:** Always ask permission to start a conversation, and confirm that the person you want to speak with is also comfortable speaking with you before you begin. Understand some people may have challenges expressing themselves or have more pressing priorities.

**C. Recognize that people living in encampments bear the consequences of systemic failures and injustice and that they may express strong emotions** and frustration stemming from feelings of being trapped and the absence of solutions that meet their needs and respect their right to housing.

👉 **Example:** Take time to listen. Use compassion, empathy and patience to get people to open up and express themselves. Prioritize the issues that people living in encampments have identified as urgent to improve their physical and mental health.

**D. Welcome people where they are and demonstrate your interest in their reality.** Create opportunities where they can express themselves freely without fear of consequences. Avoid assumptions about their capacity and what they need.

👉 **Example:** Pay close attention to the sense of attachment and belonging that individuals have to their surroundings and living space, as well as the reasons that lead them to choose one place over another.

**E. Foster authentic and lasting relationships by centring interventions** that support the well-being of people living in encampments, addressing their expressed and prioritized needs and offering solutions tailored to their individual and collective situations.

👉 **Example:** Ask permission before entering a person's living space, and offer resources or services that can improve their living conditions, such as lockers to store personal belongings and reduce the risk of theft and back injuries from continuously carrying a heavy load of their possessions.

**F. Ensure interactions with people living in encampments are grounded in the principles of active listening, respect, cultural sensitivity, transparency and non-judgment, regardless of conditions or choices.**

👉 **Example:** Avoid stigmatizing remarks towards people living in encampments, even when they are not present, as this will harm trust and collaboration. Do not define the person by their situation.

**G. Provide resources for people living in encampments to ensure that they can defend their human rights, and act quickly in case of harm.**

👉 **Example:** Create simplified guides on the human rights of people in encampments that clearly outline international and domestic human rights obligations and any guidelines established by the municipality to respect them. Appoint an individual with the authority to respond quickly to the concerns of people living in encampments.

**H. Try to ensure continuity within the teams working with people living in encampments** to ensure consistency of approach, build confidence and reinforce stability.

**I. Ensure there is follow-up on the commitments made to people living in encampments.** Making realistic commitments and avoiding the creation of false expectations will strengthen trust.

👉 **Example:** Municipal employees can provide their contact details so that people living in encampments can request information and resources or follow up on a request for support.



## FACTSHEET 5/8

# Actions to Provide Services Adapted to the Needs and Realities of People Living in Encampments

*“I get judged in the street, so how can anyone take what I have to say seriously? It’s hard when you don’t have access to basic dignity and basic needs, and it’s hard to want to get involved when you don’t believe you’ll be heard and accepted.”*

*(Person living in an encampment)*

**A. Take immediate measures that will protect the right to life and the dignity of people living in encampments**, including installing and making accessible essential facilities and services such as clean drinking water, sanitation, showers, cooking facilities, recharging stations, secure storage and waste collection.

👉 See the [list of essential services](#) developed by the National Working Group on Homeless Encampments.

**B. Provide support to improve the physical and mental health of people living in encampments as required and on a consent basis.** When services cannot be provided on site, provide resources to facilitate travel and access to the needed resources.

👉 **Example:** Offer healthcare services directly in encampments for individuals and veterinary care for their pets. Providing care for pets helps people living in encampments maintain their bond with their animals, reduce the distress of losing them and learn to take better care of themselves<sup>1</sup>

**C. Consider creating zones where encampments are tolerated or even accepted** without forcing people to occupy them and without criminalizing them for not doing so. If these zones are created, they should respect human rights principles and adhere as much as possible to the criteria outlined in the definition of adequate housing: security of tenure from the threat of forced evictions; habitability (e.g., protection from the elements, privacy); location (e.g., land free from hazards and pollution); availability of services (see the list of essential services); and cultural adequacy.

**D. Work with people living in encampments to find solutions to issues that they raise about their site.**

Make sure you fully understand the concerns people have about their encampment, and explore options with them for improving their situation.

👉 **Example:** If your municipality has a telephone or online help line, ensure that it is accessible and that operators are equipped to respond to issues raised by encampment residents.

**E. Support harm reduction practices for people using substances in encampments** by providing services and access to a safe supply program and by developing action protocols with them to save lives and mitigate the risk of substance-related overdoses.

**F. Take steps to ensure emergency shelters and drop-in centres are barrier-free and accessible 24/7** and that there are enough resources available to meet the needs of those wishing to use them.

