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

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*

RESPONDING RECORD

VOLUME 2 OF 4

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July 9, 2025

Court File No. CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

RESPONDING RECORD

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Court File No. CV-25-00000750-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

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PERSON S UNKNOWN AND TO BE ASCERTAINED

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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 Sabrout)
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	and	**PERSONS UNKNOWN AND TO BE ASCERTAINED** Respondents	Court File No.: CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at KITCHENER

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TAB 23

Court File No. CV-25-00000750-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

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

AFFIDAVIT OF ANGELA ALLT

I, Angela Allt, of the City of Guelph, 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 registered social worker in the Province of Ontario, in good standing with the Ontario College of Social Workers and Social Service Workers. I also hold both Bachelor and Master of Social Work degrees.

3. I am a Service Resolution Facilitator with the Canadian Mental Health Association ("CMHA") of Waterloo Wellington. I have been employed by CMHA for over 14 years. Prior to working for CMHA, I worked for almost a decade in the Psychiatric Patient Advocate Office ("PPAO"). The PPAO is part of Ontario's Ministry of Health and was established to protect the rights of patients in psychiatric facilities.

4. In my role as a Service Resolution Facilitator, I support adults who are experiencing severe and persistent mental health and addiction issues. This is a community-based service for residents of Waterloo Wellington (Kitchener, Waterloo, Cambridge, Guelph, and Wellington). I collaborate with agencies and organizations that assist individuals in navigating and accessing essential services such as mental health and addiction support, hospitals, housing, probation, and police services. My role involves providing guidance in complex cases where there is no clear solution, often addressing systemic barriers and roadblocks that hinder client progress.

5. I support agencies that are dealing with both sheltered and unsheltered individuals. I typically carry a roster of 30-50 open files, with approximately 60% of those clients residing in Waterloo Region. Many of the clients I support are under the age of 35, unsheltered, and are struggling with psychosis and/or addiction. Psychosis is a mental

where there is a disconnection from reality, characterized by hallucinations, delusions, and disorganized thinking of behaviour. My role involves facilitating connections between these clients and various organizations to help secure the housing and support services they need, which frequently includes meeting regularly with representatives from various agencies to mediate and to try and develop a plan that supports the clients.

Barriers to accessing treatment

6. Individuals experiencing homelessness often face numerous barriers when attempting to access mental health and addiction treatment. Due to the nature of their illnesses, many struggle to keep track of appointments—often forgetting them entirely—making organization extremely challenging. As a result, the responsibility of ensuring clients attend their appointments frequently falls to outreach workers, who must first locate them. This can be particularly difficult without a stable address, as clients are often transient. The lack of a phone to communicate reminders or coordinate transportation further compounds the issue, and limited access to reliable transportation presents an additional obstacle.

7. In general, it is relatively easier to support clients who reside in encampments as opposed to other clients who experience homelessness, as they are easier to track down. However, I know that outreach workers still face challenges at times locating and connecting to their clients living in encampments as they often lack phones or other means of communication. During the day the clients can be moving throughout the city to access food or other services.

8. Our most complex clients are those with severe and persistent mental illness, which is often combined with addiction. Finding and maintaining housing for this group is challenging in many cases due to several factors:

    a. The lack of affordable and supportive housing. Many of these clients cannot afford market rent and require ongoing support in the form of assistance with activities of daily living, meal preparation, case management and/or medication management to maintain housing, for example;
    b. Complex mental and physical health issues, including substance use disorders, history of trauma, and physical health problems, all of which can present barriers to accessing housing; and
    c. For people who suffer from psychosis, mood instability, or cognitive impairments, navigating completing forms and attending appointments can present significant and sometimes insurmountable barriers; Other barriers – lack of identification, lack of access to financial supports such as ODSP which may not yet be in place, discriminatory attitudes of landlords towards tenants with disabilities etc.

9. For some of our unhoused population who are not struggling with serious mental illness or who are well managed on medication, gaining a stable home is possible. With housing subsidies, they may be able to procure a market rent apartment or a unit in supportive housing. However, even persons struggling with serious mental illness who are symptomatic can find and maintain housing with the assistance and support.

10. Many of our homeless clients experience fluid mental capacity, which means that their mental capacity comes and goes. This is often tied to substance use, which can impair brain function, including impacting their memory, attention, executive function, and judgment.

11. While many clients with a mental health or addiction issue are considered mentally capable to make their own decisions, that does not address their lack of insight into their struggles. This can lead to poor decision-making, which puts them into situations that makes it difficult for them to access a variety of services or housing.

12. Despite the efforts of multiple organizations, including the Working Centre and the Region of Waterloo, to secure permanent housing for their clients, many remain unhoused. As outlined above, various barriers often result in individuals returning to the streets, relying on the shelter system—when space is accessible and available—or residing in encampments.

Motels

13. Many of the clients referred to me by partnering agencies are experiencing homelessness. A key part of my role involves advocating for these individuals and collaborating with community partners to secure temporary shelter. This often includes arranging motel accommodations while we work toward identifying more permanent housing solutions. However, locating appropriate long-term housing—particularly with necessary supports—is frequently challenging. On average, clients remain in motel accommodations for

approximately one month, though stays may extend beyond that. Due to funding limitations, it is not uncommon for motel stays to end before a suitable and sustainable housing option has been secured.

14. In my experience, motels as a form of temporary shelter are not suitable for all clients. There are no daily social supports at the motels. Although there are agency workers from different organizations going into motels to see the individual clients they are supporting, this is typically during standard business hours from 9:00 am to 5:00 pm, Monday to Friday. These workers are only going to see certain individuals and are not going to the motel to provide broad-based support for all the clients staying there.

15. Some of my clients have been evicted from a motel while awaiting longer-term housing. Motel stays are not successful for many clients with severe mental health and/or addiction issues, due to behavioural issues that may result in property destruction, on-site drug use, or nuisance (noise, smoke, etc.). In these cases, the client is often told to leave the motel (they do not have tenancy rights to challenge the "eviction" under the *Residential Tenancies Act, 2006*), and they are back to being homeless again. The same issues hold true even in some supportive housing units as the client's needs would outstrip available resources.

16. My program has very limited funding for housing people in motels. This is an option that I rarely use during the spring, summer, and fall when I know people can survive outside. I

try to save this funding for the winter when I know people struggle more to survive while living unsheltered.

17. Unfortunately, I have also supported clients that have passed away in motels due to a fatal drug poisoning or overdose. Clients with serious drug addiction are generally not suitable to living in a motel as they may end up using drugs alone and unsupervised, and I will not recommend placing them there if I believe it poses a risk to their health and safety. Instead, I will advocate to get the person connected with a harm reduction service. Drug poisoning and overdoses can also happen while people are living in encampments but, in my experience, there is less of a chance of it being a fatal occurrence in an encampment because of the community aspect, as compared to a motel room where people use alone.

Shelters

18. Shelters are an important part of the emergency housing system. They provide protection from the elements, a point of contact for broader service provision, and focused interaction for staff to work on finding more permanent housing for those individuals who are able, willing, and ready for that step. However, for some clients with serious and persistent mental illness and/or addiction issues, a shelter environment, with its level of activity and noise can be too overwhelming or overstimulating. Those who are delusional and/or paranoid may feel frightened or threatened causing them to want to leave the shelter or to

lash out at others. Some clients who are recovering from addiction will not go to a shelter in order to not be exposed to substances and preserve their sobriety.

19. The two common reasons I hear from the outreach workers I work with regularly as to why people don't want to leave encampments are that the shelters are not safe (risk of violence and theft of belongings), or that they don't like or cannot follow the rules that are imposed on them in either shelters or supportive housing.

20. There are people that cannot live successfully in the wider community due to the severity of their mental illness and/or addiction issues. When the provincial psychiatric hospitals were shuttered, such as the London Psychiatric Hospital which closed in 2014, this left a huge gap in the continuum of care. We now have people who are very ill, cycling between homelessness, hospital, and jail, only to continue to repeat the cycle. Some have no insight into their illness, struggle to adhere to recommended treatments, and their mental capacity to make different types of decisions is questionable. Hospital psychiatric units only deal with acute care which is generally only short term. A larger number of funded supportive housing units and addiction treatment beds are needed to keep people from becoming homeless in the first place. We could take a 500 unit apartment building for supportive housing and fill it, but it still wouldn't be enough. A building alone is not enough, it needs to be staffed with support workers, and health care workers. Even people with good insight into their mental illness who regularly adhere to recommended treatment can struggle with finding and maintaining housing due to financial, social or other obstacles.

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

SWORN remotely by Angela Allt at the City of Guelph, in the Province of Ontario, before me at the County of Wellington in the Province of Ontario on June 20, 2025 in accordance with O. Reg. 431/20.

Joanna Mullen, A Commissioner of Oaths (LSO#: 64535V)

Angela Allt

Angela Allt

THE REGIONAL MUNICIPALITY OF WATERLOO Applicants	and	**PERSONS UNKNOWN AND TO BE ASCERTAINED** Respondents	Court File No.: CV-25-00000750-0000

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Lawyers for the Respondents

TAB 24

Court File No. CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

AFFIDAVIT OF DAVID ALTON

I, David Alton, 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 an employee of the Social Development Centre Waterloo Region and have worked as the Facilitator of the Lived Expertise Program since January 2022. The Lived Expertise Program engages those with lived and living experiences of homelessness and integrates their experience and wisdom into operations of the Region of Waterloo (the "Region"). The Lived Expertise Program has been a key partner in the Region's Plan to End Chronic Homelessness (the "PECH") since the spring of 2023.

The Plan to End Chronic Homelessness ("PECH")

3. On April 9, 2024, Region staff presented The Plan to End Chronic Homelessness Final Report CSD-HOU-24-006 (the "PECH Final Report"). The PECH Final Report recommended the Region adopt the PECH as the official plan to prevent, address, and end homelessness in Waterloo Region. Please find attached hereto as **Exhibit "A"** the PECH Final Report. The PECH Final Report outlined seven strategic Focus Areas and Actions which emphasized collaborative, integrative and preventative strategies in addressing homelessness and housing stability. One of the key Actions is the development and implementation of an All of Community Approach, to enhance and emphasize the role of community organizations, leaders and lived experts in decision making to create an "integrated, inclusive, adaptive, responsive and sustainable ecosystem…" The PECH Final Report was approved and adopted by the Regional Council.

4. When the PECH was drafted the future of the encampment at 100 Victoria Street (the "Encampment") was identified as a priority. The PECH called on the Region to update the plans for the transit hub to ensure the continuation of the Encampment as a sanctioned encampment until functional zero homelessness had been achieved. This approach was informed by the decision in *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670.

5. Attached as appendices to the PECH Final Report were four documents. Appendix A was the Final PECH Report which discusses using a human rights approach to encampments. The

Lived Expertise Final Prototyping Report was attached as Appendix C and presented to Council as informing the PECH, as it brought forward the voices of community members with lived and living expertise of homelessness. Both were approved by Council. It was my understanding that in passing the PECH Final Report the Region was committed to a human rights approach to encampments and formally acknowledged that lived experts wanted the Encampment at 100 Victoria Street to be preserved. I understood both Appendices A and C were part of the PECH and equal documents. Please find attached hereto as **Exhibit "B"** the Appendix A - Final PECH Report and as **Exhibit "C"** the Appendix C -Lived Expertise Final Prototyping Report.

6. It is unfair for Peter Sweeney, Commissioner of Community Services for the Region, to claim that an alternative encampment site is inconsistent with PECH. This is a misrepresentation of the PECH process and discussions that have taken place. Encampments are discussed at every single co-creators meeting. There are two sub-groups within PECH that discuss encampments, conversations regularly centre on the need for an alternative space for the Victoria Street Encampment, or for alternatives to the transit hub plans that could allow for the Encampment to continue.

7. Additionally, I regularly attend the Region's Encampment Operations Table that meets monthly. At the meeting on June 18, 2025, it was discussed that encampments are growing across the Region. Community partners expressed frustration that encampments are being pushed into more and more remote areas as it is harder to service them and get people connected to resources.

The Victoria Street Encampment

8. On February 14, 2024, I was called into a private meeting with senior Region staff from the Community Services department. They disclosed to me that there was a six to eight month timeline to close the Encampment so the Metrolinx development could begin. I told the staff members that I felt there was a path forward for the Encampment to no longer be located at the 100 Victoria street site without intense disruption from key stakeholders. I explained that an alternative location and a meaningful process for relocation were necessary. I said this could be done with a human rights approach, where the residents and key stakeholders could consent to the process. The main principles of a human rights approach to homelessness are recognizing people experiencing homelessness as rights holders and centring the voices of those with lived experience, allowing residents to participate in decisions which impact them. This is based on the National Protocol for Homeless Encampments in Canada created by the UN Special Rapporteur on the Right to Housing, attached hereto as **Exhibit "D**".

9. The window of time presented meant there could be a reasonable consultation although it may be difficult. I provided the names for five key stakeholders: Fight Back KW, the Unsheltered Campaign, Waterloo Region Community Legal Services, The Working Centre and Sanguen Health Centre.

10. After this the Region staff informed me they wanted to have a meeting with these stakeholders. I contacted all of the stakeholders to invite them to a meeting. I framed this as an initial meeting

to begin the process for discussing the conditions for removing the Encampment. I told the stakeholders to expect a six to eight month negotiating period and to prepare their requests to the Region for the relocation.

11. The meeting occurred on March 7, 2024. I was disappointed because the Region did not come to negotiate, but to inform us of what was planned. The stakeholders communicated their conditions and agreed there needed to be a process to negotiate. The Region announced the site was shutting down but a commitment was made to follow a human rights approach. I believed it was acknowledged that more conversation needed to happen before any official decisions were made about shutting down the site. Please find attached hereto as **Exhibit "E**" the Meeting Notes from the March 7, 2024 meeting.

12. To my disappointment following this meeting, there were no further conversations with stakeholders around the Encampment.

13. The Metrolinx Project has consistently been delayed and Metrolinx does not have a good record of meeting deadlines. I recently read a news article suggesting that Metrolinx has pivoted to focus on the Lakeshore East and Lakeshore West lines and that Kitchener's GO Expansion project will be addressed in the next phase. Attached hereto and marked as **Exhibit "F"** is a print-out of the Record article dated June 16, 2025 titled "We're getting left behind at the GO station".

Site-Specific By-Law

14. On Wednesday, April 16, 2025, I received text messages from our lived expert consultants that construction equipment had arrived at the Encampment. I sent an email to the PECH Co-Creators email distribution list with photos and seeking explanation from the Region. Please find attached hereto as **Exhibit "G"** a copy of my email sent on April 16, 2025. I learned that Community Services staff were not aware of what was happening at the Encampment.

15. I arrived at the Encampment around 2:00 p.m. and there were no contractors or Region staff on site. There were dumpsters and a portable trailer on site, and a bobcat was parked in the lot next door. Encampment residents, lived expert consultants, and community stakeholders were present. I learned that Regional Council would be considering a new staff report for discussion at Council on April 23, 2025. The report recommended a new Site-Specific By-Law ("Site-Specific By-Law") targeting the Encampment for eviction and to prevent new community members from residing there.

16. On Tuesday, April 22, 2025, I went to the encampment with six members of the lived expert consultants roster to interview residents of the Encampment ("community members") about what they knew about the Site-Specific By-Law, how these changes were impacting them, and what they wanted the Region of Waterloo to know.

17. From the conversations with 27 Encampment residents, I learned that no one in the community had received any information about the Site-Specific By-Law from Region staff. Some of the community members had heard rumours and 13 community members had heard nothing at all.

18. During the interviews, community members expressed experiencing fear, stress, confusion, and sadness from the events of Wednesday, April 16, 2025. Some community members talked about being happy for a change and the prospect of housing, while others felt the actions of the Region were targeted harassment and "trying to kill the homeless". Community members spoke of the events on April 16 as causing an uproar and being inhumane and wrong. The actions were described as creating pressure, feeling 'like a gun to their head', and making them feel like 'human trash'. One community member expressed "if you are putting bins full of garbage right where people are living, how do you think they would feel?" Another community member described that they are at the bottom and now the Region is taking away the bottom. Please find attached hereto as **Exhibit "H"** a copy of the preliminary interview results from April 22, 2025.

19. The community members expressed that they feel the Region is breaking a promise to provide them with a safe space.

20. On April 23, 2025, Region staff introduced The Region of Waterloo Report PDL-LEG-25-017 which recommended the Region pass the Site-Specific By-Law. Please find attached hereto as **Exhibit "I"** a copy of the Report PDL-LEG-25-017 with its Appendices A-C. I attended the Regional Council meeting to depute against the By-Law. All of the sixteen delegates who

attended the Council meeting to speak to the By-Law asked Council to reject it. Many spoke about their concern the By-Law would harm the community members at the encampment. The By-Law was approved by the Regional Council on that date.

21. The Site-Specific By-Law goes against the wishes of the community members at the Encampment. The By-Law violates the PECH, specifically the promise to follow a human rights and collaborative approach. It violates the calls to action of the PECH, which was presented to the Regional Council as Appendix B, attached hereto as **Exhibit "J"**. Specifically it violates Action 1.2 which requires the Region implement a housing-focussed Street Outreach Framework and a Human Rights Based Approach encampment response protocol to better support people living rough/experiencing unsheltered homelessness. It violates Action 4.3 which requires the Region to create new permanent affordable and supportive housing, including deeply therapeutic and harm reduction-focussed supportive housing to ensure those with the greatest depth of need are supported to stay housed.

22. The By-Law violates the wishes of the Human Rights Review Prototyping group ("Prototyping group") which had been in negotiations with Region staff for months, from the fall of 2023 to early 2024, about a human rights approach to encampments. The Prototyping group comprised lived experts, representatives from the Unsheltered Campaign, lawyers from Waterloo Region Community Legal Services, and Region staff. The group was created because lived experts wanted the Region to start implementing changes in their practices to align with a human rights approach in advance of the development of written encampment policies and procedures. Ultimately, after reviewing the current encampment protocols developed by the Region, the

group decided it was best to scrap the protocols altogether and start anew. After PECH was passed the work of the group paused and has not resumed.

23. The PECH approach was supposed to be collaborative and to centre the experiences of lived experts. There was no involvement from community members, stakeholders, or lived experts in creating the Site-Specific By-Law. The sense I have from my conversations with community members, stakeholders, lived experts, and Regional staff is that trust has been broken.

24. I am concerned the Site-Specific By-Law is harming the Encampment residents. People have communicated to me that they are afraid of violence happening to them when the Region attempts to shut down the Encampment. The Encampment residents have expressed that they are mentally traumatized by the events of April 16, 2025 in addition to their trauma associated with experiencing homelessness and feeling neglected by the Region at the Encampment.

25. In the Spring of 2023, the City of Kitchener erected gates and fencing around the Roos Island (Victoria Park) encampment in Kitchener. During this time I was supporting members of the City of Kitchener's Lived Expertise Working Group who were providing support and mutual aid to the encampment residents. The fencing made it very difficult for mutual aid supports and community partners to provide care to people living at the encampment. Some of the residents of this encampment were moved to the Erbs Road Shelter. I conducted interviews with these residents after they were settled at Erbs Road. Many of the people I interviewed indicated they felt coerced into leaving the encampment and they felt extremely isolated from community living at Erbs Road.

26. Finally, there is concern raised in one of the interviews that by moving encampment residents to a random motel in a private taxi cab that there is deep vulnerability in that move. Women are afraid of being put at risk of human trafficking, based on their own previous experiences. One resident stated that she was nearly trafficked when sent in a private taxi cab to a shelter. I believe there is fear when travelling using contracted services, such as a private taxi cab, of trafficking.

27. I make this Affidavit in support of the Notice of Motion and for no improper purpose.

AFFIRMED remotely by David Alton)
at the Town of Sauble, in the Province)
Of Ontario, before me at the City of Kitchener)
in the Province of Ontario on June 23, 2025 in)
accordance with O. Reg. 431/20.)



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

David Alton

DAVID ALTON

THIS IS **EXHIBIT "A"** REFERRED TO
IN THE AFFIDAVIT OF DAVID ALTON
SWORN REMOTELY AT THE SAUBLE BEACH
BEFORE ME AT THE CITY OF KITCHENER
DURING A VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 23rd DAY OF JUNE, 2025



_____

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

Region of Waterloo

Community Services

Housing Services

To: Community and Health Services Committee

Meeting Date: April 9, 2024

Report Title: The Plan to End Chronic Homelessness Final Report

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1. Recommendation

That the Regional Municipality of Waterloo adopt the Plan to End Chronic Homelessness Final Report as the official plan to prevent, address, and end homelessness in Waterloo Region as outlined in report CSD-HOU-24-006 dated April 9, 2024.

And that the Regional Municipality of Waterloo direct staff to develop a comprehensive funding and advocacy strategy based on the Plan to End Chronic Homelessness Actions outlined in report CSD-HOU-24-006 and deliver it to Council as part of the 2025 Regional Budget process.

2. Purpose / Issue:

The purpose of this Report is to deliver the Final Report of the Plan to End Chronic Homelessness, *Navigating Complexity Together: A Roadmap to Functional Zero by 2030*, to Regional Council to serve as the Region's official plan to prevent, address, and end chronic homelessness in Waterloo Region.

3. Strategic Plan:

This report supports the following strategic priorities: Homes for All, Equitable Services & Opportunities, and Resilient and Future Ready Organization in the Region's newly approved Corporate Strategic Plan 2023-2027.

- Under Homes for All, we will eliminate chronic homelessness and reliance on traditional emergency shelter models. This includes the launch of a Whole of Community Approach to implement the Plan to End Chronic Homelessness, and to partner with community organizations to deliver quality services to our region's most vulnerable residents.
- Under Equitable Services and Opportunities, we will explore new models of service through community collaboration and partnerships. This includes finding new ways to partner with community organizations to improve service delivery

and developing advocacy plans that support new investments in equitable service delivery. Key performance indicators include an increase in engagement with equity-deserving groups, and new funding to support investments in equitable service delivery.

