

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

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

AFFIDAVIT OF JAMES DAVIS

I, James Davis, of the City of Kitchener, in the Province of Ontario, AFFIRM AND SAY:

1. I have personal knowledge with respect to the facts set out below, except where stated otherwise. Where the information is not based on my personal knowledge, it is based upon information provided by others which I believe to be credible and true.
2. I am a 35 year old male.
3. I have one son who was born in 2012 and lives in Sturgeon Falls with his mother.
4. I have been in a relationship with Stephanie McMillan for 8 years.

5. My source of income is Ontario Disability Support Program in the amount of \$1,122 per month. However, I will soon lose the shelter allowance portion of my benefits and they will be significantly reduced.
6. Stephanie and I were supposed to be put on a benefit unit through ODSP years ago, but it never happened.
7. I cannot afford a private rental unit due to the strict budget ODSP offers me.
8. I suffer from Intermittent Explosive Disorder (IED), Depression, Schizophrenia, and Anxiety.
9. I also use substances and have for many years on and off. I use fentanyl occasionally and I use meth regularly, sometimes daily.
10. I have previous work experience in fast food and restaurants as well as construction. I was let go from my jobs due to my IED. I cannot work due to this disability.
11. Recently I was staying at my friend's place, I was paying him rent monthly and I had a bed in his living room and I would store my belongings there. Stephanie was not allowed to stay with me there because the landlord does not allow it. On occasion if there was a really bad storm she would sleep over but it was not allowed regularly. On and off Stephanie was staying with a friend of hers, but she could no longer stay there and she returned to the Encampment. I did not want her to be alone, and we wanted to be together so I moved with her to the Encampment.

12. Stephanie and I had previously lived at the Victoria Park Encampment in Kitchener, but left 2-3 months before it shut down sometime in 2024. We left because we were asked to leave. We moved to the Schwaben club shelter that allowed couples.
13. We had stayed together at the Schwaben Club shelter for a while. Stephanie and I had a physical domestic dispute in and around January 2025. The police were involved and gave me a restraining order against Stephanie. I stopped staying at the Schwaben Club because I was not allowed to stay where she was. Stephanie continued living there until March 2025. That shelter is closed now and there are no other shelter options for couples as far as I know.
14. When we left the Victoria Park encampment and moved to the Schwaben Club, many of our belongings were put into storage in the basement of the Schwaben Club. We have never been able to recover those belongings. All of our belongings are now stored at the tent at the Encampment, we do not have much. When Stephanie moved back to the Encampment she had to start again, trying to find a tent and sleeping gear.
15. I feel safe at the Encampment, and I am able to make sure Stephanie is okay. People look out for each other here, and they look out for her when I am away.
16. I have also slept on the streets including on park benches, and outside city hall.
17. I rely on donations dropped off at the Encampment and the Soup Kitchen for food. If it were not for those food donations we would starve.

18. The Encampment is close to the Soup Kitchen, my friends, and the User Room across the street, which provides a safe place to use.
19. I am open to getting a motel, only as long as Stephanie and I can be together. I will not go without her and she will not go without me. I do not want to live permanently in a tent or a motel and I know neither of those options are permanent. We need an apartment we can afford. The problem we find is we can only afford a room somewhere and none of them allow couples, or we are discriminated against because of our disabilities and because we are not working class.
20. While living at the Schwaben club and now this Encampment Stephanie has had some conversations with housing workers but nothing ever materializes.
21. If I was fined \$5,000 by the Region for being at the Encampment, it would impact me greatly. I can hardly keep afloat to support Stephanie and me.
22. This upcoming weekend (June 20-22, 2025) there has been extreme heat predicted. There are no cooling stations available after business hours except for at shelters, which I cannot access with my partner, Stephanie.
23. My tent provides me shelter and protection from the sun when there is nowhere else to go.

24. Water donations will be even more important to me during extreme weather conditions, such as this weekend.

AFFIRMED remotely by JAMES DAVIS)
at the City of Kitchener, in the Province)
Of Ontario, before me at the Town of Baden)
in the Province of Ontario on June 20, 2025 in)
accordance with O. Reg. 431/20.)


James Davis

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

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

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Proceeding commenced at KITCHENER

AFFIDAVIT OF JAMES DAVIS

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