**G. Ensure sustained funding for community-based services and initiatives** that adopt a human rights-based approach to providing support for people living in encampments.

**H. Respect the right of people living in encampments to refuse the services offered to them,** and try to understand the systemic issues that may have caused them to refuse.

👉 **Example:** Take the time to understand their refusal and use the opportunity to reflect on how you can improve services and ensure they are adapted to the needs of the people living in encampments.

**I. Ensure accountability for respecting and protecting human rights** and avoid repressive and coercive practices.

👉 **Example:** When there is a concern about garbage in an encampment, make resources available for the clean-up. Ensure the people living there are involved and alternatives are put in place to protect the belongings of people living in the encampment.

**J. Ensure effective communication, coordination and collaboration between services and stakeholders,** and ensure people living in encampments have a clear explanation of the roles of municipal actors and service providers.

👉 **Example:** Collaborate with respected community leaders chosen by people living in the encampment to facilitate sincere dialogue and collaboration in the best interests of people living in encampments.

**K. Demonstrate transparency, consistency and fairness** to reduce any potential for confusion and misunderstanding that can undermine trust and the ability to engage people living in encampments.

**L. Provide training to raise awareness of human rights** among people living in encampments.

👉 **Example:** Create collective or individual opportunities to build capacity to help people living in encampments defend their rights. Provide the necessary conditions for them to participate (e.g., familiar and accessible locations, healthy snacks, remuneration, access for pets and secure storage for personal belongings).

**M. Provide training to decision-makers, police and intervention teams** on human rights and Indigenous Rights, Gender-based Analysis Plus (GBA Plus), cultural safety and trauma- and violence-informed approaches.

👉 **Example:** Develop training tools with people living in encampments, and value their participation in the programs.

**N. Ensure people living in encampments are able to protect themselves during difficult weather conditions.**

👉 **Example:** Prepare for weather emergencies, and put in place emergency resources that can help people obtain clothing, equipment and access places that are dry, warm or cool during extreme weather conditions.

**O. Ensure that the support services needed to improve the health and well-being** of people living in encampments are available when they are needed and that transportation is not an additional barrier to accessing services.

👉 **Example:** Provide clear information on available services and their schedules by providing 24/7 street workers and a telephone line, making a public touch-screen accessible and increasing internet access for research.

**P. Identify individual and collective needs regarding living conditions, safety, services** and housing in order to offer tailored solutions to each person living in an encampment while respecting and preserving their social ties and sense of belonging.

👉 **Example:** Ensure the housing options offered allow people to maintain their relationships in the community. A small-scale rooming house might allow them to maintain their social network.

1. Leblanc C, Morin P. The Pet, an important ally for people living on the streets. *International Journal on Homelessness*.  
<https://doaj.org/article/f6809776b08c4e3285947fb3e60305de>



## FACTSHEET 6/8

# Actions to Facilitate Participation in Decision-Making

*“I couldn’t even properly form sentences without having to sit down and take a break to let my brain catch up with what I was trying to express, which made it nearly impossible to clearly explain what I wanted to say. Being in a bad situation and dealing with severe mental health issues caused by a multitude of factors can make it almost impossible to communicate.” (Person living in an encampment)*

**A. Understand the individual and collective realities of people living in encampments in order to create consultation and engagement processes adapted to their needs,** and provide the supports and environment they need to be able to express themselves.

👉 **Example:** Provide nourishing food, clean clothes, access to a shower, the necessary electronic equipment and supports to help people to prepare to participate in meaningful engagement. It is also important to use a variety of methods of expression, including written, oral and artistic. Include options for individual as well as group activities to ensure everyone has a chance to contribute based on their capacity and needs.

**B. Consult and involve the people living in encampments from the beginning** in the planning, implementation and monitoring of services in the encampments (toilets, showers, food distribution, health services, etc.), and involve them in decisions regarding how funds are allocated and spent on encampments and homelessness services.

👉 **Examples:** Elected officials should meet with people living in encampments either on-site or in spaces where they will feel comfortable (e.g., the office of a trusted community organization that provides them with services). Work with trained mediators and facilitators who can help create the right conditions for effective dialogue.

**C. Offer people real choices and provide them the opportunity to make informed decisions.**

👉 **Example:** If housing becomes available, take the time to explain the options. What is the space that is available and for how long, and what rules, if any, might apply? Allow people to visit the space and take the time to consider the consequences for themselves. People should not be forced to make choices under threat of eviction and of confiscation or destruction of their personal belongings.