- Under Resilient and Future Ready Organization, we explore new service models and partnerships to achieve fiscal resilience and better service. This includes supporting staff and the community to drive service transformation that is culturally appropriate, safe and inclusive through co-design, data-driven decision-making, innovative digital tools, and other ways of knowing. Key performance indicators include increase in satisfaction with service experience.

4. Report Highlights:

- The Plan to End Chronic Homelessness Final Report, *Navigating Complexity Together: A Roadmap to Functional Zero by 2030*, attached as Appendix A, summarizes and outlines the co-created strategic focus areas and related action items to prevent, address, and end chronic homelessness in Waterloo Region and are outlined below:

    - The number of people experiencing homelessness in Waterloo Region is unprecedented. Chronic homelessness in Waterloo Region has been increasing at an average growth rate of 28% year over year since 2020 and since January 2020, chronic homelessness in the region has increased by 129%. If this trend continues, the community will have triple the number of residents experiencing chronic homelessness by 2028. This growing community concern and crisis requires immediate community-wide action to shift the trajectory of chronic homelessness.

    - Development of the Plan to End Chronic Homelessness (PECH) has been underway since early 2023 and the approach used was to develop it in community, by community, and for community. The Plan outlines seven strategic Focus Areas that were established by the community-led and driven co-creator group. These Focus Areas were used to develop the 30 PECH Actions in the Final Report (Appendix A) and the Plan to End Chronic Homelessness Actions – Consolidated List (Appendix B).

        - Appendix C outlines and details the Lived Expertise Working Group's Calls to Action, which are attached as a For Information Report.

    - The Plan, in 2024, will establish a Whole of Community Leadership Model that includes Lived Experts, Equity-Owed Groups, System Leaders, and ROW Staff. The goal of establishing community-driven system leadership is

to disseminate system decision-making power to increase transparency and trust and responsibility to ensure that the system is built to respond properly to the needs of those experiencing homelessness.

- The Plan to End Chronic Homelessness Investment Plan and Strategy outlines the level of investment required from all levels of government, private and public sector, and system partners (health, mental health and addictions, justice, etc.) to address, prevent, and end chronic homelessness in Waterloo Region by 2030. The Plan details the importance of shifting investments to more permanent solutions rather than emergency-based and reactive responses to homelessness.
    - Preventing, addressing, and ending chronic homelessness is a shared responsibility of all levels of government and both private- and not-for-profit sectors as well as the community as a whole.

5. Background:

The Plan to End Chronic Homelessness Final Report is the culmination of more than a year and half of collaborative planning to renew and deepen the local commitment to homelessness prevention. This Plan, and Final Report, were developed in community, by community, and for community. The Final Report details 30 Actions developed by Co-Creators and the Lived Expertise Working Group to prevent, address, and end chronic homelessness.

The Final Report was co-created by more than 40 organizations committed to addressing and ending chronic homelessness. This unprecedented community collaborative process highlights the deep commitment to achieving homes for all in Waterloo Region. While the Final Report marks the end of one community-driven process, it also marks the beginning of a new and challenging community-led process as the community begins to implement the Plan to End Chronic Homelessness Actions.

Framing the Problem and Historical Context

The number of people experiencing homelessness in Waterloo Region is unprecedented. Chronic homelessness in Waterloo Region has been increasing at an average growth rate of 28% year over year since 2020 and since January 2020, chronic homelessness in the region has increased by 129%. If this trend continues, the community will have triple the number of residents experiencing chronic homelessness by 2028.

- In February 2024, there were 558 individuals on the Prioritized Access to Housing Supports (PATHS) List, the by-name list of individuals experiencing chronic homelessness in Waterloo region. The average number of days

individuals on the PATHS list have been without permanent and safe housing is 1,403 days (3 years 8 months).

- 12% of all chronically homeless individuals on the PATHS list identify as Indigenous. This is an overrepresentation of Indigenous people experiencing chronic homelessness as they make up 1.7% of the total population of Waterloo Region.

- Alarmingly, youth homelessness is on the rise across Waterloo Region, signalling the need for preventative, upstream strategies. Youth shelters are frequently at capacity and participants are as young as 12 years old. A recent survey from Children and Youth Planning Table showed 13% of youth respondents were experiencing homelessness in 2023.

The current homelessness and affordable housing crisis is a result, in part, due to the retrenchment of both the federal and provincial government's response and approach to community housing, affordable housing development, and homelessness prevention in the 1970s and 1980s. Increasingly, the Region of Waterloo in their role as Regional Government and Designated Service System Manager, is supplementing the lack of investment from other levels of government with the property tax levy. This is an unsustainable use of municipal tax levy dollars and incongruent with the intentionality of this funding source compared to provincial and federal sources.

The current system is not designed or adequately resourced to address the increase in numbers of individuals (volume) requiring support or the increased complexity of needs that individuals have—specifically, those who are precariously housed or experiencing hidden homelessness and those who require deeply therapeutic and supportive housing. In addition, the system must address the lack of lived expertise and equity focus in policy, decision-making, and service-delivery in order to better align with the needs of the diverse community of Waterloo Region and those experiencing homelessness.

Development of The Plan and Final Report, Focus Areas, and Actions

The Plan outlines seven strategic Focus Areas that were developed by the co-creator group. These Focus Areas were used to develop the 30 Actions in the Plan Final Report (Appendix A), which are also found in the Consolidated List of Plan to End Chronic Homelessness Calls to Action (Appendix B).

These Focus Areas are:

1. Create Policy and System Accountability
2. Centre Community Voices
3. Build System Bridges

4. Advance Equitable Housing
5. Focus on Preventing Homelessness
6. Change the Narrative on Housing and Homelessness
7. Advocate and Collaborate for Broader Change

The Focus Areas and Actions emphasize collaborative, integrative, and preventative strategies in addressing homelessness and housing stability. In addition, the centering of lived and living expertise is critical in the work of developing the Final Report and will be the focus in the implementation work to follow.

One of the key Actions outlined in the Final Report is the development and implementation of an All of Community Approach, which will enhance and emphasize the role of community organizations, leaders, and lived experts in decision-making. The focus of this approach is to create an integrated, inclusive, adaptive, responsive and sustainable ecosystem across the Housing Stability System and community as a whole.

The Lived Expertise Working Group worked alongside the co-creator group to review Focus Areas and Actions and provide invaluable feedback and reflections to the broader work of the Plan to End Chronic Homelessness. In addition to providing feedback to the Final Report, the Lived Expertise Working Group developed a standalone For Information Report, which is included as Appendix C. This Final Prototyping Report brings forward the voices of Lived and Living Expertise. An important note to consider when reviewing the Lived Expertise Final Prototyping Report is that this standalone For Information document is to be viewed as complimentary to the Final Report but, Council is not being asked to adopt the Actions outlined in Appendix C.

Recognizing homelessness is an equity issue, the PECH Actions and implementation work will prioritize and centre the voices of communities and individuals who are not reflected currently in the Housing Stability System. Homelessness is experienced differently by equity-deserving groups and as such strategies, programs, and housing options must reflect the unique needs identified by these groups themselves.

Critical in this new model, is increasing data-driven decision-making and creating a quality data strategy that focuses on KPIs, predictive modeling and system outcomes. This includes intentional work related to disaggregated data to better understand homelessness trends related to equity-owed populations and strengthening advocacy efforts when collaborating with key system partners (healthcare, mental health and addictions, etc.).

The Plan to End Chronic Homelessness Investment Plan and Strategy

To respond to the growing homelessness and affordable housing crisis, the Region of

Waterloo is directing unprecedented investments towards programs, supports, and capital projects to meet the needs across the community. In 2024, the Region will invest more than $245M into Affordable Housing and Homelessness, from all sources. Of this, 23 per cent is directed towards homelessness and supportive housing programs.

Between 2019 and 2024, the Region has increased municipal tax levy and reserve investment in this critical housing and homelessness service area from $42M to approximately $99M, signalling a deep and historic commitment to achieving homes for all in Waterloo Region. This level of municipal commitment to homelessness and affordable housing is unique when compared to other Regional Governments and System Service Managers in Ontario.

To achieve an end to chronic homelessness in Waterloo Region, a deepening of commitment and engagement is needed from all levels of government, public and private sector, and key system partners (healthcare, mental health and addictions, justice, etc.). This shared community challenge is not to be owned or solved by one order of government in isolation.

In 2024, $56M is being invested into homelessness and supportive housing programs by the Region, a local commitment that cannot be overstated. Despite this significant and encouraging commitment and investment into the local Housing Stability System, currently the majority of funding is dedicated towards reactive and emergency-based responses as the local crisis of homelessness continues to rise at alarming rates. The Plan to End Chronic Homelessness sets out to shift the collective focus towards permanent housing outcomes and upstream interventions so the significant investments being made into the system have a greater return on investment and, most importantly, create permanent housing outcomes for the most vulnerable residents of Waterloo Region.

Staff will be using the PECH Investment Plan to develop specific municipal budget requests and/or service expansions that are within scope and reasonable given current municipal commitments to address, preventing, and ending homelessness. In addition, Staff will create an advocacy strategy to be used to advocate to other levels of government, sectors, and public and private sector partners to address the significant investment required to address this significant challenge. Both these areas of work will be presented to council in Fall 2024 as part of the 2025 budget planning process.

6. Communication and Engagement with Area Municipalities and the Public

Area Municipalities: Recognizing that preventing, addressing, and ending homelessness in Waterloo region is a shared value and mission felt by all area municipalities, engagement with area municipalities was both integral and critical in the development of The Plan to End Chronic Homelessness. Area municipality engagement

started with a pop-up booth at the All Councils meeting on June 23, 2023 to gather input from Regional and area municipality councils. As the project continued through the engagement phase dedicated engagement sessions were facilitated for area municipality staff, and a project update was provided to Regional council and area municipalities through email as outlined in CSD-HOU-23-024. In addition, engagement sessions were held for specific area municipalities in March 2024.

Public: The Plan to End Chronic Homelessness was supported by an unprecedented level of public engagement. The PECH was created in community, by community, and for community. For more than one year, the PECH has been co-created by a group of committed leaders from a wide array of community organizations from across the region. The PECH content, including Strategic Focus Areas and related Action Items, were co-created by this broad system leadership group.

As outlined in CSD-HOU-23-024, to support the community engagement phase, a multi-channel communications campaign launched at the end of June 2023 and was open for five weeks. Broad messaging encouraged residents to “Join the conversation”, “Share your voice,” and participate in community engagement activities. The EngageWR project webpage served as a landing page for all traffic. Communication efforts resulted in over 850 social media engagements, 4,000 website visits, and an 80 percent e-news open rate.

In addition, the PECH was supported by the Lived Expertise Working Group. This group of lived experts met for more than one year to develop prototypes to support enhanced integration of lived expertise into the development of this broad systems change document and related Action Items and ensured the centring of lived expertise and community voices. Lived Expertise is deeply incorporated in the work of the PECH development through the direct involvement of people impacted by homelessness and marginalization. Included For Information as Appendix C, is the Final Prototyping Report developed by the Lived Expertise Working Group.

7. Financial Implications:

The 2024 Homelessness Operating Budget of $56M includes an incremental $10.2M for the PECH, with $7M funded from the property tax levy and $3.2M funded from the Tax Stabilization Reserve. This includes a $3M capital investment of which $1.5M is funded from the Homelessness Prevention Reserve and $1.5M from the Strategic Investment and Affordable Housing Reserve.

It is estimated that a total capital investment in emergency shelter, transitional housing and supportive housing of $110M will be required. Operating expenditure increases of approximately $5M - $8M annually for the next six years in order to fully implement the

Plan can be expected. The range will depend on the extent and nature of capital financing costs required.

Subject to Council approval, staff will develop a funding, capital financing and advocacy strategy to be included in the Preliminary 2025 Budget, which will include some combination of tax levy funding, financial support from community partners, and any subsidy secured from senior levels of government where advocacy efforts are successful.

8. Conclusion / Next Steps:

The Final Plan to End Chronic Homelessness Report is the culmination of deep, collective community-based work to respond to a growing crisis. The Final Report does not end the collective work of preventing, addressing, and ending chronic homelessness in Waterloo Region. Rather, this is the beginning of a renewed collective focus to create Homes for All for our community's most vulnerable residents. Staff, Co-Creators, and the community more generally are committed to the work ahead and are deeply encouraged and motivated to begin the work of implementing the Plan.

9. Attachments:

Appendix A: The Plan to End Chronic Homelessness Final Report: *Navigating Complexity Together: A Roadmap to Functional Zero by 2030*

Appendix B: The Plan to End Chronic Homelessness Actions – Consolidated List

Appendix C: Lived Expertise Final Prototyping Report (For Information)

Appendix D: The Plan to End Chronic Homelessness Presentation

Prepared By: Eliza Flemming, Social Planning Associate, Housing Services

Rachel Tyler, Financial Analyst (Housing)

Reviewed By: Peter Phillips, Project Manager, The Plan to End Chronic Homelessness

Chris McEvoy, Manager, Homelessness and Supportive Housing

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Susan Selfe, Manager, Finance

Cheryl Braan, Director, Corporate Finance

Approved By: Peter Sweeney, Commissioner, Community Services

Craig Dyer, Commissioner, Corporate Services and Chief Financial Officer

THIS IS **EXHIBIT "B"** REFERRED TO
IN THE AFFIDAVIT OF DAVID ALTON
SWORN REMOTELY AT THE SAUBLE BEACH
BEFORE ME AT THE CITY OF KITCHENER
DURING A VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 23rd DAY OF JUNE, 2025



_____

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

THE PLAN TO END CHRONIC HOMELESSNESS

Navigating Complexity Together
A Roadmap to Functional Zero by 2030

Waterloo Region
April 2024

The Plan to End Chronic Homelessness

IN COMMUNITY,
BY COMMUNITY,
FOR COMMUNITY.
#ThePlanWR

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Reading the PECH

This plan is a compilation of content developed by co-contributors including members of the Lived Expertise Prototyping Working Group, members of the Co-Creator Group, and members of the project team. It is rooted in extensive Community Engagement completed during the summer and fall of 2023 and the ongoing work of the Co-Creator Group and Lived Experts Prototyping Cohort.

Key Report Contributors

Plan to End Chronic Homelessness Co-Creator Group

Made up of system leaders, service staff and representatives from equity-owed groups. This group grew throughout our process as more members of the community found out about our work and as we developed relationships with key interest-holders through our work.

Lived Experts Prototyping Cohort

Lived Expertise Prototyping is an ongoing process to integrate the experience and wisdom of lived experts into Waterloo Regional operations. This process has been facilitated by the Social Development Centre through 2023 and will continue to the end of 2024.

Black left margin bar identifies plan content that include Lived Expertise Prototyping Cohort voice.

Report Authors

Region of Waterloo
The Region of Waterloo serves with caring and responsible public service, engages by listening and responding to community needs, and inspires by conducting business with openness to enhance public trust and confidence.

Social Develop Centre Waterloo Region
The Social Development Centre Waterloo Region is a learning organization that supports all voices in creation of community wide solutions ensuring that lived experience is the basis for collective action.

Overlap Associates
Overlap Associates is a local design consultancy that puts people at the centre of our work and your solutions. Overlap works with organizations of all sizes on problems that matter most to them.

Co-Creator Membership and Community Support for the PECH

"If we could go back and do it differently, emphasize the interlinkages between organizations and systems" —Engagement Participant

PECH Co-Creator Membership	
ACCKWA- Housing stability outreach Cambridge	Marillac Place Women's Shelter
Argus	oneROOF Youth Services
Compass Refugee Centre	Porchlight Counselling and Addiction Services
Canadian Alliance to End Homelessness	Probation and Parole
Cambridge Shelter Corp	Ray of Hope
Camino Wellbeing & Mental Health	ROW-Community Services
Cambridge and North Dumfries Ontario Health Team	ROW-Public Health
Canadian Mental Health Association	Sanguen Health Centre
Coalition of Muslim Women	Safe Haven Lutherwood Youth Shelter
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Community Justice Initiatives	Sunbeam Community & Developmental Services
Developmental Services Ontario	Somali Canadian Association of Waterloo Region
Developmental Services Planning & Advisory Council	The Working Centre
Eviction Prevention (Social Development Centre WR)	The Rural Upstream Collaborative-Engage Rural
Healing of the Seven Generations	Traverse Independence

House of Friendship	Waterloo Region Integrated Drugs Strategy
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Community Partners Who Support the Plan	
Langs	Supportive Housing of Waterloo

Introduction

Introduction

The Region of Waterloo's Vision Statement outlines an aspirational future state—*A compassionate community that cares for all people, stewards the land for future generations and where everyone has the opportunity to live a good life.* The work of bringing about this future state is deeply rooted in our efforts to end chronic homelessness in Waterloo Region.

The intention of the Plan to End Chronic Homelessness (The PECH) is to detail our collective journey to this end goal. **And yet, there is urgency and complexity that cannot be fully expressed in this document**—the depth of human suffering in our community; the need for frank public discourse about the harms of criminalization of the unsheltered (LE Prototyping Cohort, 2024); the impacts of the mental health and addiction crisis gripping a growing number of our families, friends and neighbours; and the tangible ways our collective values and apathy perpetuate the cycle of dehumanization (LE Prototyping Cohort, 2024) of those who need our care. The urgency and complexity of responding to this challenge means that defining what is in scope or out of scope of the PECH is a difficult task.

Here lies a key tension emerging from our work of creating the PECH—the stated ask and desired outcome from Regional Council, an action plan outlining tangible steps to achieve functional zero chronic homelessness, does not align fully with the stated needs from the community. Community and Lived Experts have highlighted that ending chronic homelessness will require:

- A focus on process rather than product/outcome (the "how" is equally as important as the "what")
- Recognizing and naming failures and harms caused by contributing systems in our society (including colonialism, the financialization of housing, criminalization of homelessness) (LE Prototyping Cohort, 2024)
- It is critical to address the current gaps in service provision and intervene at different levels of systems—branches, trunk, and roots—for transformative change within the structures and power systems that maintain the problems (LE Prototyping Cohort, 2024)

Stated clearly, reaching functional zero chronic homelessness will require significant system transformation beyond simply increasing the same supports that we currently have in place and will require examining systems, incentives, values, and mindsets that may seem tangential to the problem of homelessness. The magnitude of the complexities and challenges is beyond the mandate of The Region of Waterloo to solve. The macro forces that have led to the current homelessness crisis must be addressed through collective action. Action that is supported by the

broader local community, Area Municipalities and through increased investments from Provincial and Federal governments.

The resulting Plan to End Chronic Homelessness is a living document infused with the voices of our community and Lived Experts and lays out our proposed approach to achieving functional zero homelessness in Waterloo Region by 2030.

Through our broad community engagement and co-design process it became clear that if we hope to end chronic homelessness, we must transform the Housing Stability System to be:

- **Responsive**—allow community voices—including Lived Expertise and Equity-Owed Groups—to drive our decisions (LE Prototyping Cohort, 2024)
- **Sustainable**—creating system supports to staffing that addresses capacity, recruitment/retention, training, mental health supports and wellness
- **Integrated**—more efficient and aligned within the sector and with other sectors including but not limited to health, justice, social & disability services, children & youth services and other related service systems
- **Inclusive**—it must be person-centred, ensuring that individuals no matter their circumstance (LE Prototyping Cohort, 2024) can access services
- **Adaptive**—expand our current continuum of supports and resources to match the current and future needs of our community. We must take proactive, predictive and preventative action to address the changing demographic of homelessness

Our vision for system transformation is a Housing Stability System that is an integrated, inclusive, adaptive, responsive, and sustainable ecosystem. The Plan to End Chronic Homelessness articulates how **working in community, by community, for community** will strengthen relationships and build a shared ownership of solutions.

Methodology and Discussion of Process

Our core intention to co-create The Plan is part of what makes this journey different.

Our aim remains to create a plan that is driven by community identified needs, gaps, and solutions. We will continue to do this by working “in community, by community, for community.”

We are committed to these ways of working:

- Shared solutions and implementation
- Centering the voices of those most impacted
- Transformational relationships and trust building
- Inclusive community engagement

At the outset of this work there were two parallel processes—The SDCWR Lived Expertise Prototyping Cohort and the Overlap-led work to produce The Plan. The

intention of these two processes was the centering of lived expertise and creating time and space for their interpretation and wisdom to influence our process, outcomes and to begin the process of developing meaningful relationships.

This council report is supported by two separate reports/planning documents as for consideration by Regional Council. These reports are separate, but linked, and are intended to highlight the differences in the approach and perspectives between Lived Experts and the more system/politically influenced plan.

Lived Experts have provided input on several key features of our plan including definitions, the analogy and imagery of the Tree as a representation of our problem and solution spaces, Strategic Focus Areas and Actions.

The Plan took shape over the course of monthly Co-Creator Roundtables starting in June of 2023. Co-Creators worked to synthesize engagement data, shape the Strategic Focus Areas and generate Actions. The Actions in this document were summarized from upwards of one hundred projects and initiatives identified by Lived Experts and Co-Creators. These projects and initiatives were summarized for the benefit of the reader as they were highly technical and numerous. The 30 Actions currently living in the document give a tangible overview of the work that will take place to bring about our system vision and reaching our end goal of functional zero homelessness by 2030. The intention is to further explore, prioritize and implement actions based on this original list of projects.

Framing the Lived Experts Prototyping Process and Attached Report

The Social Development Centre Waterloo Region (SDC) is a core partner on the Plan to End Chronic Homelessness. From this partnership, the Prototyping Process was developed to centre the voices of Lived Experts and innovate solutions with Regional Staff and other interest-holders.

The Prototyping Process began in March 2023 with an initial cohort of representatives from the Lived Expertise Working Group, the People's Action Group, Regional Staff, SDC staff, and outreach workers. This cohort developed a model of communication and collaboration to make prototyping possible. They also conducted Participatory Action Research with current residents in unsheltered communities. From these conversations, they developed language and models about the problem space such as the Tree metaphor at the centre of the PECH. At the end of this initial phase, five areas of further prototyping were identified.

The Cohort has since expanded to over 30 representatives, including Lived Experts, mutual aid group representatives, advocacy group representatives, agency representatives, and an expanded group of Regional and City staff. The Prototyping

Process currently is slated to continue to the end of 2024 with recommendations on how to embed the principles of lived expertise, collaboration and learning in the ongoing work of the Region.

Members of the cohort met intensively for two months to develop the report calls to action included in the appendix. This report includes key terms, legal context for a human rights approach, and 30 calls to action for consideration. The report has deeply informed the development of the Plan to End Chronic Homelessness.

The partnership with Lived Experts and the Social Development Centre Prototyping Process has added tremendous value and insight into the PECH and the process of creating it.

We have worked throughout the process to create meaningful moments of cross-pollination between the two streams of work. We recognize that these efforts have been successful and yet there is a large amount of work to do to continue building relationships and trust between lived experts, grassroots organizations, advocates and ROW staff and leadership.

Our collaboration has also illuminated the existing contrasting opinions about the approach to ending chronic homelessness in the Region. The attached report—created by Lived Experts—is an example of the differing perspectives and a view of the contrast between the groups. (LE Prototyping Cohort, 2024)

Definitions

Definitions

We have included a definitions section as clear and consistent language is an important part of the process of finding common understanding as a community. And we acknowledge that language is ever evolving, different groups use different definitions and part of the work is to continually evolve these alongside communities.

- **Accessibility—**Specific features incorporated by design with the goal to reduce or remove barriers to participation or enjoyment by all people. (LE Prototyping Cohort, 2024)
- **Adequate Housing—**Housing that meets the legal standards for security of tenure, affordability, habitability, accessibility, availability of services, location and cultural appropriateness. In the absence of such, the right to housing is not met. (LE Prototyping Cohort, 2024)
- **Chronic Homelessness**—Refers to individuals who are currently experiencing visible and hidden homelessness AND who meet at least 1 of the following criteria:
    - they have a total of at least 6 months (180 days) of homelessness over the past year
    - they have recurrent experiences of homelessness over the past 3 years, with a cumulative duration of at least 18 months (546 days)

    (*Reaching Home: Canada's Homelessness Strategy Directives*, 2023)
- **Deeply Therapeutic Housing—**is housing designed to provide support for people with the highest levels of acuity. This includes but is not limited to individuals with significant complex substance use, concurrent mental health needs or who are otherwise medically fragile and are homeless, at risk of becoming homeless, or who are considered inadequately housed. This type of supportive housing is a gap in our system identified through community engagement and by lived experts and co-creators. The gap is emerging as our current system is not adequately addressing the needs of people who are deeply unwell. (*Supportive Addiction & Mental Health Housing (SAMH)*, n.d.)
- **Equity-owed groups**—These are groups that experience systemic oppression, marginalization, and discrimination often due to the legacies of colonization, slavery, and imperialism. These groups include but are not limited to those who are Black (African and Caribbean diaspora), Two-spirit and Indigenous Peoples

(First Nations, Inuit and Métis), and communities ` `racialized as non-white; persons identifying with a disability/disability communities; members of 2SLGBTQIA+ communities; women, trans, and femme-presenting people; and those living in rural areas. (LE Prototyping Cohort, 2024)

- **Functional Zero (0)** —A community has reached functional zero (0) of any type of homelessness when the number of people experiencing homelessness is zero, or if not zero, then either 3 or .1% of the total number of individuals experiencing homelessness on a by-name list, whichever is greater, and sustained for 3 consecutive months. (*Built for Zero Canada Functional Zero Homelessness Question and Answer Document*, 2021)



Figure 1. Built for Zero Definition of Functional Zero Chronic Homelessness

- **Homeless Individuals and Families Information System (HIFIS 4)—** Developed by the Government of Canada, HIFIS is a Homelessness Management Information System (HMIS) that is designed to support the day-to-day operational activities of Canadian homelessness service providers. As a comprehensive data collection and case management system, HIFIS enables participating service providers within the same community to access, collect, and share local real-time homelessness data to ensure individuals and families accessing services are prioritized and referred to appropriate services at the correct time.

- **Homelessness—**Homelessness describes the situation of an individual, family or community without stable, safe, permanent, appropriate housing, or the

immediate prospect, means and ability to acquire it. It is the result of systemic or societal barriers, a lack of affordable and appropriate housing, the individual/household's financial, mental, cognitive, behavioural, or physical challenges, and/or racism and discrimination. Most people do not choose to be homeless, and the experience is generally negative, unpleasant, unhealthy, unsafe, stressful and distressing. (LE Prototyping Cohort, 2024)

- **Human Rights Approach**—People experiencing homelessness are treated as rights holders, where their agency is respected, and where the Region has a duty of care for their housing needs. The Region will be compliant with national and international human rights law and ensure it is appropriately prioritized amidst other legal obligations such as those regarding property rights, privacy, and liability. (LE Prototyping Cohort, 2024)

- **Housing First (HF)** Is based in a human rights framework and has two primary components: **housing and support**. It is not housing only.
    - **Housing:** participants are provided access to housing of their choice in the community—facilitated by portable rent supplements—that is no more than 30% of their income.
    - **Support:** access to wrap around addiction/mental health supports, intensive case management and other supports aimed at promoting housing stability, recovery, community integration, and achievement of life goals.
        - Housing First is driven by 3 key principles:
            - consumer choice and self-determination
            - recovery (treatment focused)
            - community integration (physically, psychologically, and socially).
        - Housing First is an empowerment approach in which the consumer is viewed as the expert on his/her experiences and aspirations; it is critical to begin by asking consumers where they want to live.
        - Recovery is a treatment orientation that refers to a participant's journey of growth and self-improvement in the direction of achieving life satisfaction.
        - The third principle is community integration. Whereas people with mental illness, who are homeless, often experience segregation, exclusion, and stigma. The goal is to help people become physically, psychologically, and socially integrated in the community.

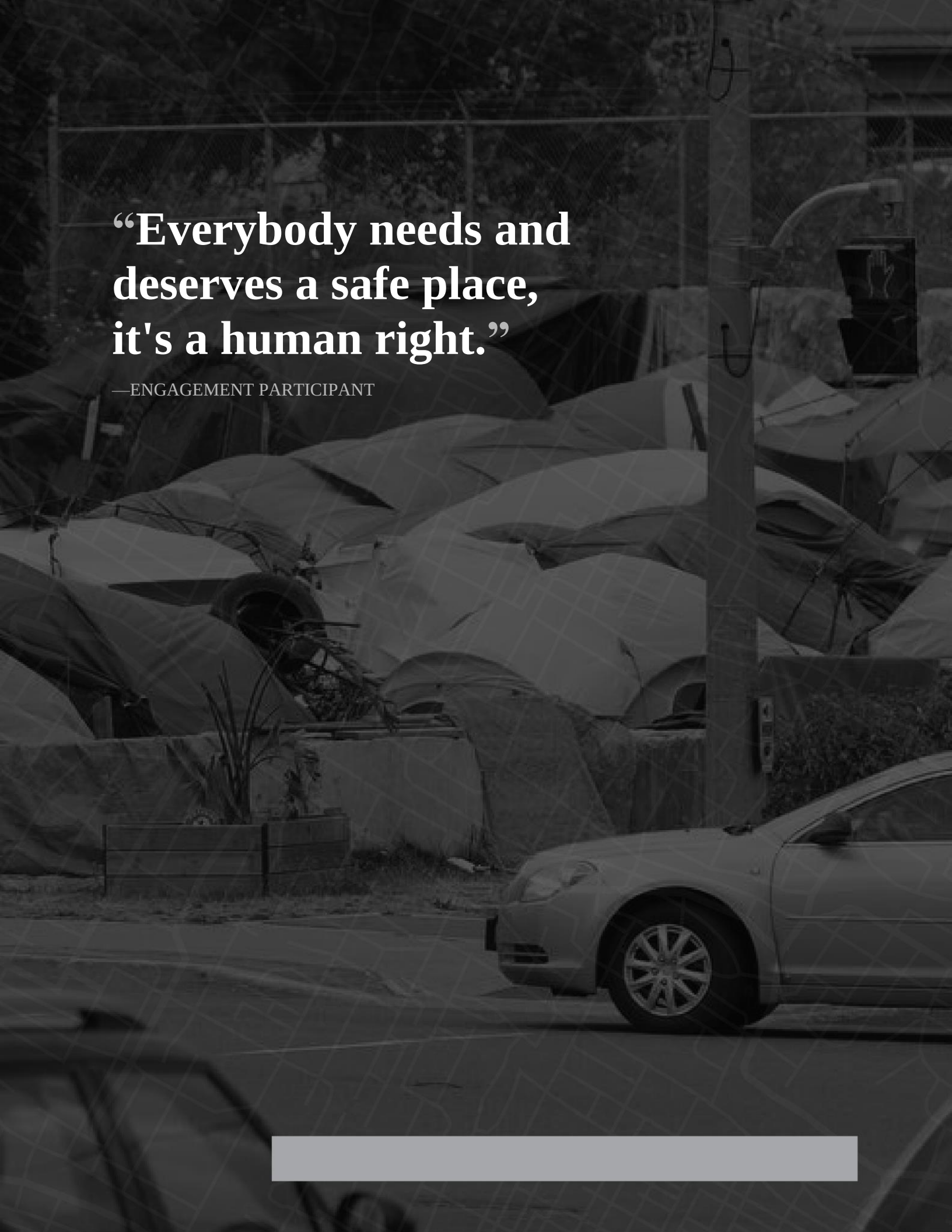
(Dr. Geoffrey Nelson, Department of Psychology, Wilfrid Laurier University, n.d.)

- **Housing Stability System (HSS)**—The Region of Waterloo is the provincially-designated Service Manager for Housing and Homelessness. In this role, the Region is responsible for program planning, service delivery, distribution of resources, and quality assurance of housing-first services that help people find and maintain permanent housing; this network of services is known as the HSS. The HSS supports individuals and families across Waterloo Region who are experiencing homelessness, at immediate risk of homelessness, and in the recovery stages from homelessness.

- **Indigenous Homelessness**—"Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities. Importantly, Indigenous people experiencing these kinds of homelessness cannot culturally, spiritually, emotionally, or physically reconnect with their Indigeneity or lost relationships" (Thistle, 2017; see also (Aboriginal Standing Committee on Housing and Homelessness, 2012). (LE Prototyping Cohort, 2024)

- **Prioritized Access to Housing Supports (PATHS)**— A Coordinated Access System (Coordinated Access) is a systems-level approach for addressing homelessness that provides a consistent way to assess, prioritize and connect people experiencing homelessness to Region-funded housing and supports. Locally, this is referred to as the Prioritized Access to Housing Supports (PATHS) Process.
    - PATHS Process Overview
    - The PATHS process includes four main steps:
        - People experiencing homelessness are assessed for eligibility at defined access points across the system, using a common assessment tool.
        - If people are eligible, they join the PATHS List. The next step is to get offer-ready with support from PATHS Partners (Service Providers that help people to move forward with their Housing Plan while they wait) and Service Navigators (on the PATHS Team).
        - Once offer-ready, people are matched with a housing support vacancy and prioritized for an offer.

- In the final step, Housing Liaisons (on the PATHS Team) support people to transition to their new home.



“Everybody needs and deserves a safe place, it's a human right.”

—ENGAGEMENT PARTICIPANT

Framing the Problem

Framing the Problem

The number of people experiencing homelessness in Waterloo Region is unprecedented. Since the beginning of the COVID-19 pandemic, homelessness has risen in numbers and visibility. In the 2021 PiT (Point in Time) count, the Region found that more than 1,000 individuals were experiencing homelessness with over 500 of those individuals estimated to be experiencing chronic homelessness or homelessness for longer than six months.

Chronic homelessness in Waterloo Region has been increasing at an average growth rate of 28% year over year since 2020. Since January 2020, chronic homelessness in the region has increased by 129%. The unprecedented growth in homelessness is compounding existing difficulties both for individuals experiencing chronic homelessness and for the services within the system.

In September of 2023, in collaboration with our Co-Creator Group and the Social Development Centre (SDC) Prototype cohort, the PECH Core Team produced a Key Findings Report. This report is an in depth exploration of the problem space rooted in community engagement findings, secondary research and analysis of current system data. Please refer to the report for further context.

The High-Level Problems we seek to address

- **The current system is not designed (LE Prototyping Cohort, 2024) or adequately resourced to address the increase in numbers of individuals (volume) requiring support or the increased complexity of needs that individuals have.**
- **Current system leadership and governance approaches are undermining our community's ability to respond to the issue of homelessness.** The current structure of siloed and hierarchical decision-making is creating a lack of transparency and trust within the Housing Stability System and the broader community.
- **Lack of Lived Expertise and Equity focus is creating system responses that do not align with the needs of the community and is actively causing harm**—systems need to sense and see themselves (LE Prototyping Cohort, 2024) in order for change to occur.
- The Province and the Federal government's retrenchment of building community housing in the 70's and 80's has led to reliance on the private market which has driven a **hyper-financialized capitalist model of housing. Increased housing**

> **costs are reducing access to housing for broad groups of our population.** (LE Prototyping Cohort, 2024)

- The prevalence of **mental health and substance addiction alongside the unprecedented crisis of drug poisonings** playing out in our community are intricately tied to the rise in and deepening complexity of experiences of homelessness.
- There has been a long-standing issue of unequal access to services and support for individuals who are at risk of or experiencing homelessness in rural and township areas. To access the necessary support, individuals are often required to leave their rural communities and travel to urban centers, which can result in a loss of important community connections and **an increase in demand for urban-based services.** It is important to leverage the supports and services that exist in the rural areas to develop (co-create) a made-in-rural solution.

> - The **face of homelessness is changing** (diversity, intersectionality)—This mix of factors is broadening the percentage of our community that is precariously housed, hidden homelessness, and housed in non-market options. This is giving us a skewed perspective of the causes of homelessness and those experiencing it in our communities. (LE Prototyping Cohort, 2024)

- **There is an increase in people living in encampments.** This trend highlights the growing rate of homelessness and—among many other factors—points to a shortfall in shelter capacity and accessibility, as well as barriers to securing permanent housing. (*Homeless Individuals and Families Information System (HIFIS)*, 2023) (Turner, 2023)

Key Numbers to Quantify the Problem

Chronic homelessness in Waterloo Region has been increasing at an average growth rate of 28% year over year since 2020. Since January 2020, chronic homelessness in the region has increased by 129%.

- If the 28% annual increase in chronic homelessness continues, the community will have triple the number of residents experiencing chronic homelessness by 2028.
    - As of February 2024, there are 558 individuals on the Prioritized Access to Housing Supports (PATHS) List.
    - The average number of days individuals on the PATHS list have been without permanent and safe housing is 1,403 days (3 years 8 months).

    - 12% of all chronically homeless individuals on the PATHS list identify as Indigenous. This is an overrepresentation of Indigenous people experiencing chronic homelessness as they make up 1.7% of the total population of Waterloo Region.
    - The supportive housing program across fixed-site and scattered options has a current capacity to support approximately 570 individuals.
- In 2024, approximately $56 million will be invested into the local homelessness system in various service areas (outreach, prevention, shelter, supportive housing, etc.). Based on current state and future trends, this investment is not keeping pace with the growing need for additional supports to end chronic homelessness.
- Up to 70% of the folks experiencing homelessness or who are precariously housed have screened positive with the HELPs Screener as having an acquired brain injury (ABI) with similar trends in other regions. Often brain injury in the homeless population goes undiagnosed. It is not unusual for addictions and mental health issues to also be factors that impact their ability to maintain housing and also mask brain injury symptoms. Not only do these people require a specialized brain injury worker but additionally, wrap around supports offering all three areas of specialty through an integrated team approach.

- Youth homelessness is on the rise.
    - A recent survey from Children and Youth Planning Table showed 13% of youth respondents were experiencing homelessness (13% of 1867 respondents = 243 youth) in 2023 (*2023 CYPT DATA BRIEF*, 2024)
    - Youth shelters are frequently at capacity and are supporting individuals 12-18 years old. There has been a 20% increase from the previous two years.

Quotes and Stories Behind the Statistics

These statistics fold out into real living stories from valued neighbours in our community. These experiences represent a history of our systems level failures and the frustration and harm unchallenged systems bring. They also act as motivation and a call for change.

> “Some guy beat me up on the street. Yeah, I was in the hospital because of it... I died a few times...Meantime my landlord, he got rid of everything in my apartment and I lost my rent geared to income housing and I ended up

discharged from the hospital and driven to the shelter.“ — Project Willow Interview Participant

“I slept in the parking garage across the street because I wanted to make the statement that I do have nowhere to go. And I’m not going back to a building that I’ve been raped in.“ — Project Willow Interview Participant

“You do not know how much actual physical, emotional and financial trauma that each one of us have gone through before we’ve even been able to have the strength and the courage to walk through these doors. Okay, because unless you’ve been through it yourself, then you don’t know it.“ — Project Willow Interview Participant

“Why do we need to wait for someone to be on fire before we give them a hose?“ —PECH Engagement Participant

“The ability to address the mental health and trauma pieces in which lead women to addictions and homelessness in the first place is something I have always believed to be at the forefront of being a piece of the shelter system. Housing, the safety in which one feels when they don’t have to be wet and unsafe on the street is only the tiniest fraction of being able to offer support to women in this community. A piece of the solution, is addressing the fragility of the client in which accesses services.“ — Project Willow Survey participant

“There are no real safe places in the community“ — Project Willow Survey Participant

Key Plan Elements



“Homelessness will never disappear without getting
to the root causes.”

—ENGAGEMENT PARTICIPANT

Key Plan Elements

End Goal—To reach functional zero chronic homelessness in Waterloo Region by 2030.

Vision for System Transformation—To transform the Housing Stability System to be a responsive, sustainable, integrated, inclusive, and adaptive ecosystem.

System Interventions—These are major changes we are proposing to the Housing Stability System to bring about our vision.

Strategic Focus Areas—Large categories of work / activity to bring about our system interventions. These describe the broad areas of work within the PECH.

Actions—Clear projects, initiatives, or achievements we will work toward that align with one or more Strategic Focus Areas.

Measurable Outcomes and KPIs—Outcomes of our Focus Areas that will show us we are make progress towards implementing our system interventions.

Investment Strategy—strategic investments to stabilize the current system and transform the system.

Change Management Approach—These are principles, tactics, and methods we will use to bring about our desired vision for system transformation.

System Overview for Ending Chronic Homelessness

This diagram represents how the PECH will transform the Housing Stability System to End Chronic Homelessness.