**D. Ensure that the voices of people living in encampments are considered with the same value as other stakeholders involved in decisions.**

👉 **Example:** Organize an event that includes both people living in encampments, the local population, as well as community, public and governmental actors while ensuring the reduction of power imbalances. [See the guide for integrating people living in encampments into events.](#)

**E. Recognize the contributions of people living in encampments and their input into the policy-making process by compensating them for the time they contribute to engagements and ensuring follow up on their contributions.** It is also important that people understand that they can leave a session at any time without any repercussions.

**F. Assess and respect the priorities and needs based on the views expressed by people living in encampments.**

👉 **Example:** Note that people's needs may change depending on the precarity of their living conditions and circumstances.

**G. During meetings, ensure the creation of safe spaces by using trauma-informed and culturally safe approaches.**

👉 **Example:** Avoid situations where people living in encampments have to share their personal life experiences and risk reliving traumas. Instead, create spaces where people themselves express the situations they wish to share. Ensure that people leading engagements are trained in violence- and trauma-informed approaches and cultural safety practices that enable them to respond with compassion and support as needed.

**H. Implement specific measures to facilitate the participation of people living in encampments with an addiction.**

👉 **Example:** Provide a non-judgmental participation environment, ensuring access to safe consumption services based on their needs and the duration of the meeting, and adapt to their schedules so that people who use substances are not excluded and can feel acknowledged.

**I. Plan engagement methods suitable for people who are unable** to leave their encampment (e.g., there is a high risk of theft of their belongings).

👉 **Example:** Provide a secure storage area, have a trusted person monitor tents and belongings or schedule meetings near their living area.

**J. Rethink the structure of meetings to adapt to the realities** of people living in encampments and to maximize their time and knowledge. Provide the necessary information and tools for people living in encampments to participate effectively in the engagement.

👉 **Example:** Ensure information provided is available in plain language and in the languages spoken by the people living in the encampment. It is important to ensure all material is inclusive, accessible and takes into the account the needs of people, notably people with disabilities, including disabilities related to cognitive functions.

**K. Be as transparent as possible about potential short-, medium- and long-term benefits of engagement to enhance motivation and participation in decision-making processes.**

👉 **Example:** Provide feedback to people living in encampments about what is working well during engagements. Let them know what can be improved to increase their influence in the decision-making process.

**L. When working with people living in encampments, recognize and value the skills** that they bring, and take advantage of opportunities to reinforce their capacity as actors in their own lives.

**M. Question and rethink collaboration strategies when multiple people** do not wish or are unable to participate by examining the reasons that hinder their meaningful engagement.

👉 **Example:** Explore and try to understand the barriers people may experience (e.g., trust, physical accessibility and lack of information or time) and try to design a process that takes them into account to maximize participation.



## FACTSHEET 7/8

# Actions that Support the Self-Determination and Autonomy of People in Encampments

*“When government representatives speak publicly about the encampment situation, they should address the people living in them directly.” (Stakeholder)*

**A. Continuously inform people living in encampments about their rights** and the government’s obligations to respect them, and work with them to find the best communication strategies for establishing an effective and respectful collaboration.

👉 **Example:** Prepare a simplified document or a poster explaining the human rights obligations of government actors, including law enforcement, as well as available options for making a human rights claim or pursuing a complaint.

**B. Work with people living in encampments and informal leaders at a pace that suits them** to develop tailored solutions to defend their human rights, meet their needs, improve their physical and mental health and stabilize their situation.

👉 **Example:** Regularly collect feedback from people living in encampments and continuously assess the practices implemented while taking preventive actions for potential issues.

**C. Encourage and support self-managed dialogue spaces** by and for people living in encampments, in collaboration with advocacy organizations they trust, and provide the necessary resources to help them organize autonomously.

👉 **Example:** Support the creation of governance committees primarily or solely composed of people living in encampments so they can discuss their issues, determine their needs and solve their problems.

**D. Recognize and respect the internal dynamics of encampments,** and allow people to choose with whom they feel safe living.

**E. Provide resources to allow people living in encampments to manage services on their own** (e.g., garbage collection or meal preparation) and support them by offering flexible day work schedules and opportunities.

👉 **Example:** Develop accessible community facilities to encourage mutual support (e.g., collective kitchens), and use municipal structures to increase their capacity to meet their needs.