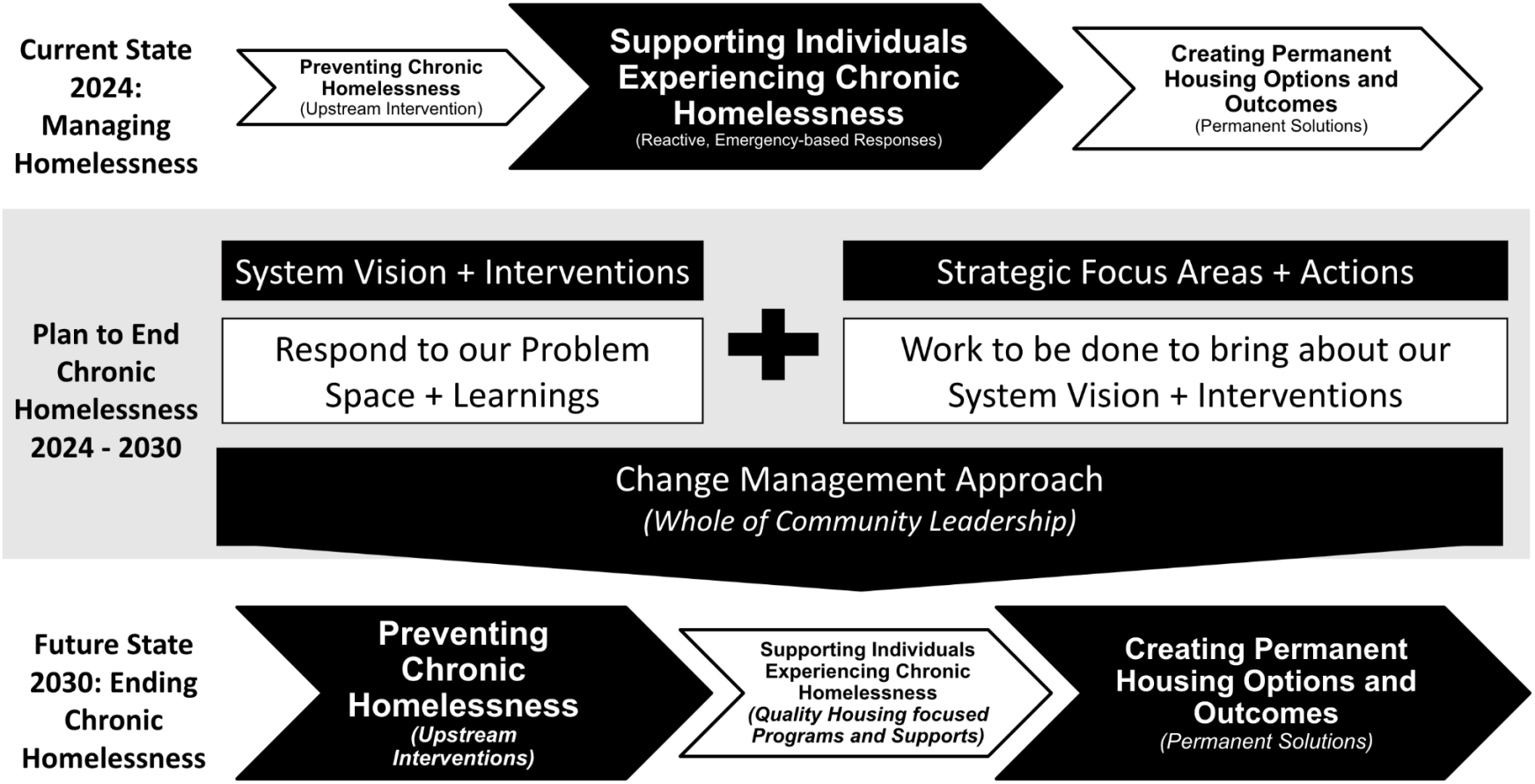


Figure 2. System Overview for Ending Chronic Homelessness

Inside The Plan—PECH High-Level Structure

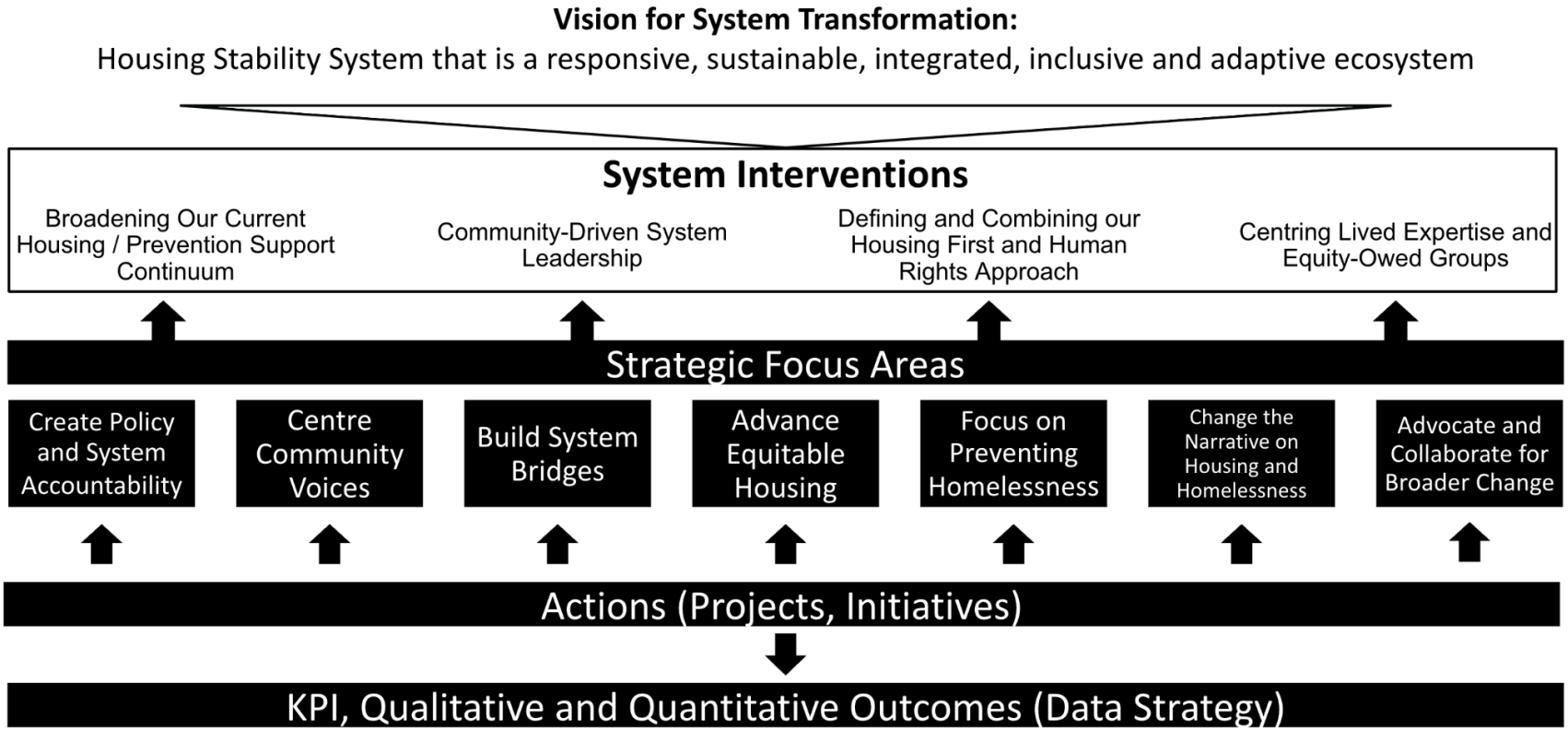


Figure 3. Inside the Plan—PECH High-Level Structure

Our Vision for Housing Stability System Transformation

Our Vision for Housing Stability System Transformation

We will reach functional zero chronic homelessness by 2030 by transforming the Housing Stability System to be a **responsive, sustainable, integrated, inclusive, and adaptive ecosystem.**

To accomplish this transformation and resulting end goal we must intervene at different levels of our systems and communities. We must respond quickly and over the short-term to "branch-level issues" to reduce immediate suffering in our community and we must do our best to address the "root causes of homelessness" to transform the system over time.

To do this Co-Creators and Lived Experts have pointed to key shifts that we hope will transform the system. These “interventions” are proposed in direct response to our learnings from community engagement and environmental scanning.

Mapping the Problem Space to Our Solutions

The Tree Analogy

Early in the process of developing the Plan to End Chronic Homelessness, Lived Experts introduced the analogy / imagery of a tree to describe the causes of homelessness in our community. To properly transform our system and end chronic homelessness we must intervene at different levels of our systems and communities—if we do not we will continue to be in a reactionary state, using downstream fixes for upstream issues. For example: focusing exclusively on the branches results in reactive and short-lived actions. While solutions at the branches level are required, they cannot be the only solutions implemented, otherwise we will perpetuate the status quo. (LE Prototyping Cohort, 2024)

This tree analogy has since been central throughout the Lived Experts Prototyping and broader plan development process. It now acts as a framework for us to align our Problem Space and Solution Space directly:

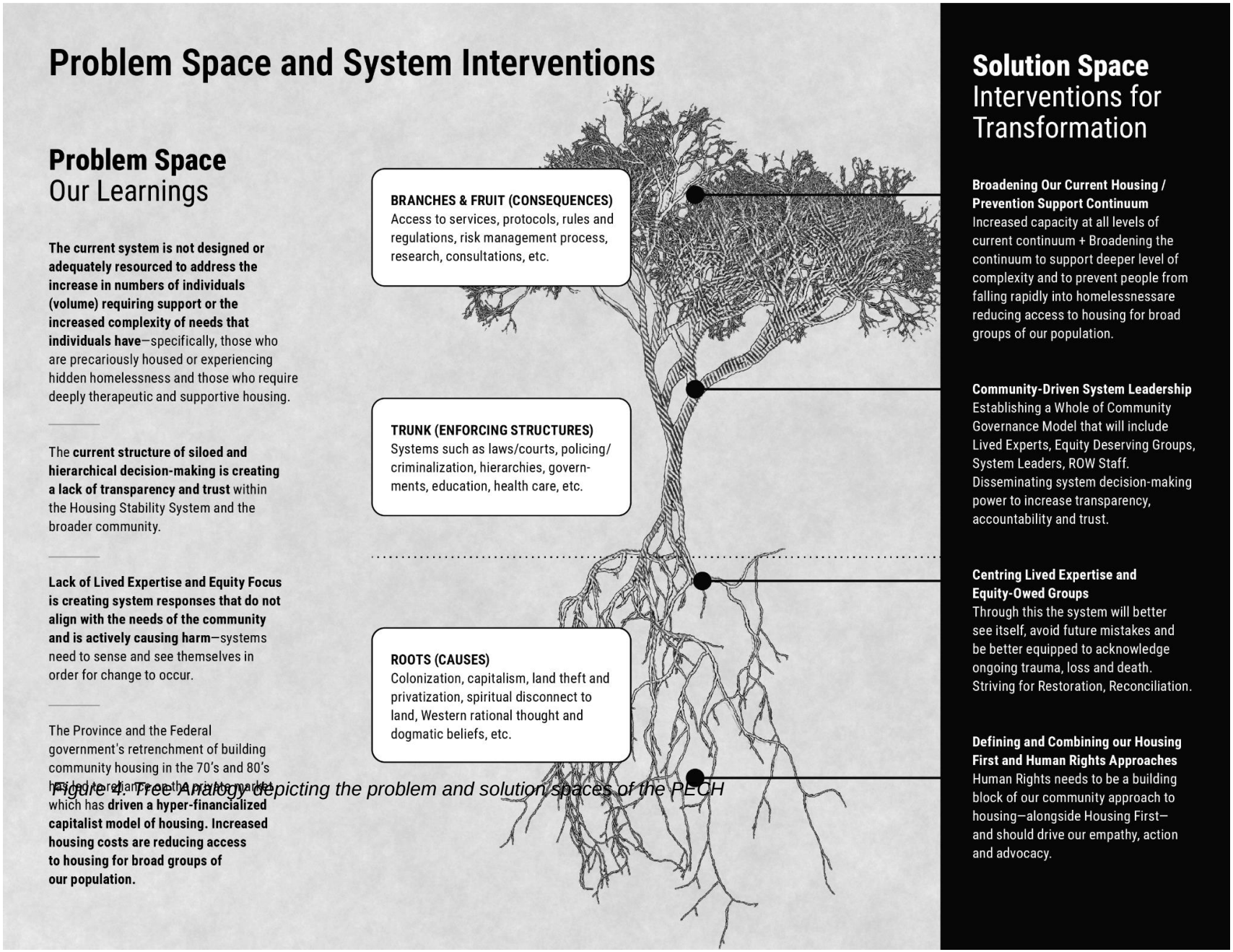


Figure 4: Tree Analogy depicting the problem and solution spaces of the PECH

Interventions for System Transformation

Responding directly to our articulation of the Problem(s) Lived Experts and Co-Creators identified four (4) High-level System Interventions:

> 1. Broadening Our Current Housing / Prevention Support Continuum
> 2. Community-Driven System Leadership
> 3. Centring Lived Expertise and Equity-Owed Groups
> 4. Define and Combine our Housing First and Human-Rights Approaches
>
> (LE Prototyping Cohort, 2024)

These interventions also interact and support each other in different ways. For example, Intervention 1 is outcome driven (the “what”) and meant to react quickly with resources to address current service gaps in the system. However, this continuum of needed housing and supports will shift over time alongside our population and system environment. Interventions 2, 3 and 4 are process-driven (the “how”) and are the methods we use to continuously update and implement in alignment with changing needs in our community.

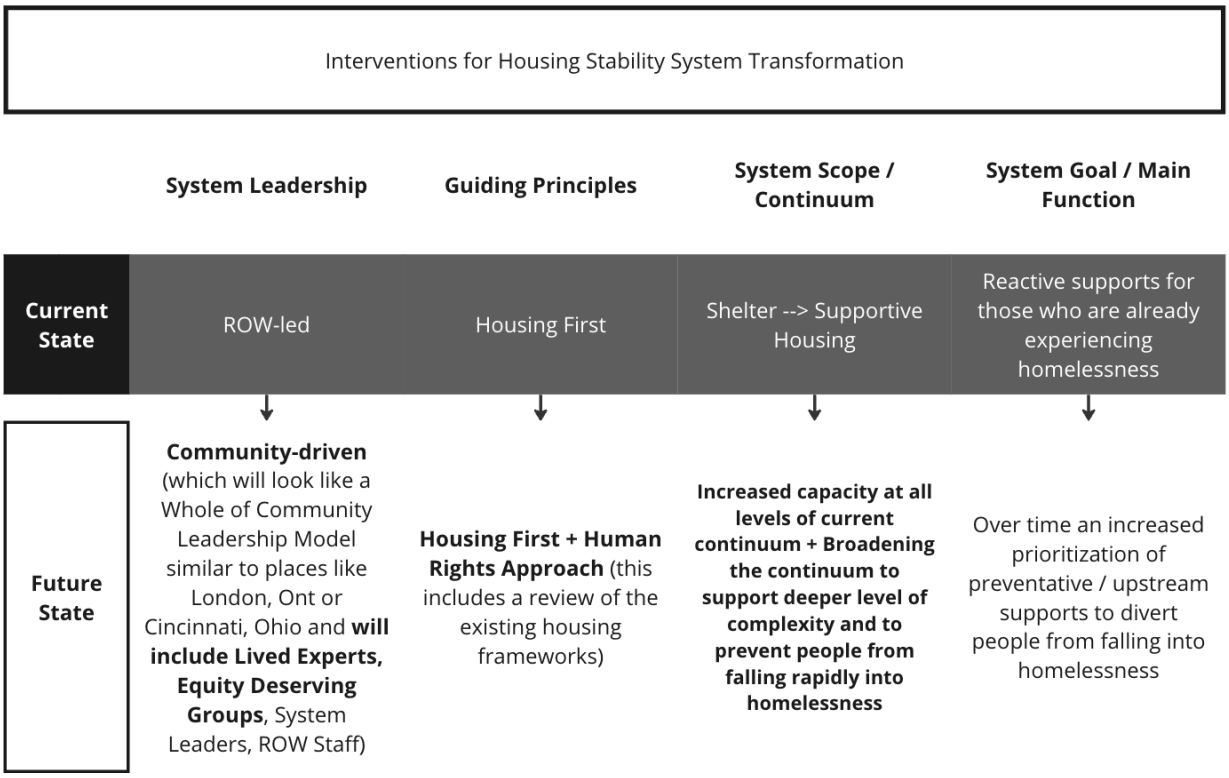


Figure 5. Current State and Future State of Interventions for Housing Stability System Transformation

Intervention 1: Broadening Our Current Housing / Prevention Support Continuum

We will increase capacity at all levels of current housing continuum and we will broaden the continuum to support deeper levels of complexity and to prevent people from falling rapidly into homelessness.

Housing Continuum

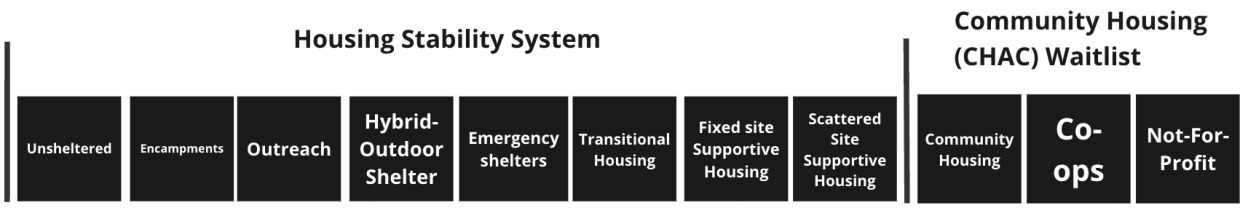


Figure 6. Housing Continuum

Prevention and Supports Continuum



Figure 7. Prevention and Supports Continuum

> “If we can’t fix whatever led them to homelessness, we aren’t going to solve it”—
>
> Engagement Participant

Intervention 2: Community-Driven System Leadership

We will establish a Whole of Community Leadership Model that includes Lived Experts, Equity-Owed groups, service providers, system leaders, area municipalities and ROW Staff. The goal of establishing community-driven system leadership is to disseminate system decision-making power to increase transparency and trust and responsibility to ensure that the system is built to be accountable to the needs of those experiencing homelessness. We will follow and learn from examples of other communities who have taken a similar approach including London (Ontario), Edmonton (Alberta), and Cincinnati (USA).

We envision this Whole of Community Leadership Model to be built around key governance tables. This new structure would have decision-making power over the implementation of the PECH. The Model will also work toward an integrated systems planning approach. The role of the Region as the Service System Manager remains, but would move from singularly driving these decisions to collaborating and supporting—working alongside the new leadership tables to guide PECH implementation. As diagrammed below, PECH Implementation will be centred on the work of System Interventions and Strategic Focus Area Recommendations. *Also see page 44 - 62 for more details.*



Figure 8. Community-Driven System Leadership Diagram

We are recommending that from April to December of 2024 PECH Co-Creators along with the SDC Prototyping Cohort work to design and implement this Model (LE Prototyping Cohort, 2024). This will include activities such as creating a member Terms of Reference, developing policy and procedure for model operation, etc.

Situating the PECH

The creation of the Whole of Community Leadership Table will allow us to better intersect and coordinate with other sectors and the system planning table. It will be important to have representation from the following groups to ensure we are creating opportunities for enhanced system integration.

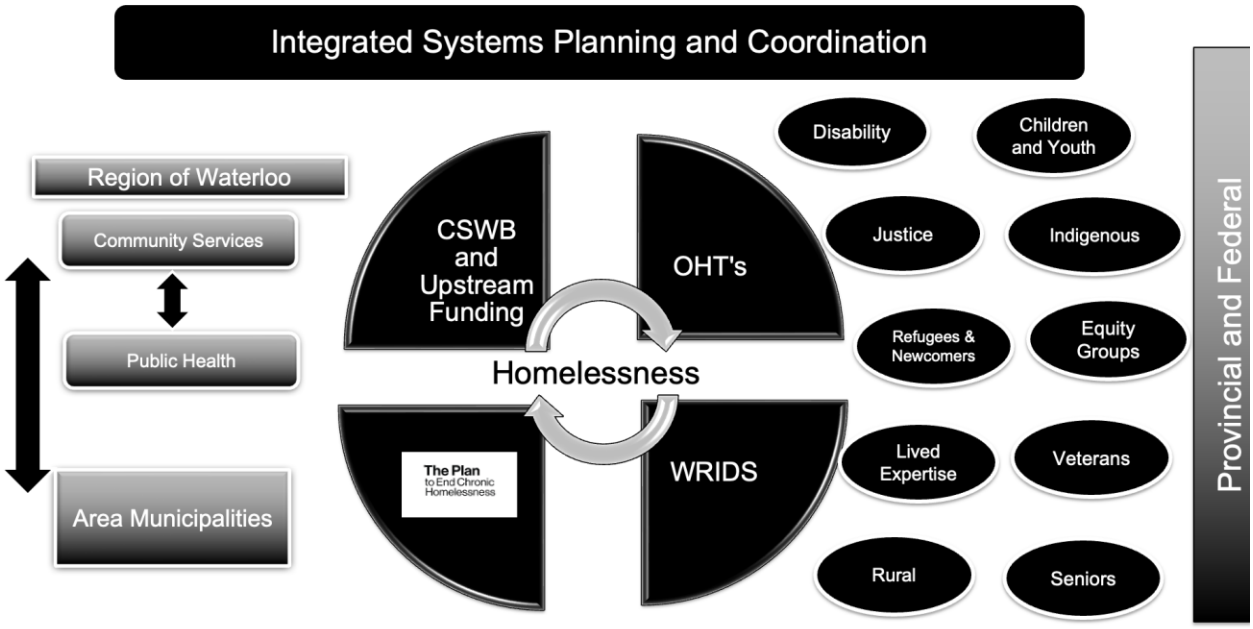


Figure 9. Whole of Systems Coordination Diagram

> *"Last time implementation was driven by the Region, power dynamics became an issue."* – Engagement Participant

Intervention 3: Centring Lived Expertise and Equity-Owed Groups

Through this intervention, “the system will better see itself”, avoid future mistakes and be better equipped to acknowledge ongoing trauma, loss and death (LE Prototyping Cohort, 2024). There is deep work to do to restore trust with those who have been marginalized. As well, there is acknowledgement that the system must do better with community members of Indigenous, racialized, and intersectional groups where reconciliation and equity is owing in order to have systems of support and resources that go further to move towards an equitable and inclusive whole of community. We will do these through a variety of methods including:



Figure 10. Ways we will centre Lived Expertise and Equity-Owed Groups

> *“Listen to lived experience.”* —Engagement Participant

Intervention 4: Defining and Combining our Housing First and Human Rights Approaches

Human Rights needs to be a building block of our community approach to housing (LE Prototyping Cohort, 2024)—alongside Housing First—and should drive our empathy, action and advocacy. **It is important to note that we are not moving away from a Housing First approach, but updating it to match our current context.**

The SDC Lived Experts Prototyping Cohort has defined our Human Rights approach as:

> *People experiencing homelessness are treated as rights holders, where their agency is respected, and where the Region has a duty of care for their housing needs. Region will be compliant with national and international human rights law and ensure it is appropriately prioritized amidst other legal obligations such as those regarding property rights, privacy, and liability.* (LE Prototyping Cohort, 2024)

There is work to be done as the PECH is implemented and as the Whole of Community Governance Leadership Model is established to validate this and integrate it with our existing Housing First principles.

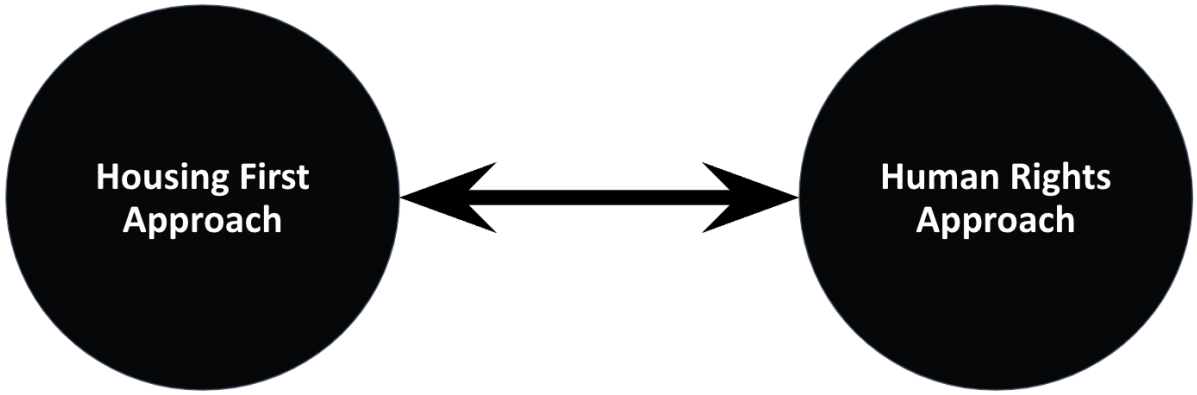


Figure 11. Housing First Approach Integration with Human Rights Approach Diagram

“To say we’re a Housing First community is ringing less-and-less true given the lack of wrap-around health supports that are inherent to the model and critical to its success.“—Engagement Participant

Strategic Focus Areas

Strategic Focus Areas

The below high-level PECH Focus Areas are in *draft form.* They emerged from our collaborative sense-making activities (of our Community Engagement and Needs Analysis) with the Co-Creator Group in August of 2023 and have been refined several times since. These Focus Areas were used as categories to ideate PECH Actions—tangible initiatives that the PECH will outline.

- Create Policy and System Accountability
- Centre Community Voices
- Build System Bridges
- Advance Equitable Housing
- Focus on Preventing Homelessness
- Change the Narrative on Housing and Homelessness
- Advocate and Collaborate for Broader Change

How our Strategic Focus Areas Support our System Interventions

The PECH Strategic Focus Areas, underlying Actions provide tangible descriptions of the work of implementing our High-Level System Interventions. The chart below illustrates how the work of the Strategic Focus Areas advance each for the System Interventions. Black dots indicate where the work of each Focus Area contributes to bringing about each of the System Interventions.

High-Level System Interventions	Strategic Focus Areas Large categories of work / activity within the Plan						
	Create Policy and System Accountability	**Centre Community Voices**	**Build System Bridges**	**Advance Equitable Housing**	**Focus on Preventing Homelessness**	**Change the Narrative on Housing and Homelessness**	**Advocate and Collaborate for Broader Change**
	Strengthen Policy and System Accountability within the HSS and with Adjacent Sectors	Centre Lived Expertise, Racial Justice, Social Justice and shift power relationships	Increase and Broaden Collaboration Within the Homelessness System and with Adjacent Sectors	Create a Variety of Housing to Meet Diverse Needs	Address Both Economic and Social-Economic Causes of Chronic Homelessness	Foster a Shared Community Response	Coordinate our advocacy efforts to bring about broader changes
Broadening Our Current Housing/Support Continuum	●		●	●	●		●
Community-Driven System Leadership	●	●	●		●	●	●
Applying an Intersectional Human Rights Lens to all system attributes	●	●		●	●	●	
Centring Lived Expertise and Equity-Deserving Groups	●	●	●		●	●	●

Figure 12. How each PECH Focus Area contributes to the System Interventions

Focus Area #1: Create Policy and System Accountability

Strengthen Policy and System Accountability within the HSS and with Adjacent Sectors

We will review and update current HSS programs, policies and frameworks. This work will be facilitated by the Service System Manager in collaboration with the Whole of Community Leadership structure and will be ongoing as the PECH is implemented. This work will include ensuring policies and frameworks are integrated with our Housing First and Human Rights approach, applying a gender-based analysis plus (GBA+) lens to homelessness prevention policy, establishing Reconciliation, Equity, Diversity, and Inclusion (REDI) specific strategies and Indigenous-focused reconciliation strategies. There will also be a focus on creating frameworks and MOU's with other systems (i.e. health, justice, etc.).

Summary:

- Revise Homelessness & Supportive Housing Frameworks to align with Housing First and Housing as a Human Right principles, emphasizing cultural competency, anti-oppression, and GBA+ lenses.
- Implement a housing-focused Street Outreach Framework and Human Rights Based Approach encampment response protocol to aid those experiencing unsheltered homelessness (LE Prototyping Cohort, 2024).
- Apply an intersectional GBA+ lens to homelessness prevention policies, targeting equitable housing outcomes for women and gender-diverse individuals.
- Expand the Coordinated Access System (PATHS) to improve integration between critical system partnerships, enhancing service pathways, connections, and permanent housing outcomes. Launch a Housing Stability System Data Strategy to monitor progress and establish data-informed decision-making processes.

Focus Area #2: Centre Community Voices

Centre Lived Expertise, Racial Justice, Social Justice and Shift Power Relationships

We will centre community voices by shifting roles, ownership, and accountability in the HSS. This is more than an "amplification" of voices as that suggests we are maintaining systems of oppression—we need to completely redesign how we include interest-holders in this work. Advancing a Whole of Community approach, where lived/living

> expertise of chronic homelessness, racial equity, and social justice are central in decision-making, funding choices, and policy creation, will ensure the homelessness system will be culturally competent, inclusive, and proactive in addressing systemic harm. For this to succeed, traditional power holders also need to let power transfer to others. (LE Prototyping Cohort, 2024)

Summary:

- Establish All of Community Leadership Table to oversee chronic homelessness plan implementation.
- Develop Lived Expertise process with regional representation for policy review. (LE Prototyping Cohort, 2024)
- Create partnerships, strategies, and funding streams specific to REDI to enhance equitable homelessness response supports and initiatives.
- Expand partnerships and networks to include Black, Indigenous, and Racialized groups, as well as other marginalized communities with intersecting systemic challenges.
- Implement annual funding for community organizations addressing homelessness. (LE Prototyping Cohort, 2024)

Focus Area #3: Build System Bridges

Increase and Broaden Collaboration Within the Homelessness System and with Adjacent Sectors

We will establish greater system collaboration and integration—within and with other sectors including healthcare, justice, rural, income support and other social determinants of health serving systems. Silos are barriers to access—by welcoming and encouraging more collaboration, we can explore and reduce the duplicity of work and barriers to access to enhance system navigability. This means resourcing and advocating for partnerships in the implementation of the PECH to implement trauma-informed and harm-reduction (LE Prototyping Cohort, 2024) solutions that respond to the intersections between the drug and housing crises.

Summary:

- Identify surplus/underutilized land for housing, and partner with municipalities, nonprofits, faith-based groups, and postsecondary institutions to create more housing options and address homelessness. (LE Prototyping Cohort, 2024)
- Integrate health and homelessness services to coordinate efforts with local health system partners to enhance care integration, involving Ontario Health Teams, Public Health, hospitals, mental health providers, and community health programs.
- Support newcomers experiencing homelessness by aligning initiatives with resettlement organizations to provide support for newcomers facing homelessness across the region. (LE Prototyping Cohort, 2024)

Focus Area #4: Advance Equitable Housing

Create a Variety of Housing to Meet Diverse Needs

We will create more variety and quantity of housing offerings that respond to a spectrum of needs—developing an HSS that is accessible and responsive to all including Indigenous led and equity-owed groups. This includes increasing the quantity of our current shelter, transitional housing and supportive housing stock. This is about getting creative with how we create quality housing options for our community—such as repurposing and re-habitating municipal or local structures, developing social enterprises, and establishing community land trusts.

Summary:

- Develop Seniors Strategy within PECH, and collaborate on Rural Homelessness and Veteran homelessness initiatives.

> - Increasing supportive housing to address the highest complexity of substance use and concurrent mental health needs. (LE Prototyping Cohort, 2024)
> - Building capacity for Indigenous and equity-owed groups to respond to the needs of their communities in a culturally appropriate approach. (LE Prototyping Cohort, 2024)

Focus Area #5: Focus on Preventing Homelessness

Address Both Economic and Social-Economic Causes of Chronic Homelessness

We will address the root causes of homelessness by being preventative and viewing those experiencing homelessness as a whole person (LE Prototyping Cohort, 2024). By focusing on upstream action with key populations such as youth, seniors, veterans, newcomers, students, Indigenous people, those who are gender-diverse and those who identify with a disability we aim to prevent experiences of homelessness. Our goal is to shift the main focus of the HSS from reactive with emergency supports to providing preventative and proactive services and programs.

Summary:

- Partner with municipalities for policies and programs to preserve affordable housing and promote development, reducing chronic homelessness inflow.
- Strengthen eviction prevention via enhanced rent bank and rapid rehousing, aiming for significant inflow reduction.
- Establish a Youth Strategy to address homeless youth needs and prevent future generations' homelessness. (LE Prototyping Cohort, 2024)
- Expand multi-service housing hubs for universal access to support and public space availability for people experiencing homelessness. (LE Prototyping Cohort, 2024)

Focus Area #6: Change the Narrative on Housing and Homelessness

Foster a Shared Community Response

We will change the narrative and increase community empathy and spirit regarding homelessness inequities. This includes a narrative of shared responsibility and action, and a recognition of the many community members of our community currently supporting this shift in narrative and contributing to solutions. Deepening public understanding and providing ways for individuals to see themselves as part of a community approach to ending chronic homelessness in Waterloo Region will create trust, transparency, accountability, and dispel myths and misconceptions about poverty and experiences of chronic homelessness (LE Prototyping Cohort, 2024)—this about is the social change required to support our goal of systemic transformation.

Summary:

- Launch comprehensive public engagement and education initiative targeting partners, government, businesses, and residents to raise awareness of homelessness challenges and responses. (LE Prototyping Cohort, 2024)
- Implement robust Housing Stability System Data Strategy to track progress on ending chronic homelessness, inform decision-making, and support advocacy efforts. (LE Prototyping Cohort, 2024)

Focus Area #7: Advocate and Collaborate for Broader Change

Coordinate our Advocacy Efforts to Influence Broader Changes

We will combine our advocacy efforts within our community to secure resources and policy changes needed to achieve our goal. To do this we must present a united and coordinated advocacy strategy (LE Prototyping Cohort, 2024), which includes working more closely with Area Municipalities, agencies, faith-based organizations, and grassroots advocates. Homelessness is a problem that requires alignment with and support from other levels of government—advocating and collaborating strategically will allow us to affect broader change.

Summary:

- Forge partnerships with schools, universities, and colleges to involve academics in housing strategy development under the Whole of Community Leadership Model. (LE Prototyping Cohort, 2024)
- Integrate PECH activities with local addiction and harm reduction initiatives for holistic support to individuals experiencing homelessness. (LE Prototyping Cohort, 2024)
- Create and execute an advocacy plan to enhance multi-tiered responses to chronic homelessness. (LE Prototyping Cohort, 2024)

Actions

Actions

Our 30 PECH Actions are clear projects, initiatives, and/or achievements we will work toward. Each Action aligns with one or more Strategic Focus Areas. Below we have grouped Actions by the Focus Group they most strongly align with; however, a key feature of the resiliency and flexibility of our PECH is that progress toward any one Action moves us forward toward multiple Strategic Focus Areas.

It is imperative that these actions be reviewed with an understanding that further work to prioritize them and assign system accountability is necessary and still to come. No one organization, sector, or level of government can solve the crisis of homelessness in isolation. As such, accountability for leading these actions will lie with community organizations, all three levels of government, civil society, and the community leadership table.

Create Policy and System Accountability

1.1 Revise current Homelessness & Supportive Housing Frameworks to ensure all Housing Stability System programs/services operate according to Housing First and Housing as a Human Right principles, cultural competency, anti-oppression, gender-based analysis plus (GBA+) lenses and ensure that equity and reconciliation are centred within all system frameworks. (LE Prototyping Cohort, 2024)

1.2 Implement a housing-focused Street Outreach Framework and a Human Rights Based Approach encampment response protocol (LE Prototyping Cohort, 2024) to better support people living rough/experiencing unsheltered homelessness.

1.3 Apply an intersectional gender-based analysis plus (GBA+) lens to homelessness prevention policy and strategies to ensure equitable housing outcomes are advanced for women,

1.4 Expand the local Coordinated Access System (PATHS) to enhance integration and coordination between health, addictions, mental health, acquired brain injury, justice, income support,

and gender-diverse individuals and communities.

child welfare, and other critical system partnerships to increase service pathways, service connections, and permanent housing outcomes.

1.5 Implement a Housing Stability System Workforce Strategy, across the region, to ensure a professionalized and healthy workforce. We will advance salary and benefit compensation, employee well-being and retention, as well as training and professional development.

1.6 Launch a Housing Stability System Data Strategy to monitor and track progress on ending chronic homelessness and establish data-informed decision-making processes.

1.7 Implement a User Experience Strategy, across the region, to ensure system service users are supported in all Housing Stability System programs and services. (LE Prototyping Cohort, 2024)

1.8 Create a climate and extreme weather protocol based on a human rights approach. (LE Prototyping Cohort, 2024)

Centre Community Voices

2.1 Establish an All of Community Leadership Table to lead the implementation of The Plan to End Chronic Homelessness recommendations and perform ongoing assessments of activities and progress towards our community's goal of ending chronic homelessness by 2030. The work of the All of Community Leadership table will be to ensure systems and strategic planning integration that work together to end chronic homelessness. This will include: Ontario Health Teams Strategic Plans, Region of Waterloo Strategic Plan, Waterloo Integrated Drug Strategy, Rural Upstream Collaborative-Engage Rural and the Community Safety and Wellbeing Plan.

2.2 Develop a comprehensive and integrative Lived Expertise process, including establishing a Lived Expert Working Group, with representation from across the region, to support ongoing learning and system reviews of organizational and system policies and processes. (LE Prototyping Cohort, 2024)

2.3 Establish REDI-specific partnerships, strategies, and funding streams to advance equitable homelessness response supports and initiatives to build capacity.

REDI work is inclusive of not only Black, Indigenous, and Racialized groups, but also groups where there is established systemic intersectionality. These partnerships, relationships and networks are currently lacking and must be expanded to a great extent. Where work is currently underway such as with Black communities, Indigenous communities,

2.4 Establish an annual funding application and review process for community organizations, across the region, to support emerging ideas and prototypes to respond to homelessness. (LE Prototyping Cohort, 2024)

communities supporting physical disabilities, developmental disabilities, acquired brain injury, people living in rural areas, as well as, people experiencing criminalization in the Justice system, these relationships must be built out and resourced in order to flourish.

Build System Bridges

3.1 Identify surplus/underutilized land(s) with the intention of creating more housing options and respond to unsheltered experiences of homelessness, across the region. We will do this through partnerships with area municipalities/townships, not-for-profits, faith-based organizations, and postsecondary institutions. (LE Prototyping Cohort, 2024)

3.2 Establish specific health-related coordination efforts, processes, and supports with local health system partners to create a more integrated health and homelessness system of care. This includes embedding the work of the PECH within the local Ontario Health Teams, Public Health programs, local hospitals, mental health and addictions providers, community health programs, and other health system programs across the region.

3.3 Align the PECH and related initiatives with local resettlement organizations and services to support Newcomers to Canada experiencing homelessness across the region. (LE Prototyping Cohort, 2024)

Advance Equitable Housing

4.1 Implement Indigenous homelessness and Indigenous-focused reconciliation strategies, led by Indigenous groups and leaders, to enhance permanent housing outcomes for Indigenous communities and support generational healing, guided by Key Concerns identified through Wellbeing Waterloo, Truth and Reconciliation Commission Calls to Action, The National Inquiry into Missing and Murdered Indigenous Women and Girls Calls to Justice, and the United Nations Declaration of the Rights of Indigenous Peoples.

4.2 Expand on use of existing community housing stock to increase permanent housing outcomes for individuals experiencing homelessness; including the use of community housing units to support people who have recovered from their experience of homelessness to leave Supportive Housing.

4.3 Create new permanent Affordable and Supportive Housing to meet current and future housing needs to end chronic homelessness. This includes deeply therapeutic and harm reduction-focused Supportive Housing to ensure those with the greatest depth of need are supported to stay housed. (Our current 570 Supportive housing units are meeting 50% of our current need) (LE Prototyping Cohort, 2024)

4.4 Create a Seniors Strategy, embedded within the broader PECH, to respond to the unique needs of Seniors experiencing homelessness, including but not limited to addressing lack of social connection and income support for Seniors experiencing or at risk of experiencing homelessness due to a lack of affordability in the private market and appropriate housing options.

4.5 Co-Create with rural based agencies a Rural Homelessness strategy and actions, embedded within the border PECH, to address the unique needs of people at risk of or experiencing homelessness in each of the four Townships.

4.6 Implement alongside system partners, a housing-focused strategy with dedicated resources to end Veteran homelessness.

Focus on Preventing Homelessness

5.1 Reduce inflow into chronic homelessness by working with area municipalities to implement policies and programs focused on mitigating the loss of affordable housing in the private market, while continuing to incent affordable housing development. (LE Prototyping Cohort, 2024)

Expand on inflow prevention and eviction prevention work through the expansion of the rent fund, eviction prevention (from all housing including supportive and community housing) and rehousing services to significantly reduce inflow into chronic homelessness.

5.2 Create a Youth Strategy, embedded within the broader PECH, to respond to the unique needs of youth experiencing homelessness and develop upstream approaches that target youth at risk of experiencing homelessness and end generational experiences of homelessness. (LE Prototyping Cohort, 2024)

5.3 Expand and create new multi-service agency housing hubs across Waterloo Region to ensure universal access to community-based supports that increase housing stability and for public spaces to be readily available for individuals experiencing homelessness outside of shelter operating hours. (LE Prototyping Cohort, 2024)

Change the Narrative on Housing and Homelessness

6.1 Launch a comprehensive public engagement and education strategy for partners, Council, area municipalities, provincial and federal government, businesses, and residents to

6.2 Implement a comprehensive Housing Stability System Data Strategy to monitor and track progress on ending chronic homelessness and establish data-informed decision-making

increase awareness and understanding of homelessness related challenges and responses. (LE Prototyping Cohort, 2024)

6.3 Establish an ongoing memorializing process for those lost to homelessness. This includes partnering with interest-holders in the Housing Stability System, Lived Experts, Mutual Aid Groups, Unsheltered Communities, and the Coroner's Office. (LE Prototyping Cohort, 2024)

processes. This resource will also be leveraged to support advocacy efforts and inform our community of the realities of homelessness. (LE Prototyping Cohort, 2024)

Advocate and Collaborate for Broader Change

7.1 Strengthen partnerships with school boards, local universities and colleges to ensure that professors and academics in multiple fields are engaged in developing upstream education programs on the risks of homelessness. (LE Prototyping Cohort, 2024)

7.2 Align the All of Community Leadership Model and PECH activities with existing addictions, substance use, and harm reduction community-led initiatives to ensure integrative supports for individuals experiencing homelessness active in their substance-use. This includes alignment and integration with WRIDS, Public Health, and other community-based services and supports across the region.

7.3 Develop and implement a coordinated advocacy and inter-governmental relations plan to strengthen a multi-tiered response to chronic homelessness. (LE Prototyping Cohort, 2024)

Investment Strategy

2024–2030

Investment Strategy 2024-2030

To respond to the growing homelessness and affordable housing crisis, the Region of Waterloo is directing unprecedented investments towards programs, supports, and capital projects to meet the needs across the community. In 2024, the Region of Waterloo will invest more than $245 million into Affordable Housing and Homelessness, including capital and operating investments, from all sources of funding. Of the approximately $245 million invested across the housing continuum, 23% is directed towards homelessness and supportive housing programs.

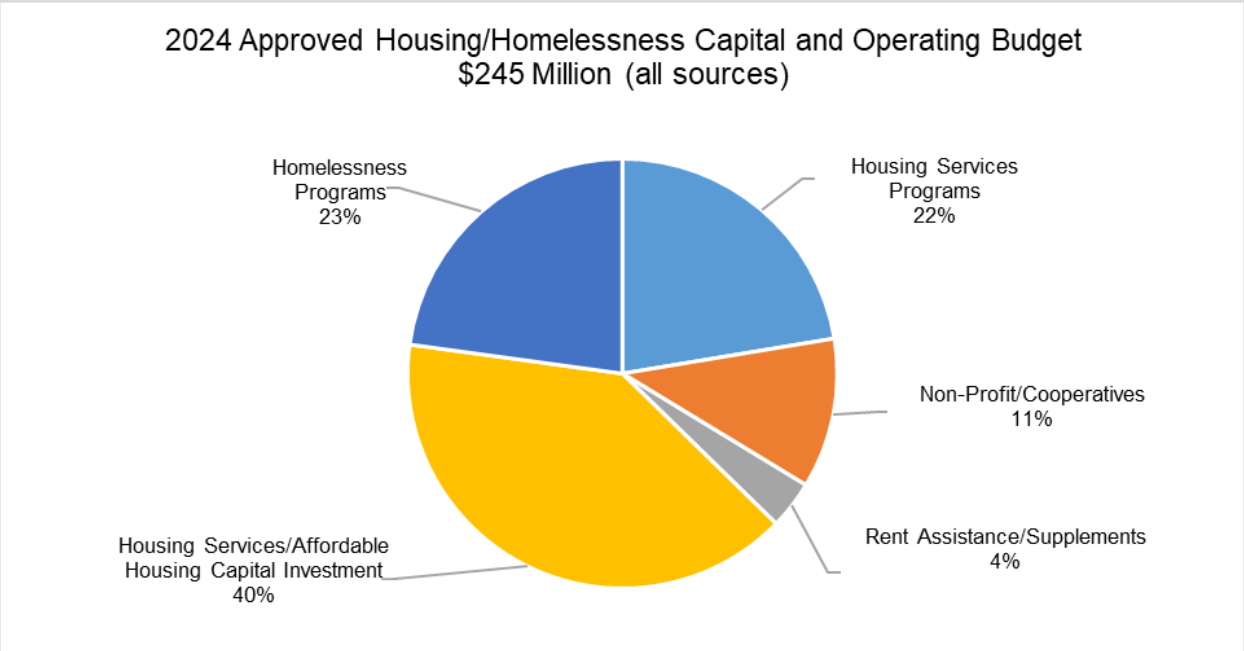


Figure 13. highlights the current investment by the Region of Waterloo, from all sources, in Housing and Homelessness. Of the $245 million invested in 2024, 23% is directed towards Homelessness and Supportive Housing.