**F. Work with people living in encampments to reduce risks, and share the responsibility for their safety.** Support them to establish procedures in case of incidents, and provide training to build knowledge, skills and empowerment.

👉 **Examples:**

- Offer training in suicide prevention, conflict de-escalation, fire safety, harm reduction (Naloxone) and first aid (injuries, burns, CPR, etc.).
- Provide safety equipment (fire extinguishers, winterized tents), and ensure people have what they need to protect themselves from the elements, including access to warming or cooling centres.
- Offer clear information to people living in encampments on how to layout tents in a safer way (e.g., three feet from another tent) and suggest assembly points in case of fire.
- Share advice on food storage to reduce the risk of spoilage and vermin, management of donations and emergency care. Make telephones available for emergencies.

**G. Ensure predictability when decision-makers and people in positions of authority visit an encampment** by announcing their visit in advance, posting information and distributing brochures to raise awareness.

👉 **Example:** During cleaning teams' visits for waste collection, the presence of independent and trained observers can help reinforce respect for human rights standards by the municipal authorities and private entities involved.

**H. Facilitate the presence of independent, trained observers to encourage compliance with human rights standards** in encampments by the municipal authorities and private entities involved.

👉 **Example:** Work with community organizations, advocates and Indigenous leaders who are trusted by people living in encampments and who can act as observers and human rights defenders.



## FACTSHEET 8/8

# Actions that Continue to Work Towards Long-Term Adequate Housing Solutions

*“There should be diversity in housing choices, locations and services provided—there is no single shelter/housing option that fits everyone. Consult with those living on the streets to design safe, adequate and diverse housing models.” (Stakeholder)*

**A. Advocate with other levels of government to ensure long-term investments in adequate, affordable housing** as well as support services for people exiting homelessness and transitioning into housing.

**B. In areas where municipalities can act, facilitate the construction of adequate housing to support people in their transition from encampments to safe, adequate and permanent housing solutions.**

👉 Municipalities should consider:

- Providing surplus municipal land at no cost in areas close to transit and other necessary amenities to non-profit affordable housing providers or land trusts.
- Implementing zoning and other changes to fast track the development of community housing.
- Exploring how waiving development and other municipal fees can help to fast-track non-profit housing that is affordable for people exiting homelessness and to support the operations of the housing providers over the long-term.
- Developing specific initiatives to support urban Indigenous housing.

**C. Advocate for laws and policies that make evictions from housing more difficult and make it harder to discriminate against people in need of housing.**

👉 **Example:** Landlords should not be allowed to discriminate on the basis of warrants or criminal records.

**D. Ensure that zoning, bylaws and municipal policies facilitate the protection of existing low-income housing,** such as rooming houses and cooperatives, and don't create barriers to innovative new approaches to housing for people experiencing homelessness.

**E. Put in place eviction prevention programs as an early intervention measure to stabilize the housing of people at risk of homelessness.**

👉 **Example:** Eviction prevention measures include rent banks, energy assistance programs, community legal clinics, credit counselling and mediation.

**F. People should be provided with a variety of housing options and locations that meet their needs and are adapted to their personal situation.** Allow people to make choices and take control over their lives.

**G. Ensure that the transitional and supportive housing that is offered is compliant with human rights principles.** Residents in these buildings should be afforded the same rights as tenants, as per the landlord and tenant regulations in force in the province.

👉 **Example:** Do not impose restrictions, such as preventing visitors or requiring total abstinence from consumption. This type of transitional housing should not focus on control measures, but on personal empowerment and responsibility.

**H. Provide housing subsidies and programs adapted to the realities of people living in encampments to help them move into permanent housing solutions.** Emergency shelters and supportive housing options are not enough, as they do not meet the definition of adequate housing set out in UN international standards.

👉 **Example:** People living in encampments should not be obliged to stay at an emergency shelter or in transitional housing before they can move to permanent housing.

**I. Be transparent** about when adequate housing will be available. Provide clear information to people living in encampments about new housing projects that can meet their needs, and update them on the progress of their construction.

**J. Ensure that different levels of government share the same priorities** regarding human rights and homelessness, because it does not work when one level of government focuses on initiative "A" and the other on initiative "B."