Between 2019 and 2024, the Region has increased municipal tax levy and reserve investment in this critical service area by approximately 83% from $104 million to $191 million, signalling a deep and historic commitment to achieving homes for all in Waterloo Region. This level of municipal commitment to homelessness and affordable housing is unique when compared to other Regional governments and System Service Managers in Ontario.

The Plan to End Chronic Homelessness Investment Plan and Strategy (2025-2030) totals $270 million in operating and capital investments to prevent, address, and end chronic homelessness.

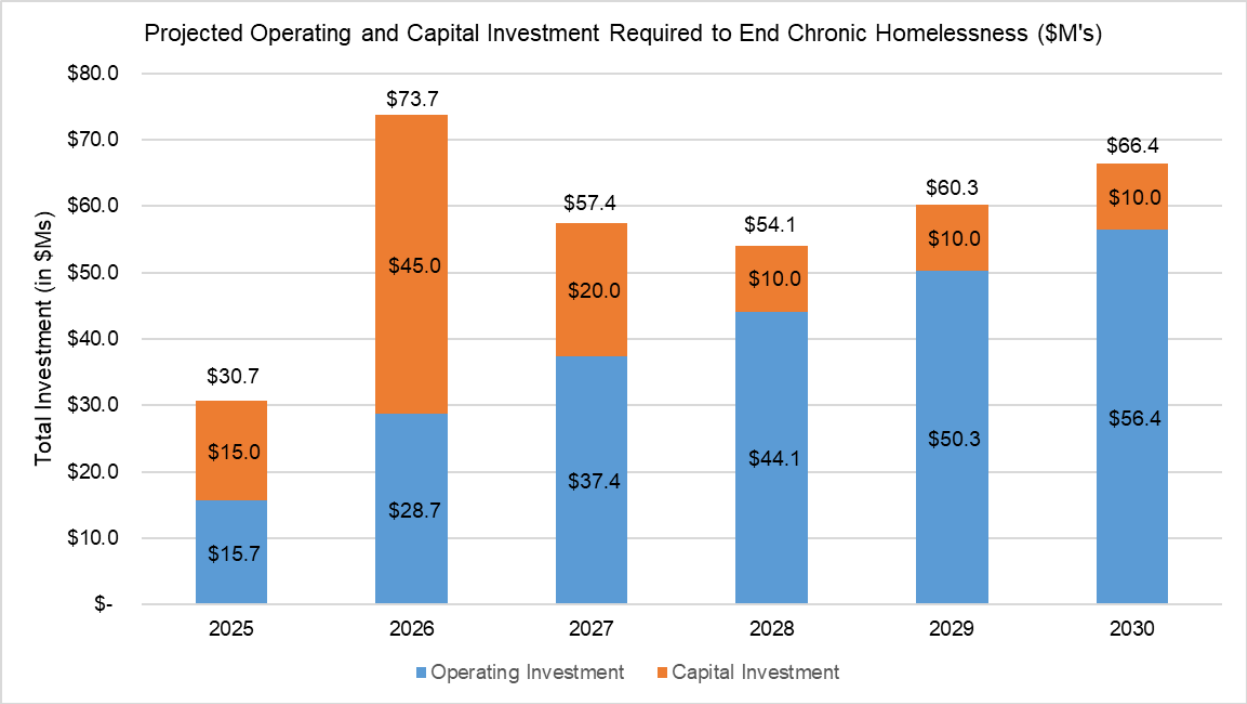


Figure 14. details the investments required to address, prevent, and end chronic homelessness in Waterloo region, both Capital and Operating.

The staggering investment needed to address this growing crisis is required from all sectors and levels of government. To achieve an end to chronic homelessness in Waterloo Region, a deepening of commitment and engagement is needed from all levels of government, public and private sector, and key system partners (healthcare, mental health and addictions, justice, etc.). This shared community challenge is not to be owned or solved by one order of government in isolation.

The Investment Plan and Strategy address the immediate community needs and plans for a more stable and outcomes-focused future where every resident of Waterloo Region has a place to call home. This Investment Plan and Strategy shifts the collective focus from reactive emergency-based responses to upstream intervention and permanent solutions. We will shift our collective approach from managing homelessness to ending it.

Shifting the Collective Focus: Managing Homelessness to Ending It

The significant investment into homelessness services and programs cannot be overstated. At approximately 23% of the total investment made by the Region of Waterloo into Affordable Housing and Homelessness, this level of commitment and investment is unprecedented. $56 million will be invested into homelessness and supportive housing programs in 2024. Despite this significant and encouraging commitment and investment into the local Housing Stability System, currently the majority of funding is dedicated towards reactive and emergency-based responses as the local crisis of homelessness continues to rise at alarming rates. The Plan to End Chronic Homelessness sets out to shift the collective focus towards permanent housing outcomes and upstream interventions so the significant investments being made into the system have a greater return on investment and, most importantly, create permanent housing outcomes for the most vulnerable residents of Waterloo Region.

Current State: Managing Homelessness

Inspiring homelessness prevention and supportive housing work happens on a day-to-day basis across the Housing Stability System and this work cannot be undervalued or overlooked. Since 2019, the Housing Stability System and related investments have been directed towards managing the growing homelessness crisis, including the development of hundreds of emergency shelter beds, increasing street outreach, and hybrid shelter models.

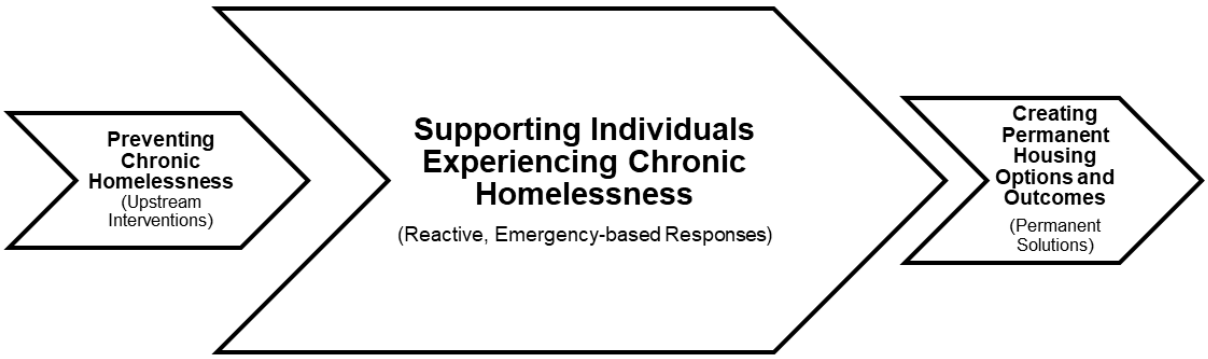


Figure 15. Current state: Managing Homelessness

Future State: Ending Homelessness

As the Plan begins to be implemented, the strategic shift that is required is moving towards a system that is focused on ending homelessness rather than managing it. This means investing resources towards preventing chronic homelessness and creating permanent housing options and outcomes. This shift does not mean reducing service

standard levels for individuals experiencing homelessness rather, the intention is to strengthen efforts to meet the needs of individuals and families experiencing homelessness so their experiencing of homelessness can be brief, rare, and non-recurring.



Figure 16. Future state: Ending Homelessness

Tracking Our Progress

KPIs, Outcomes, Solutions and Experiences

Tracking Our Progress—KPIs

As a Built for Zero community (https://bfzcanada.ca/getting-to-zero/) we know that the path to ending chronic homelessness is best supported by a data-driven and collaborative peer-learning approach. We also know from other Built for Zero communities that experiencing homelessness is not about having bad luck or the result of individual choices, it is a systems problem that is solvable.

Waterloo Region has achieved a quality by-name list of people experiencing chronic homelessness and a Reaching Home (About Reaching Home: Canada's Homelessness Strategy) defined coordinated access system (that works to ensure that those with the greatest depth of need are prioritized for housing vacancies). These are key milestones that work towards ensuring we have the data to understand the scope of the issue, help to make data-informed decisions, and measure progress towards ending all experiences of chronic homelessness.

Establishing and monitoring key performance indicators (KPIs) will be an essential part of the implementation of the Plan to End Chronic Homelessness, and will be a collaborative responsibility amongst various community and system partners who will make up the All of Community Leadership Table.

We need to set measurable goals and measure progress. We also need to prioritize investments that will help us achieve our goals.

As outlined in the investment strategy, we know that more financial resources and attention need to be put to Preventing Chronic Homelessness and Creating Permanent Housing Outcomes. The more we can invest in preventing experiences of chronic homelessness (Focus Area #5) and accelerate permanent housing outcomes from experiences of chronic homelessness (Focus Area #4), the faster we will achieve our community's goal of Functional Zero chronic homelessness.

Establishing performance indicators and measuring our communities progress towards achieving functional zero chronic homelessness will rest within three areas:

1) **Inflow** - Preventing Experiences of Chronic Homelessness: how are the programs, services, and interventions within our community working together to prevent experiences of chronic homelessness to occur?

2) **Active** - Supporting Individuals Experiencing Chronic Homelessness: how are the strategies and actions of our community working to reduce the overall number of people experiencing chronic homelessness?

3) **Outflow** - Creating Permanent Housing Options and Outcomes: how are investments in permanent housing and permanent housing with supports (Supportive Housing) supporting people to quickly and permanently end experiences of chronic homelessness?

We know that racialized, black, and Indigenous communities are overrepresented amongst people experiencing homelessness. As part of the work to establish community performance indicators, it will be essential to better collect, report on, and act on identity based data. We will need to work alongside Indigenous, black, and racialized communities to better understand and address the disparities and disproportionalities as we work to create equitable systems that work together and serve the housing, health, and human needs of all community members. At the heart of this work will be creating and nourishing relationships with equity-owed groups to better understand their community's experiences of homelessness, and supporting these communities' self-determined priorities and actions to address homelessness within their community.

Change Management Approach

Change Management Approach

Our change management approach consists of five elements:

- **A set of Shared Principles for Change**—these principles will guide those working to implement the PECH.
- **An integrated systems planning approach**—this will be achieved through the formation of a Whole of Community leadership Table that includes the Region of Waterloo (SSM), Area Municipalities, community leaders and lived experts and equity-owed groups/sectors.
- **An investment in the Equipping of Community Leaders and ROW Staff** to practise and implement change management, providing a path forward for authentic system transformation.
- **The Two Loops Model of Systems Change** is a nonlinear theory of system change. It provides a useful framework to understand the transformation process occurring within the HSS.
- **Short-term Action Plan and Next Steps** to keep the work and momentum moving forward.

Shared Principles for Change

By following and enacting our **shared principles** to inform our decision-making, guide our behaviour and shape our values as a community:

- Have Lived Expertise Leadership throughout to help the system see itself
- Champion Intersectional Human Rights
- Prioritize Human Well-being Over the Financialization of Housing
- Reform governance and service systems
- Solutions must be for and by equity-owed communities
- Commit to Safe Housing First

(LE Prototyping Cohort, 2024)

Incorporate Lived Expertise Leadership Throughout

- Through this the system will better see itself (LE Prototyping Cohort, 2024) and be further equipped to acknowledge ongoing trauma, loss and death.
- Incorporating lived expertise leadership ensures our past mistakes are not repeated and enables us to try new approaches from a bottom-up approach.
- Homelessness is a wicked problem meaning that it is highly complex. To solve complex problems we must explore, test, and iterate to find solutions. This work requires committing to responsive adaptation and a recognition that "messy is a process." (LE Prototyping Cohort, 2024)

Champion Intersectional Human Rights

- Human Rights needs to be a building block for our community approach to housing and should drive our empathy, action, and advocacy. (LE Prototyping Cohort, 2024)
- There are deep wounds that need to be healed in our community. Restorative conflict resolution offers a possible pathway. (LE Prototyping Cohort, 2024)
- Recognize that everyone involved brings their whole self to this work of reconciliation - by using the mind, heart, body, and spirit to take appropriate actions and rebuild communities of care. (LE Prototyping Cohort, 2024)
- Intersectionality must also be a core tenant of our approach as each individual's story and situation is unique and must be accommodated for. (LE Prototyping Cohort, 2024)
- Decriminalize poverty and homelessness – policing, bylaws enforcement, risk management, policies, and procedures (e.g., neo-vagrancy bylaws) to be either removed or transformed to benefit the poor and people experiencing homelessness. (LE Prototyping Cohort, 2024)

Prioritize Human Well-being Over Financial Gain

- An economic and value shift is required related to our perception of housing. Currently, being over-housed is a measure of success in our current society. (LE Prototyping Cohort, 2024)
- "Housing is both a human right and a speculative commodity from which to extract wealth. Therein lies the crux of the housing problem. Until we fully reconcile these contradictory roles that housing plays, we will be in a perpetual state of crisis."—(Doucet, McDougall and Jay 2023) (LE Prototyping Cohort, 2024)
- Challenge the appropriation and privatization of the Indigenous land – partner with the Six Nations of the Grand River, Haudenosaunee Confederacy Chiefs Council, and local First Nations, Inuit and Metis communities and release public lands for alternative housing solutions outside of the private market to Indigenous-led groups, while providing capital funding and capacity building support.

Reform Governance and Service Systems

- Requires a redistribution of power and resources to lived experience groups, equity-owed groups, and community-based entities for the irreplaceable work they do alongside service providers. (LE Prototyping Cohort, 2024)
- ROW/SSM role/responsibility for systems accountability/coordination and funding allocations will also include backbone support to the community systems table rather than singular decision-maker through the Whole of Community Leadership Model.
- By focusing at the trunk and root levels of this issue we will create change—funding sustainable prevention, committing to continual and intentional evaluation of solutions and leveraging data and evidence to inform our decisions and discussions. (LE Prototyping Cohort, 2024)

Rebuild Communities and Involve the Capacity of the Whole Community

- Redirect/invest resources to equity-serving organizations that are doing this work and are led by deserving groups to ensure a “for them, by them” approach is taken for increasing service system capacity. (LE Prototyping Cohort, 2024)
- Homelessness is an equity issue, as such we need to include non-traditional partners, systems and voices in decision-making. By leveraging the collective intelligence and experience in our community we will solve this community problem. (LE Prototyping Cohort, 2024)

- View residents, support groups, advocates, and activists as a part of the continuum of care that reaches from informal to formal system supports, with both types of support complementing each other. (LE Prototyping Cohort, 2024)
- A collaborative or co-design solutions approach is imperative to build trust with those in the community most impacted by homelessness and for others in the community to see themselves as a part of solutions. (LE Prototyping Cohort, 2024)

Commit to Safe Housing First

- Housing First (HF) will remain an important foundation to our Community Approach to Housing, however it needs to be reviewed/refined with a Human Rights approach. HF must be updated to match our current context and to ensure it is not perpetuating harm to individuals we are trying to support. The application of HF currently prioritizes permanent and supportive housing solutions, flexible wrap-around supports, and integration of health supports. To further implement HF alongside a Human Rights approach requires self-determination and choice to be upheld during experiences of homelessness and for this to continue once someone is housed. (LE Prototyping Cohort, 2024)
- Rethink public land both as a source of housing and reframing it as a health support. Right now, anybody who is rendered homeless has nowhere to be legally. Which directly impacts their health. How might we integrate those two possibilities to consider a lack of housing as a health issue fundamentally? (LE Prototyping Cohort, 2024)
- Tailoring solutions to housing (i.e. integrated health supports that address social determinants of health) that meet a specific need is integral to keeping people housed.

Whole of Community Leadership – Integrated Systems Planning

The creation of a Whole of Community Leadership structure is a key element in the change management process for PECH. The change management goal is to transform the way in which the work of ending chronic homelessness is done in Waterloo Region. This structure will empower the community to have greater input and influence into prioritizing investments and actions needed to transform the Housing Stability System to achieve the vision set out in PECH.

At present this is a conceptual model that will be co-developed. The community leadership model would include the following:

- Membership will include the ROW as the Service System Manager (SSM), Area Municipalities and leadership from key sectors and groups that represent the diversity of the community voices that are needed to provide guidance into the implementation of the PECH.
- The role of the SSM will continue to oversee their mandated responsibilities for funding allocations and ensuring accountability to the system frameworks and outcomes.
- Moving to a community systems leadership mode will require more work to be done in defining the distinct and respective roles and responsibilities through a terms of reference. This work will be done in collaboration with the members of the current Co-Creator Table while continuing to invite broader representation from the community that will reflect the context of Waterloo Region.
- Establishing a community systems leadership model will ensure that the implementation of PECH will maintain an adaptive and inclusive leadership that is needed to respond to the current complexities and future challenges of chronic homelessness.
- Dedicated change management process will be required to help table partners to identify the differences of power and influence that they represent. The process must address cultural understandings and lived experience of community partnership that have been hindered by legacies of power and privilege. The goal is to create a new approach and collaboration that both respects the roles and responsibilities ascribed with embracing transparency for change and inclusion on the work to end chronic homelessness. (LE Prototyping Cohort, 2024)

Whole of Community Leadership Conceptual Model

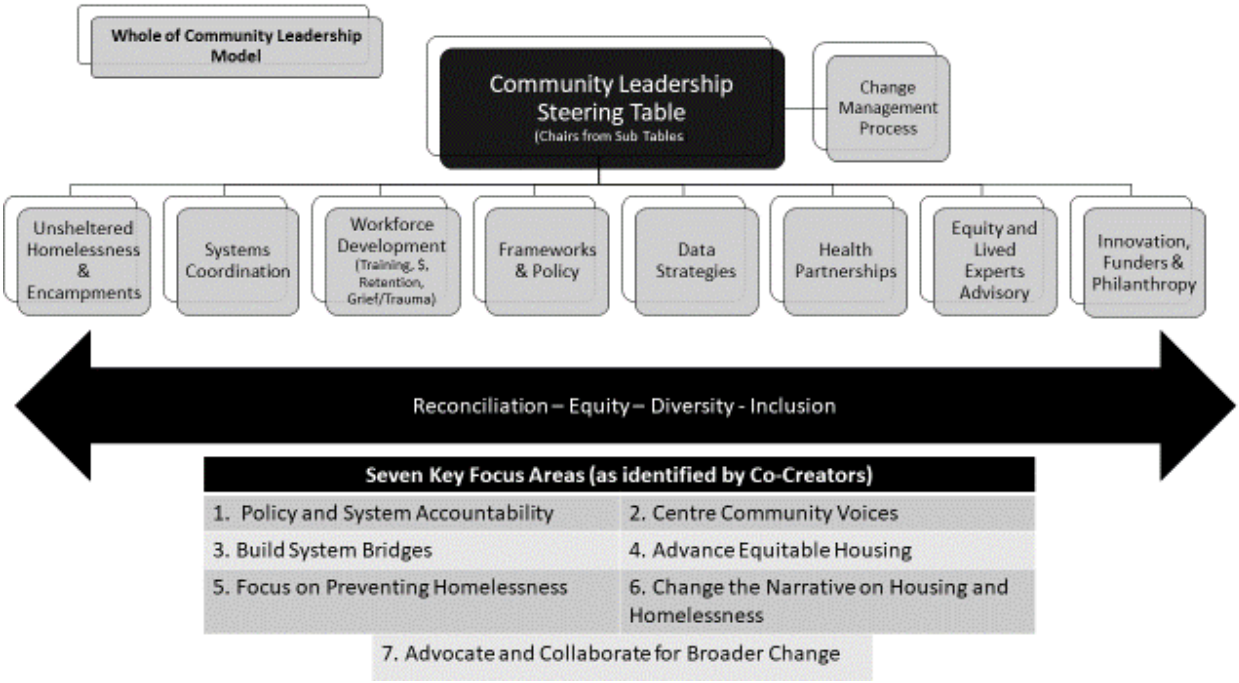


Figure 17. Conceptual Community Leadership Steering Table

An Investment in the Equipping of Community Leaders and ROW Staff

An investment in the Equipping of Community Leaders and ROW Staff to practice and implement change management, providing a path forward for authentic system transformation.

"**'Nothing changes unless people do.'** concluded Scott Keller and Bill Schaninger when their 2019 research indicated that around 40% of change management failure is related to employee resistance and almost 35% to management behaviours that didn't support change. *This is* a staggering display of how much people affect the outcome of change. 70% of change programmes fail. A large part of this sits with the leadership team and their ability to develop themselves and their people throughout the change. This is about seeing leaders as enablers of change rather than change agents, where their focus needs to be on creating an environment that encourages and facilitates change." (Short, 2021)

The SDCWR Prototyping community of practice, which engaged marginalized voices with lived experience as well as SDCWR and ROW staff, discovered:

- That we as leaders, “get to go first” and model a way forward for others. There are no shortcuts.
- That this work is first and foremost relational work, requiring that we are present to ourselves, compassionate with one another, and passionate about finding and activating the best way forward for all. (LE Prototyping Cohort, 2024)
- The importance of the ongoing investment of time and energy in creation of the conditions that encourage and facilitate adaptive change. This year long investment resulted in the evolution of prototypes which sought to address the problem of chronic homelessness. Prototype groups continue to adapt as they learn and respond to changing contexts and unanticipated challenges. (LE Prototyping Cohort, 2024)

Ronald Heifetz, Marty Linksy, and Alexander Grashow are credited with developing the *Adaptive Leadership* framework. The framework distinguishes between technical fixes and adaptive change. When the problems we are seeking to solve overwhelm us, we often seek technical fixes, rather than placing ourselves on the necessary path of adaptive change. Change management requires us to appropriately transition from the application of shorter-term technical fixes to longer-term work of adaptive change. Technical issues rely on protocol, procedures, rules and regulations to solve them. Adaptive challenges, on the other hand, depend on dynamic, people-focused solutions. Responding adaptively is long-term, relatively simple and challenging to maintain over time. These ideas are based on the following quotes.

> *“The most common leadership failure stems from trying to apply technical solutions to adaptive challenges.”*
>
> The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World, Ronald A. Heifetz, Marty Linsky, Alexander Grashow, 2009, Harvard Business Review Press

> *“We look for solutions that are complex, easy, and quick when mostly they are simple, difficult, and long-term.”*
>
> ALL: CHANGE - Unlocking Kingdom Potential in a World We Weren't Prepared For, Rich Robinson, to be released Sept 2024, 100 Movements Publishing

As part of the implementation of the Plan to End Chronic Homelessness, leaders must apply an *Adaptive Leadership* approach to guide housing stability system transformation. Along with addressing immediate concerns through technical fixes, they must also attend to the adaptive challenges which most often arise in crises, do not respond to previously applied solutions, and require multiple parts of a system to engage what are often competing perspectives and priorities.

Figure 18, describes the shift from *Technical* to *Technical and Adaptive* and eventually to *Adaptive* Challenges. The final row, describes the problem definition, solution and locus of work in a system that is wholly proactive and able to fully adapt. At this point in time, PECH will require both technical fixes (reactive) and respond to adaptive challenges (proactive).

We have started this work/approach through the SDCWR PECH 2023 community of practice. It will need to continue and expand to other leaders in order to implement the plan. Community and ROW leaders who implement change management must be well equipped to know when and how best to apply a technical fix and to know when and how to respond adaptively. Reaching Functional Zero Chronic Homelessness in Waterloo Region is an adaptive challenge while sub-elements of the challenge may be Technical and Adaptive. This means that a learning mindset is important throughout and that the locus of work should be with interest-holders. (*Adaptive Challenges*, n.d.)

Technical vs Adaptive Challenges			
Challenge	**Problem Definition**	**Solution**	**Locus of Work**
Technical	Clear	Clear	Authority
Technical and Adaptive	**Clear**	**Requires learning**	**Authority and Interest-holders**
Adaptive	Requires Learning	Requires Learning	Interest-holders

(*ADAPTIVE LEADERSHIP:*, n.d.)

The only way to ensure that the PECH will result in long-term, sustainable change, is to equip community leaders and ROW staff to practice and implement change management; or else we're at risk of collectively creating results that no one wants. Any leader who holds responsibility for PECH results, must invest with others to tend to both the individual leadership awareness and to strengthen their change management competencies. To not invest in leaders for the well-being of our community puts them at risk of being out-of-step and blocking the results we're collectively wanting to achieve. The work of transformational change, to move from current state to the desired future state, will often be met with moments of challenge that can feel "messy". It is critical that leaders understand this is part of the journey of learning and is not an indication that the approach is wrong or failing. It is rather an indication that change is happening.

Investment in the equipping of Community Leaders and ROW Staff must include but not limited to:

- Community Leaders and ROW staff who have primary decision-making responsibility.
- Participation in a community of practice over the next 18 months that is intentional, rhythmic and sustainable over time (ie. a commitment of two hours per month, with the expectation that this community of practice is part of each leader's responsibility and role).
- Attention to interior work of leaders, inviting self-awareness and clarity of intention. (LE Prototyping Cohort, 2024)
- Attention to strengthening the competencies required to manage change well, ensuring that leaders have the requisite knowledge and ability for their particular role. (e.g. PROSCI Change Management training might be a helpful starting point)
- A robust and accountable "action-reflection" cycle, which reinforces the increase in leaders nurturing adaptive responses to problems, rather than technical fixes.

Otto Scharmer, senior lecturer at the Massachusetts Institute of Technology (MIT) and co-founder of the Presencing Institute notes that all systems thinking starts with distinguishing the symptoms (above the surface) from the root issues (below the surface). A leader needs to do more than just react against symptoms, they seek to understand the root issues in order to drive awareness-based systems change.

Otto summarizes this with four principles:

- *You can't understand a system unless you change it.*
- *You can't change a system unless you transform consciousness/mindset. You need to address all symptoms and root issues.*
- *You can't transform consciousness unless you make a system see and sense itself.*
- *You can't transform a system unless you sense and actualize the emerging future.*

The essence of leadership is stepping from one territory into another. It's our collective responsibility to learn from the past and connect it to emerging future possibilities.

If authentic and sustainable change is to be achieved, an investment in leaders will be required. Along with the system's investment in them, leaders must also be willing to invest in themselves, strengthening their capacity to lead boldly and engage others with competence and care.

The Two Loops Model of Systems Change

The two loops model is helpful as it acknowledges the reality that we need to invest in solutions that are part of the current system (branch-level solutions) to respond to current suffering and challenges in our community, while simultaneously focusing on transforming contributing system structures (trunk and roots).

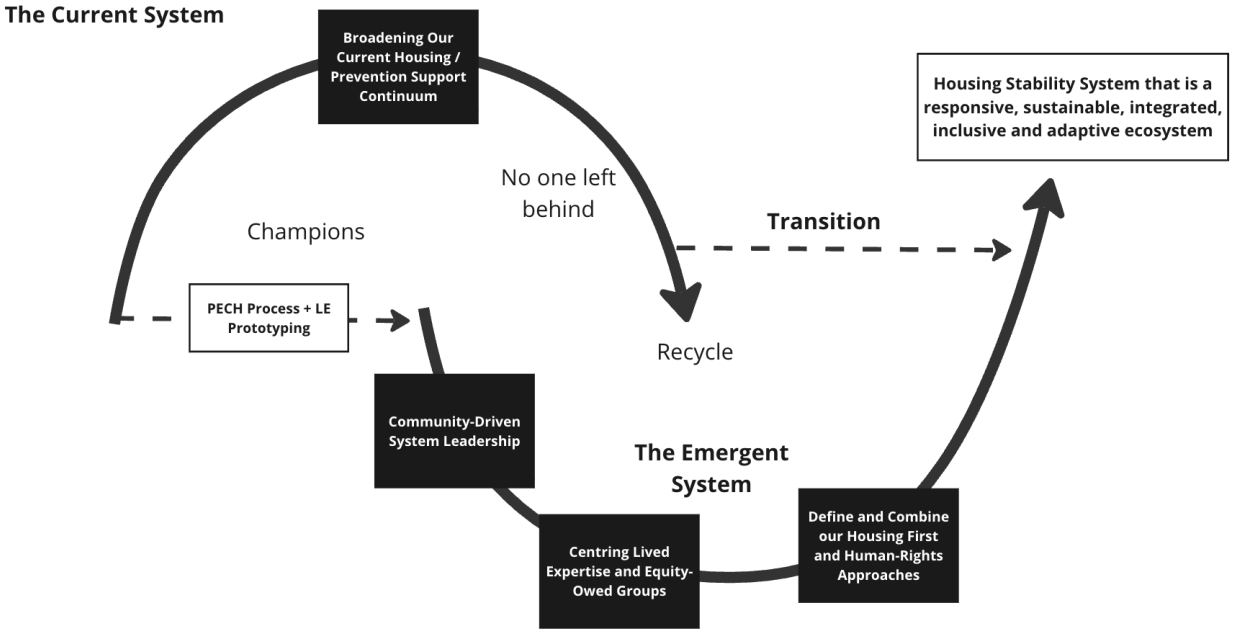


Figure 18. Two Loops Model of Systems Change Diagram

The **Two Loops model** is a nonlinear theory of change. It provides insight into the simultaneous growth and decline processes that are underway within a system during a transition period. It offers a conceptual framework for better connecting the past to the future during change.

- **Champions**—The Two Loops model reaffirms the importance of change agents/champions and their ideas. It provides a pragmatic approach for supporting them, including naming, connecting, nourishing, and illuminating them.
- **No one left behind—**Seeding opportunities for everyone to flourish in an emergent system- particularly those who have been excluded or harmed in the past – is important to its stability and long-term viability. It is also important to assist those who are prospering within the dominant/incumbent system as they are the ones who are most likely to oppose the desired change that is emerging.

- **Recycling**—The model suggests a need to carry forward lessons from the incumbent/dominant system to the new/emergent model. That way, we can maintain and find comfort in the valuable connections to the past, while ushering in new practices.

  (*Berkana Two Loop Model: A Quick Introduction to an Accessible Model for Systems Change*, 2023) (Rose, n.d.)

To stimulate and manage change:

- Name the champions
- Connect them together
- Nourish them, with time, connection and resources
- Illuminate their work, or stories of change

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it is the only thing that ever has” (Margaret Mead, circa 1982).

Short-Term Action Plan and Next Steps

<table>
<tr><th colspan="3">2024</th><th>2025</th></tr>
<tr><th>Q2</th><th>Q3</th><th>Q4</th><th></th></tr>
<tr><td colspan="3">Monthly Meetings of the Co-Creator Cohort:
Design and implement the Whole of Community System Leadership Model
Work on implementation and prioritization of PECH Actions
Input into 2025 budget recommendations
Develop and update yearly action plans</td><td>Whole of Community System Leadership Model in place and guiding PECH Implementation</td></tr>
<tr><td colspan="3">Continuation of the SDC Lived Experts Prototyping Process
broadening representation of LE voices from across the Region.</td><td>Lived Expertise Advisory Board(s) and Process(es)</td></tr>
<tr><td>Fee-For-Service and 2024 PECH Budget Initiatives Begin Implementation</td><td></td><td>2025 Budget report to Council for FFS and PECH priorities</td><td>2025 Budget implementation</td></tr>
<tr><td colspan="4">System Leadership Capacity Building (Topics may include Adaptive Leadership, Community Co-Creation, Human Centred Design)</td></tr>
<tr><td></td><td>Return to Regional Council with updated 2025-2030 Investment and Advocacy Strategy</td><td></td><td></td></tr>
<tr><td colspan="4">On-going Communication, Engagement and Change Management
Education on PECH vision, initiatives and coming changes to system agencies and partners
Communication strategy to educate broader community including establishing a central website / dashboard
Leverage Central communication resources to illuminate stories of success and change
Implement a change management process across Whole of Community Leadership partners.</td></tr>
</table>

- Continue change management through identifying, connecting and nurturing champions within the system

The Final Plan to End Chronic Homelessness Report is the culmination of deep, collective community-based work to respond to a growing crisis. The Final Report does not end the collective work of preventing, addressing, and ending chronic homelessness in Waterloo Region. Rather, this is the beginning of a renewed collective focus to create Homes for All for our community's most vulnerable residents. Staff, Co-Creators, and the community more generally are committed to the work ahead and are deeply encouraged and motivated to begin the work of implementing the Plan.

"*A community means we're all in this together. We shouldn't 'other' people in need or blame them.*
Any of us could see a reversal of fortune and some of us have never had the benefit of a network."—Engagement Participant

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Waterloo Region
April 2024

The Plan
to End Chronic
Homelessness

IN COMMUNITY,
BY COMMUNITY,
FOR COMMUNITY.
#ThePlan

THIS IS **EXHIBIT "C"** REFERRED TO
IN THE AFFIDAVIT OF DAVID ALTON
SWORN REMOTELY AT THE SAUBLE BEACH
BEFORE ME AT THE CITY OF KITCHENER
DURING A VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 23rd DAY OF JUNE, 2025



_____

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

Lived Expertise Prototyping Report

The Plan
to End Chronic
Homelessness

Prepared by the Social Development Centre

March 2024

Social Development Centre
Waterloo Region

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This document represents over a year of dedicated effort from the prototyping cohort, encompassing research, collective dialogue, and rigorous editing. It is both a significant research output and a formal publication. Should you quote, utilize, or derive any benefit from this document, please ensure proper attribution.

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Key Terms

To support a shared understanding of findings and recommendations, key terms are defined below. We encourage the Region and municipalities to adopt these terms so that we are working from a common language.

- ↻ Definitions that are consistent with the overarching report submitted to the council. These terms reflect a shared vocabulary that underpins the report's findings and recommendations.
- 👣 Terms unique to the Lived Expertise Prototyping Report, which do not appear or are not elaborated upon in the Region's staff report. These terms offer specialized insights from lived experience perspectives and are critical to the nuanced understanding of the chronic homelessness issues at hand.
- ⇌ Terms found in both this report and the Region's staff report that are defined differently. These differences highlight the variety of perspectives and the evolving nature of our work with lived expertise. Recognizing these varied definitions helps us understand the issue more fully and work together more effectively.

↻ **Accessibility**
Specific features incorporated by design with the goal to reduce or remove barriers to participation or enjoyment by all people.

↻ **Adequate Housing**
Housing that meets the legal standards for security of tenure, affordability, habitability, accessibility, availability of services, location and cultural appropriateness. In the absence of such, the right to housing is not met.

👣 **Affordability**
The definition of affordability must be geared to income. Ontario has a definition where rent that does not exceed 30% of a household's income is considered affordable. The prototyping cohort

advocates for a definition of affordability as not exceeding 10% of a household's income. In the case of having no income, that means no rent is charged.

Agency

The ability to make decisions and exert willpower in the world. The ability to say no and have it respected. A recognition that individuals and communities have sovereignty over themselves.

Chronic Homelessness and Hidden Homeless

Chronic homelessness refers to individuals living in inadequate housing for more than a year, or experiencing this situation repeatedly over a span of two to three years. It encompasses those who are unsheltered, as well as those in shelter spaces and transitional housing. Additionally, it includes individuals experiencing hidden homelessness—those who may be couch-surfing, living in housing without a lease in their name, or residing in precarious housing situations. This broader definition ensures a comprehensive understanding of homelessness, capturing the varied experiences of individuals who lack secure, permanent, and adequate housing.

Cultural Appropriateness

The needs and expectations of housing vary depending on cultural context and family structure. These must be considered when developing housing options so communities have choices that meet their needs. For example, there is a lack of multi-family homes.

Dignity of Risk

Usually considered when the mind is obscured, injured, dissociative or otherwise not functional in a socially "normal" way, Dignity of Risk is a framework to return dignity to those who have those decisions taken from them. This is done by allowing a person the ability to determine if a risk is personally worth it without impeding on individual agency, through empowering experiential learning, knowledge acquisition and awareness of consequence.

Functional Zero Homelessness

When there are enough adequate housing options so that no one experiences more than a year of inadequate housing, with adequacy defined by international human rights standards (see definition of "adequate housing" above).

Homelessness

Homelessness describes the situation of an individual, family or community without stable, safe, permanent, appropriate housing, or the immediate prospect, means and ability of acquiring it. It

is the result of systemic or societal barriers, a lack of affordable and appropriate housing, the individual/household's financial, mental, cognitive, behavioural or physical challenges, and/or racism and discrimination. Most people do not choose to be homeless, and the experience is generally negative, unpleasant, unhealthy, unsafe, stressful and distressing.

⇌ **Housing First**

Prioritizing adequate and accessible housing for all people as a first step to remove barriers to participation in society. In an approach to chronic homelessness, people are provided housing first without needing to complete any forms, treatment, programming or participating in any other created barriers to shelter. The Housing First Approach and Human Rights Approach are fundamentally tied to each other. This means that agency and informed consent must be provided alongside housing first.

↻ **Human Rights Approach**

People experiencing homelessness are treated as rights holders, where their agency is respected, and where the Region has a duty of care for their housing needs. The Region will be compliant with national and international human rights law and ensure it is appropriately prioritized amidst other legal obligations such as those regarding property rights, privacy and liability.

↻ **Indigenous Homelessness**

"Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities. Importantly, Indigenous people experiencing these kinds of homelessness cannot culturally, spiritually, emotionally or physically reconnect with their Indigeneity or lost relationships" (Thistle, 2017; see also Aboriginal Standing Committee on Housing and Homelessness, 2012).

👣 **Informed Consent**

Informed Consent is a pillar of the Human Rights Approach. It means the Housing Stability System educates the people it is serving about the risks, benefits, and alternatives of a given housing offer. It is also a requirement for any encampment relocation.

- **Security of Person**
  The ability to secure oneself in bodily health and liberty. This includes having an adequate standard of living that allows a person to have access to food, clothing, housing, medical care, necessary social services, and the right to security in circumstances beyond their control.

- **Security of Residence/Tenure**
  Legal protection for all persons against forced eviction, harassment, threats and discrimination.

Overview of Calls to Action

FOCUS AREA	CALLS TO ACTION	
Centre Community Voice	1	Adopt a Human Rights Approach for consulting people with first-hand experience of homelessness.
	2	Establish a Lived Expertise oversight process for homelessness services funded by the Region of Waterloo.
	3	Develop a common process to obtain informed consent from encampment communities, shelter users, and other unsheltered communities.
Focus on Preventing Homelessness	4	Endorse a tenant protections package and work with area municipalities to adopt subsequent bylaws and policies
	5	Establish a Tenant Rights Hub.
	6	Endorse a licensing process for landlords and work with area municipalities to implement consistently.
	7	Ensure comprehensive rehousing support and integrate preventive measures
	8	Hire an outreach coordinator to evaluate stability of rehousing initiatives and standardize supports for transitional housing.
	9	Update property tax code to encourage development of new and preservation of existing affordable housing options.
Create Policy and System Accountability	10	Adopt the Key Terms defined by the Lived Expertise Prototyping Cohort.
	11	Conduct a review of shelter system providers and transitional housing providers.
	12	Launch a lifelong support worker program to provide continuous support for individuals navigating the housing stability system during and after experiences of homelessness.
	13	Prioritize Community Services funding in budget season until functional zero homelessness is achieved.
Build System Bridges	14	Focus on prioritizing youth homelessness by recognizing their unique rights and needs.
	15	Partner with key stakeholders in the education sector to ensure there are wrap-around services available and accessible in schools and educational institutions.
	16	Acknowledge and formally integrate the contributions of the unhoused in roles such as cleaning, security, construction, property management, harm reduction, and community support into the region's labour strategies.

	17	Implement a peer mentorship program to facilitate transitions from lived experience to employment.
	18	Work to reduce barriers to safe supply in collaboration with harm reduction initiatives.
	19	Update the plans for the transit hub to ensure the continuation of 100 Victoria Street as a sanctioned encampment until functional zero homelessness has been achieved.
Advance Equitable Housing	20	Prioritize a base level 'floor' of low barrier options to meet fundamental needs of people falling through gaps.
	21	Design housing options through a relational lens.
Change the Narrative on Housing and Homelessness	22	Launch a homelessness advocacy office to run public education campaigns.
	23	Facilitate Lived Expertise workshops that allow the public to engage directly with and learn from the experiences of those who have lived through homelessness.
	24	Create a comprehensive Public Housing and Homelessness dashboard.
	25	Collaborate with the coroner's office to establish a memorializing process for those lost to homelessness.
	26	Fund and implement homelessness prevention education.
	27	Advocate to other levels of government for Universal Basic Income.
	28	Hire an outreach coordinator to liaise with neighbourhood groups and conduct public education initiatives that disrupt stigma
Climate and Extreme Weather Planning	29	Develop a Proactive Extreme Weather Mitigation Protocol (i.e. winter warming packages 3.0)
	30	Draft an extreme weather homelessness response plan (i.e. out of the cold with paid staff)

1.0 INTRODUCTION

1.1 Background and purpose

Lived Expertise Prototyping is an ongoing initiative aimed at incorporating the knowledge and insights of those with lived experience into the operations of the Waterloo Region. Facilitated by the Social Development Centre throughout 2023, this process will extend until the end of 2024.

> Lived experts are people with lived/living experience of homelessness and housing instability, advocacy experience, and connections to communities. This process was also supported by representatives from advocacy groups, mutual aid groups, front line service agencies and regional staff.

The purpose of this report is to outline the theory of change and recommendations developed by the prototyping cohort for the Plan to End Chronic Homelessness. It aims to establish a shared vocabulary and clarify terms, enabling productive discussions and dialogues about the necessary changes. Additionally, it advocates for a human rights-based approach to address chronic homelessness in the Waterloo Region. This document is directed at the Regional Council and the broader community, highlighting the issues and potential for positive transformation as perceived by the lived expertise prototyping cohort. While informing the comprehensive Plan to End Chronic Homelessness, authored by Overlap and its core team, this report also serves as a standalone document. It ensures that the community has direct access to the insights generated by the cohort.

1.2 The Problem

The overarching aim of the Plan to End Chronic Homelessness is to achieve a state of “functional zero” homelessness in the region. However, the lived expertise prototyping cohort has pinpointed several obstacles to reaching this objective. Initially, there is a lack of a precise definition for "functional zero." Similarly, fundamental principles such as the "housing first approach" and the "human rights approach" require clear articulation. It's essential that "functional zero" is defined at the regional level, as these are terms with locally specific

meanings. Despite the absence of a universal definition for functional zero, establishing a clear definition is vital for accurately monitoring progress.

We—the "Housing Stability System" (another term that lacks clarity)—have not successfully implemented the housing first approach. The Region's strategy for addressing homelessness does not adhere to a human rights framework. Instead, private interests are often prioritized over human rights, as evidenced by the ongoing eviction of encampments in our community, which resulted in a Charter ruling against the Region. Infrastructure Canada has observed that municipalities frequently place greater emphasis on complaints from neighbours than on the human rights of encampment residents.

The term "Chronic Homelessness" also demands clarification. The prototyping cohort defines it as situations where an individual resides in inadequate housing for more than a year or on a recurring basis over several years. Although this might appear to be a straightforward definition, the Region's current measurement tools, such as the Point-in-Time Count (PIT Count) conducted every two to three years and the PATHS List, do not fully capture the extent of hidden homelessness. This oversight is particularly problematic for groups with higher rates of hidden homelessness, such as seniors, newcomers, students, people with disabilities, and women (Schwan et al., 2021).

> The prototyping cohort views colonial systems of genocide, slavery, and apartheid as the fundamental causes of homelessness. These systems have evolved in recent decades into de-industrialization, neoliberal economics, austerity, the financialization of housing, and the criminalization of homelessness. To eradicate chronic homelessness, it is imperative to acknowledge these failures and advocate for new economic and housing models that prioritize the perspectives of those most adversely impacted by colonialism.

1.3 The Goal

The prototyping cohort envisions a Region where no one needs to live in an encampment because there are enough adequate housing options available to all. A Region where all people have the ability to choose housing that meets their needs. A Region that embraces a diversity of

persons, especially those currently experiencing dehumanization. A Region where everyone has a home.