1. OHCHR, [Fact Sheet No. 21 \(Rev.1\): The Right to Adequate Housing](#), United Nations, Geneva, 2009.

**THE REGIONAL MUNICIPALITY OF  
WATERLOO**  
Applicants

and

**PERSONS UNKNOWN AND TO BE  
ASCERTAINED**  
Respondents

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

**AFFIDAVIT OF SARA ESCOBAR**

**WATERLOO REGION COMMUNITY LEGAL SERVICES**  
450 Frederick Street, Unit 101  
Kitchener, Ontario N2H 2P5

Ashley Schuitema (LSO# 68257G)  
ashley.schuitema@wrcls.clcj.ca  
Tel: 519-743-0254 x. 17  
Fax: 519-743-1588

Joanna Mullen (LSO# 64535V)  
joanna.mullen@wrcls.clcj.ca  
Tel: 519-743-0254 x. 15  
Fax: 519-743-1588

Shannon K. Down (LSO# 43894D)  
shannonkdown@gmail.com

Lawyers for the Respondents

# **TAB 3**

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

**B E T W E E N:**

**THE REGIONAL MUNICIPALITY OF WATERLOO**

**Applicant**

**and**

**PERSONS UNKNOWN AND TO BE ASCERTAINED**

**Respondents**

**AFFIDAVIT OF AARON EL SABROUT**

I, Aaron El Sabrout, of the City of Kitchener, in the Region of Waterloo, 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 member of FightBack, a local grassroots mutual aid collective focused on supporting our unhoused neighbours in Waterloo Region. I provide mutual aid and direct support to

individuals experiencing homelessness at the encampment at 100 Victoria Street in Kitchener (“Encampment”).

3. I have been attending the Encampment since approximately November 2023. I currently go there 3-4 times a week, usually weekdays during the daytime for shifts of three or more hours. I go to provide peer support to the residents, provide mutual aid resources, and to act as an observer.

### **USW Onsite Infrequently**

4. I am one of the volunteers who is most commonly on shift when Region of Waterloo outreach workers (“USWs”) come to the Encampment because I am usually there during the day on weekdays. I am familiar with USWs - Sarah, Tiffany and Nicole and our relationship is mutually respectful. I am supportive of the residents in whatever decisions they feel are good for them, and always endeavor to respect their autonomy. While I usually ask questions when residents tell me they have been offered services about the duration and conditions of those services, I encourage residents to access housing and motels if that is what they decide. I have not encouraged residents to stop talking to USWs, or to refuse their services.
5. Prior to the passing of the Site-Specific By-Law (“By-Law”) in April 2025, FightBack members were present at the Encampment regularly. Since the passing of the By-Law members of FightBack have been present on site 24 hours a day, 7 days a week. I personally

have been going every Tuesday for at least three hours since November of last year. FightBack has endeavoured to maintain an up-to-date real time shift log with details of all Region staff accessing the site, as well as police, medical, and security incidents, to the best of our ability.

6. Prior to the passage of the By-law, Unsheltered Workers from the Region of Waterloo showed up much less frequently at the Encampment. Estimating from the logs, I would say they came maybe once or twice a week, whereas now they come almost every weekday. In almost all cases Unsheltered Workers are at the Encampment for less than an hour. Most frequently in my experience they come up, greet me, say they are looking for a few residents, go walk around briefly, and then leave within an hour.
  
7. In my experience residents are frequently not able to access the services they need through the Unsheltered Workers and often are not even able to speak with them when they want to. For example, for about two weeks in May a resident (“J”) was attempting to talk to Nicole about housing that he believed she was organizing for him. On one occasion he came up to me and asked me if the Unsheltered Workers had been onsite that day. I told him that they hadn’t but that I would keep an eye out for them. When Nicole came onsite I reported to her that J was looking for her, and she said she would go find him. About 20 minutes later I saw her leaving site, and a while afterwards I saw J again and asked him if he had spoken to her. He said that he was at the tent where he normally stays the whole time and that she had not come to find him. This cycle repeated itself twice in my presence

alone, spread out over the course of a couple of weeks. J expressed to me that he felt like they were avoiding him. As far as I know he never received the promised services.

8. On another occasion I heard a resident “A” express to a Region of Waterloo Worker “you have been my worker for 13 years and you have never done anything for me.” This appears to be a commonly held sentiment among residents that they have expressed to me or in my presence on numerous occasions.

### **Security**

9. I have had occasion to observe security and their actions several days a week for months now. I am genuinely confused as to what their role is at the Encampment and what services they are meant to be providing. In my experience they spend most of their time in their car on their phone, not paying attention to proceedings onsite. Every one to two hours they check the washrooms. Prior to the By-Law security were rarely onsite, usually in their car in the parking lot next door.
10. Security generally do not provide assistance to residents even when requested. They don't intervene in conflicts between residents in most situations, and when they do intervene it is most often simply to stand around or call the police. They do not appear to have any form of de-escalation training, nor do they have positive rapport with the vast majority of residents. In my observations their help appears rarely wanted by residents.
11. It is my understanding that security do not have first aid training, training in using Naloxone “Narcan”, or any other medical supplies. On one occasion in May I was present when a

resident (“G”) died of what I believe to be an overdose. Unsheltered Workers and a harm reduction worker had to ask me for Narcan. Two security guards were both standing there simply watching as the harm reduction worker attempted to administer the overdose reversal.

12. On other occasions I and other volunteers have experienced that anytime someone asks security for bandages, water, harm reduction supplies, or anything else, they direct them to us to provide those resources.

13. Prior to the passing of the Site Specific By-Law, security generally did not interfere when residents were acting dysregulated (e.g., shouting, talking to themselves, wandering around, throwing things but not at anyone). Many residents struggle with untreated mental health issues and this happens occasionally, but in the overwhelming majority of situations they are neither a danger to themselves or anyone else. However, now security guards have attempted to interfere with residents who are dysregulated by intimidating them, or by calling the police. On one occasion I witnessed them call the police on a resident “R” who was dysregulated and wandering around the street. R was escorted from the premises by the police and I have not seen him again.

14. A couple of weeks later “B” was acting dysregulated and I saw the security guard Keran approach her. She became visibly agitated when the security guard approached. I saw Keran take out his phone and I believed he was calling the police. The resident left the site before police arrived. In my observation, several times since then security have attempted

to call police on residents who are simply dysregulated but not harming anyone and in several instances the police have not arrived on site.


15. In general it is my understanding that residents do not appreciate security's presence nor find them to be useful. Residents have repeatedly expressed this to me, including on July 6, 2025 when I heard a female resident say "fucking security guards, they don't do anything." Residents have repeatedly expressed that they would rather come to me, an unpaid volunteer, for any type of assistance including first aid or conflict de-escalation, over the paid security guards. Residents have expressed to me repeatedly that FightBack volunteers are the only people who actually help them or provide things to them on a consistent basis, and they feel respected by us and receive better treatment and have better trust for us than they do toward Region Staff or security.

16. I make this affidavit in support of the Notice of Motion and for no other or improper purpose.

AFFIRMED remotely by Aaron El Sabrou )  
at the City of Kitchener, in the Province )  
of Ontario, before me at the City of Kitchener )  
in the Province of Ontario on July 7, 2025 in )  
accordance with O. Reg. 431/20. )



\_\_\_\_\_  
Ashley Schuitema, A Commissioner of  
Oaths (LSO # 68257G)



\_\_\_\_\_  
AARON EL SABROUT

**THE REGIONAL MUNICIPALITY OF  
WATERLOO**  
Applicants

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**PERSONS UNKNOWN AND TO BE  
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Respondents

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

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Proceeding commenced at KITCHENER

**AFFIDAVIT OF AARON EL SABROUT**

**WATERLOO REGION COMMUNITY LEGAL SERVICES**  
450 Frederick Street, Unit 101  
Kitchener, Ontario N2H 2P5

Ashley Schuitema (LSO# 68257G)  
ashley.schuitema@wrcls.clcj.ca  
Tel: 519-743-0254 x. 17  
Fax: 519-743-1588

Joanna Mullen (LSO# 64535V)  
joanna.mullen@wrcls.clcj.ca  
Tel: 519-743-0254 x. 15  
Fax: 519-743-1588

Shannon K. Down (LSO# 43894D)  
shannonkdown@gmail.com

Lawyers for the Respondents

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**REPLY MOTION RECORD**

**WATERLOO REGION COMMUNITY LEGAL SERVICES**  
450 Frederick Street, Unit 101  
Kitchener, Ontario N2H 2P5

Ashley Schuitema (LSO# 68257G)  
ashley.schuitema@wrcls.clcj.ca  
Tel: 519-743-0254 x. 17  
Fax: 519-743-1588

Joanna Mullen (LSO# 64535V)  
joanna.mullen@wrcls.clcj.ca  
Tel: 519-743-0254 x. 15  
Fax: 519-743-1588

Shannon K. Down (LSO# 43894D)  
shannonkdown@gmail.com

Lawyers for the Respondents