The Region of Waterloo will be human rights compliant, and act consistent with domestic and international frameworks on the right to housing. Specifically the Region will maintain compliance with the internationally recognized dimensions of the right to housing including the security of the person, security of residence/tenure, adequacy, dignity of risk, accessibility, affordability, and cultural appropriateness. The Region will incorporate lived expertise knowledge, and recognize the fundamental agency and dignity of risk of all people. The Region will enable the Housing First approach through a diversity of non-market housing options.

2.0 SETTING THE LEGAL CONTEXT

This section sets the legal context for this report, outlining the human rights framework within which the Region and its partners should operate. It examines the intersection of housing with human rights as delineated by various domestic and international laws, and underscores the importance of integrating Indigenous and post-colonial perspectives into these legal standards. This legal context was compiled by one of the prototyping projects called the Human Rights Review. This prototype has been working with Regional Staff to begin integrating a human rights lens into Regional policy and procedure.

2.1 Literature review

The Region and partners must operate, at minimum, in the context of human rights as defined by domestic and international declarations as cited below. Existing human rights declarations and legislation were written largely as part of a colonial system. Therefore, the Region and partners should also be guided by definitions emerging from Indigenous and post-colonial sources. The Region should be compliant with human rights law as a minimum.

"Everyone has the right to life, liberty and security of person."

Article 3 of the *Universal Declaration of Human Rights 1948*

"Everyone has the right to a standard of living adequate for the health and well-being of [them]self and of [their] family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond [their] control."

Article 25.1 of the *Universal Declaration of Human Rights 1948*

"Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

Section 7 of the *Canadian Charter of Rights and Freedoms 1982*

"Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them"

Article 23, *United Nations Declaration on the Rights of Indigenous Peoples, 2017*

"It is declared to be the housing policy of the Government of Canada to recognize that the right to adequate housing is a fundamental human right affirmed in international law"

Section 4 (a) of the *National Housing Strategy Act 2019*

3.0 PROTOTYPING APPROACH

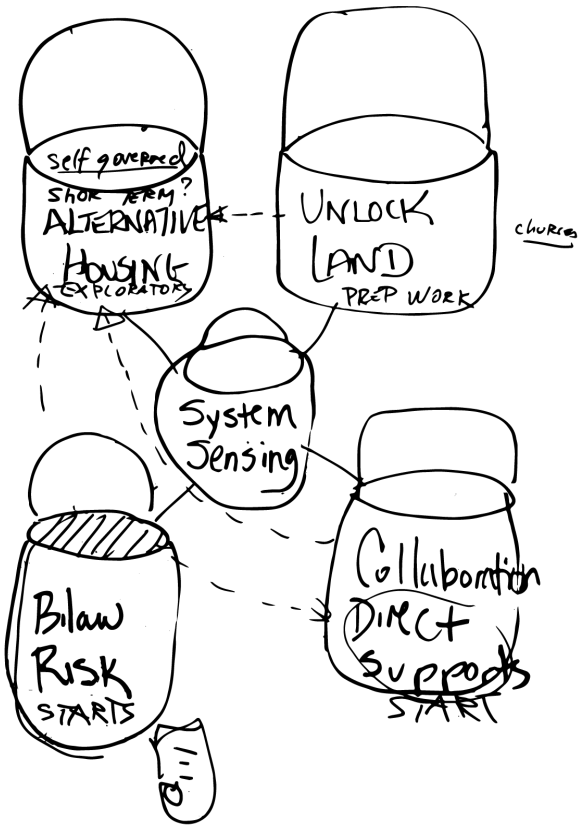
The Lived Expertise Prototyping project represents a dynamic partnership, evolving from consultations to integrating the real-world experiences of individuals and communities affected by homelessness into pilot projects. This integration aids in crafting solutions to eradicate chronic homelessness in our community. The group's research utilized the U-Lab Process, based on the methods developed by Otto Scharmer and colleagues at the Presencing Institute. The process was split into two distinct phases.

Phase 1: Co-Initiation, Co-Sensing, and Co-Presencing (March–July 2023)

- Co-Initiating: This stage established shared intentions and laid the groundwork. Participants focused on relationship building, exchanging intentions and queries through mutual interviews.

- Co-Sensing: This period was dedicated to observation and reflection to define priorities, employing 3D mapping for visualizing current and desired states, and delineating the path for community-led participatory action research.

- Co-Presencing: Engaging deeply with the source of inspiration, the phase included holding community dialogues with individuals who have lived experience of unsheltered and hidden homelessness, and initiating conversations with lived experts and front-line workers aiding hidden homeless populations, including immigrants, refugees, and students.



This sketch is a conceptual framework with various 'buckets' identified by the lived expertise group through the prototyping process.

The comprehensive report for this initial phase is available here: Lived Expertise Prototyping Project - The Plan to End Chronic Homelessness.

Phase 2: Co-Creation and Co-Evolution (August 2023–March 2024)

In the latter half of the research, from August 2023 to March 2024, the group entered a phase of Co-Creation and Co-Evolution. This part of the process is set to continue until the year's end and includes regular and emergent meetings with various stakeholders.

During this time, the specific cohort listed at the beginning of this document, encompassing lived experts, mutual aid groups, and advocates, convened over a six-week period. Their discussions produced the content of this report, which will directly inform the Plan to End Chronic Homelessness.

This Phase will continue to December 2024. In the appendix we have included a summary report written by the SDC and University of Waterloo. This document dives further into the methodology and learnings from Phase 2.

3.0 RATIONALE FOR CALLS TO ACTION

The Lived Expertise prototyping cohort, through an iterative and emergent process, has resulted in 30 calls to action for the Plan to End Chronic Homelessness and its subsequent implementation. We have organized these recommendations into six focus areas, each accompanied by supporting rationale drawn from document reviews and consultations.

3.1 Centre Community Voices

To meaningfully centre community voices, the Region should:

1. Adopt a Human Rights Approach for consulting people with first-hand experience of homelessness.
2. Establish a Lived Expertise oversight process for homelessness services funded by the Region of Waterloo.
3. Develop a common process to obtain informed consent from encampment communities, shelter users, and other unsheltered communities.

This approach involves defining 'Lived Expertise' to encompass a broad range of personal experiences with homelessness, advocating for equitable compensation, and ensuring that participation does not jeopardize individuals' social support. The Oversight Board will ensure that consultations are effectively managed and that micro-grants are provided to support low-income initiatives. Furthermore, informed consent will be integral, ensuring that the rights of

the unsheltered are upheld and that their ability to decline participation is respected, drawing on international human rights standards.

3.2 Focus on Preventing Homelessness

To strengthen tenant rights and enhance housing stability, the Region should:

4. Endorse a tenant protections package and work with area municipalities to adopt subsequent bylaws and policies.
5. Establish a Tenant Rights Hub to support and educate tenants.
6. Endorse a licensing process for landlords and work with area municipalities to implement consistently.
7. Ensure comprehensive rehousing support and integrate preventive measures.
8. Hire an outreach coordinator to evaluate stability of rehousing initiatives and standardize supports for transitional housing.
9. Update property tax code to encourage development of new and preservation of existing affordable housing options.

These recommendations aim to address the full spectrum of housing issues from tenant protection to rehousing and community involvement. They involve adopting bylaws that prevent unfair evictions and define adequate housing, coupled with increased funding for enforcement of tenant protections. A Tenant Rights Hub would provide comprehensive support, from property standards to eviction prevention, with a collaborative framework for service delivery. A consistent landlord licensing process with human rights training aims to enhance rental experiences and follows similar processes that have been implemented in other Ontario municipalities. An outreach coordinator to evaluate the stability of rehousing initiatives and advocate for standardizing support for transitional housing. Finally, tax reform proposals and a targeted land acquisition plan are geared toward increasing the supply of affordable, non-market housing,

drawing on successful models from other cities and tools like the Housing Assessment Resource Tools (HART) initiative.

3.2 Create Policy and System Accountability

To advance housing stability and system accountability, the Region should:

10. Adopt the Key Terms defined by the Lived Expertise Prototyping Cohort.
11. Conduct a review of shelter system providers and transitional housing providers.
12. Launch a lifelong support worker program to provide continuous support for individuals navigating the housing stability system during and after experiences of homelessness.
13. Prioritize Community Services funding in budget season until functional zero homelessness is achieved.

These steps include adopting terminology developed by those with lived experience to ensure consistency and clarity across services. An integrated approach emphasizes the necessity of housing as a foundation for stability while respecting individual autonomy and choices. Reviews and audits of housing services aim to identify areas for improvement and ensure transitions from temporary to stable housing are effectively planned and executed. Implementing a lifelong support worker program acknowledges the need for ongoing support beyond housing placement, ensuring individuals remain housed and stable. Finally, reallocating funding towards Community Services and evaluating administrative expenses against social service benchmarks emphasizes a commitment to addressing homelessness through sustainable investment in services that directly support individuals experiencing and at risk of experiencing chronic homelessness.

3.3 Build System Bridges

To address and bridge systemic gaps in the housing stability system, the Region should:

14. Focus on prioritizing youth homelessness by recognizing their unique rights and needs.

15. Partner with key stakeholders in the education sector to ensure there are wrap-around services available and accessible in schools and educational institutions.
16. Acknowledge and formally integrate the contributions of the unhoused in roles such as cleaning, security, construction, property management, harm reduction, and community support into the region's labour strategies.
17. Implement a peer mentorship program to facilitate transitions from lived experience to employment.
18. Work to reduce barriers to safe supply in collaboration with harm reduction initiatives.
19. Update the plans for the transit hub to ensure the continuation of 100 Victoria Street as a sanctioned encampment until functional zero homelessness has been achieved.

Youth homelessness requires a tailored approach that respects their human rights and provides platforms for their voices and leadership, ensuring access to services without barriers. Collaborations with educational sectors aim to create a supportive network around housing, addiction, and family services within schools. Recognizing the contributions of the unhoused in community services can redefine engagement and provide meaningful opportunities for involvement and employment. A peer mentorship program, inspired by successful models, offers a pathway to professional development and empowerment for those with lived experience. Efforts to ensure a safe supply address critical health concerns, with input from those most affected by housing instability. Lastly, updating the plans for the transit hub highlights the importance of maintaining supportive spaces for the unhoused during transitional periods towards achieving functional zero homelessness.

3.4 Advance Equitable Housing

To effectively end chronic homelessness, the lived expertise group suggest the following best practices for the Region:

20. Prioritize a base level of low barrier options to meet fundamental needs of people falling through gaps.
21. Design housing options through a relational lens.

Insights highlight the significance of initiatives like 24-hour barrier-free drop-ins, which can serve multiple functions including emergency shelter and climate respite centres. These recommendations are born out of a collaborative effort to recognize and amplify the work of impactful community projects such as A Better Tent City.

3.5 Change the Narrative on Housing and Homelessness

To shift societal perspectives and enhance support systems for homelessness, stakeholders recommend the following best practices:

22. Launch a homelessness advocacy office to run public education campaigns. This office would focus on reducing stigma, highlighting the rights of tenants and the unsheltered, and advocating for housing and homelessness to become central issues in political discourse.
23. Facilitate Lived Expertise workshops that allow the public to engage directly with and learn from the experiences of those who have lived through homelessness, fostering understanding, empathy, and community connections.
24. Create a comprehensive Public Housing and Homelessness dashboard displaying key data points such as inflow/outflow, eviction statistics, Point-In-Time (PIT) count, shelter usage, rehousing figures, and mortality rates related to homelessness.

25. Collaborate with the coroner's office to establish a memorializing process for those lost to homelessness, ensuring there is space for both private and public mourning and story sharing.
26. Fund and implement homelessness prevention education. Partner with educational institutions to integrate prevention education into curricula, covering tenant rights, navigating the Housing Stability System, and practical life skills.
27. Advocate for Universal Basic Income (UBI): Push for UBI as a fundamental policy change at all government levels, supported by public education campaigns to address misconceptions and advocate for adjustments in social welfare programs to match the cost of living.
28. Hire an outreach coordinator to liaise with neighbourhood groups and conduct public education initiatives that disrupt stigma.

These recommendations aim to change the narrative around homelessness through education, advocacy, and public engagement. By establishing a dedicated advocacy office and leveraging direct experiences from lived expertise, the Region can foster a more compassionate and informed public discourse. Creating accessible data points and memorials acknowledges the reality and humanizes the issue, while prevention education and a push for UBI address systemic causes and potential solutions. Finally, an outreach coordinator whose focus is on public education and challenging stigma would be central to fostering inclusive neighbourhoods. This multifaceted approach encourages a societal shift towards understanding, empathy, and action in addressing homelessness.

3.6 Climate and Extreme Weather Planning

This focus area is unique to the prototyping cohort. It was added to reflect the ongoing work of the broader prototyping process on climate and extreme weather planning. Since the fall of 2023, there has been a prototyping project called the Continuum of Care that has been learning from current climate and extreme weather planning to develop calls to action as well as more immediate interventions for 2024 and beyond.

To effectively address the challenges posed by extreme weather conditions for vulnerable populations, it is recommended that the Region

29. Implement a comprehensive Extreme Weather Mitigation and Response Strategy. This strategy should include the development of proactive protocols for both summer cooling and winter warming, leveraging flexible outreach funding and engaging in quarterly planning to ensure preparedness year-round.

Additionally, the strategy should incorporate insights from emergency response experts, such as the Red Cross and military, to enhance the efficacy of homelessness response plans. This would involve establishing frameworks for the rapid mobilization of temporary shelters and ensuring that staff and volunteers receive adequate training. The unified approach aims to streamline efforts, foster cross-sector collaboration, and adapt to emerging needs, ensuring the safety and well-being of individuals experiencing homelessness during extreme weather events.

4.0 DETAILED CALLS TO ACTION

FOCUS AREA	CALLS TO ACTION
Centre Community Voices	**1** Adopt a Human Rights Approach for consulting people with first-hand experience ● Define 'Lived Expertise' as: ○ Having personal experience with homelessness (including situations where people aren't visibly homeless). ○ Ensuring those most impacted are heard. ○ Including people with experience in advocating for change. ○ Having people who are chosen by their community to speak on its behalf. ● Set a Standard Payment for Consultations: ○ Agree on a payment rate for those providing their lived expertise, previously $50/hour. ● Sign an Agreement to Change Payment Rules: ○ Work with the province to change the rules so money given for this work doesn't count against income for social support programs like ODSP/OW. Make sure it's clear this money is for community service and doesn't need to be reported for taxes.
	2 Establish a Lived Expertise oversight process for homelessness services funded by the Region of Waterloo ● Create a Central Lived Expertise Oversight Board: ○ Approve the processes agencies use to consult with people who have personal experience of homelessness and address any conflicts of interest. ○ Manage a special fund to provide small amounts of money (micro-grants) to people without shelter and support low-income initiatives. ○ Guide staff on the best ways to involve people with lived experience in consultations. ○ Monitor how the Region is doing in getting agreement from people without shelter to be represented. ○ Learn from existing groups like PAG, StepHome, LEWG, and other advisory processes to improve our methods. ● Encourage Each Region Funded Agency to Have an Advisory Process: ○ Allocate more funds to programs that are guided by people with lived experience, especially when funding is above a set level. Make sure an oversight process by people with lived experience is part of this. ○ Advisory Board's Role: Look at each agency from the perspective of those using services to find and address shortcomings.

FOCUS AREA	CALLS TO ACTION
	3 Develop a common process to obtain informed consent from encampment communities, shelter users, and other unsheltered communities. For example, regional staff and partners would have to use this process if they wanted to move or interfere with an encampment. ● Consent = Free, prior and informed ● The ability to say no is respected ● Formally acknowledge all unsheltered (and under-sheltered i.e., hidden homeless) as rights holders ● Learn from UN approach to human rights
Focus on Preventing Homelessness	**4** Endorse a tenant protections package and work with area municipalities to adopt subsequent bylaws and policies, including: ● A rental replacement bylaw ● A renovictions bylaw and renovations licensing process ● A common definition of adequate housing ● Expanded funding for property standards enforcement ○ Fund an analysis of bias and barriers that are preventing property standards teams from enabling adequate housing. ○ Protections and a pathway forward for tenants in illegal housing situations. ● Human rights approach to evictions ○ Banning from a shelter is an eviction ○ Winnowing is a chronic issue through the housing stability system
	5 Establish a Tenant Rights Hub to include: ● A third party property standards assistance team ● An eviction prevention team ● A tenant organizing team ● A landlord and tenant board assistance team ● A rent bank that is flexible and not dependent on sheriffs order or eviction order to be accessed. ● Recommendation is that RFP requires collaboration between at least two non-profit organizations and at least one grassroots organization.
	6 Endorse a licensing process for landlords and work with area municipalities to implement consistently. ● Set up training for landlords on their responsibilities through a human rights lens.

FOCUS AREA	CALLS TO ACTION	
	7	Ensure comprehensive rehousing support and integrate preventive measures. ● Conduct a review to make visible how stable or unstable rehousing is (i.e. are people falling back into inadequate housing in 3, 6, 12 months?) ○ More options for rehousing based on population segments i.e. options for seniors, options for couples/families ○ Metrics of success for rehousing need to be tied to metrics around evictions ● Set thresholds for caseloads for transition/supportive housing partners ○ Establish standards for supportive housing to ensure stability
	8	Hire an outreach coordinator to evaluate stability of rehousing initiatives and standardize supports for transitional housing. ● Encourage tenant involvement in neighbourhood groups. Make considerations for minorities not represented by neighbourhood groups to be heard. ● Address complaint overuse through education and guidelines.
	9	Update property tax code to encourage development of new and preservation of existing affordable housing options. This would include: ● Vacant lot tax; Use it or lose it bylaw; Multiple property tax; Speculation tax ● Develop an affordable housing fund that would collect revenue from these taxes to fund non market housing development. ● That the Region conduct a regular survey of vacant housing, to make visible how inefficient and inequitable space use contributes to homelessness (i.e. understand how many people are overhoused, how much surplus land is available) ● Develop a land acquisition plan to best facilitate the construction of affordable non-market housing ○ Learn from Housing Assessment Resource Tools (HART) tools: https://hart.ubc.ca/
Create Policy and System Accountability	**10**	Adopt the Key Terms defined by the Lived Expertise Prototyping Cohort. ● Adopt an integrated Housing First and Human Rights Approach for Housing Stability System. ● Adopt processes for informed consent and dignity of risk (disability justice). All people should have the ability to determine their risks and choices in their lives.

FOCUS AREA	CALLS TO ACTION
	11 Conduct a review of shelter system providers and transitional housing providers. ● Launch a pilot audit of University Ave transitional housing to understand how to gather user feedback and unpack what qualitative and quantitative data is needed for broader review. ○ Ensure the transitional housing on University Ave is effectively temporary by establishing and enacting a clear exit strategy for residents, which includes subsequent, sustainable housing solutions. ○ Identify and incorporate the demographics of shelter populations currently not recognized in official statistics (?) to ensure all individuals receive appropriate support and resources. ○ Set standards for outflow data collection (i.e. bans, evictions, and deaths are not considered outflow) ● Set up an Independent body to review the Housing Stability System (such as an auditor or ombudsman) ○ Intersects with lived expertise advisory process ○ User experiences are considered a factor in service standards ○ Inflow/outflow analysis is undertaken to understand why is experiences of homelessness recurrence are occurring ○ Focus on racism and transphobia within the shelter system ● Remove punitive review models that discourage agencies from giving accurate data. ○ There is a need for provisions for people who are not housing ready ○ All metrics need to reference PIT count and bigger picture of homelessness\Name barriers to housing to turn into advocacy
	12 Launch a lifelong support worker program to provide continuous support for individuals navigating the housing stability system during and after experiences of homelessness. ● Create a common framework for social support workers that allows them to support people through the Housing Stability System. ○ Create service connectivity between street outreach, shelter supports, and transitional/supportive housing ○ Support would continue for at least one year after placement in adequate housing.
	13 Prioritize Community Services funding in budget season until functional zero homelessness is achieved. ● Strategically redirect a portion of the policing budget to enhance community services. ● Review admin salaries and spending in comparison to key metrics like: ○ OW and ODSP rates ○ Outreach worker salary ○ Cost of Living

FOCUS AREA	CALLS TO ACTION
Build System Bridges	**14** Focus on prioritizing youth homelessness by recognizing their unique rights and needs. Examples include: ● Recognize the human rights of youth ○ Advocate for the rights of children to be codified ○ Homeless children and youth need specific rights ● Support the creation of youth drop in centres, particularly in areas lacking dedicated youth programs and services (i.e. low-resourced neighbourhoods, rural townships, etc). ● Dedicate funding for a Youth advocacy table to provide a platform for youth lived expertise to be developed ○ Provide mentorship opportunities between youth advocacy table and lived expertise advisory process.
	15 Partner with key stakeholders in the education sector to ensure there are wrap-around services available and accessible in schools and educational institution, including ● Housing supports and tenant supports ● Addiction supports ● Family supports and alternatives to Family and Child Services
	16 Acknowledge and formally integrate the contributions of the unhoused in roles such as cleaning, security, construction, property management, harm reduction, and community support into the region's labour strategies. ● Require lived expertise in the contracts for security, cleaning and outreach services. ● Mandate encampment resident involvement in cleaning and property management to ensure stuff is not lost or stolen. ● Provide lockable lockers and storage units on site at encampments with five or more people. ● Set up a stipend fund to compensate residents fairly and equitably for their labour.
	17 Implement a peer mentorship program to facilitate transitions from lived experience to employment. ● Have lived expert's shadow HSS staff as a paid mentorship that transition into full employment. ● Professionalized staff mentoring themselves out of a job to empower and educate those most impacted by current failure state. ● Based on Inuvik model 2010.
	18 Work to reduce barriers to safe supply in collaboration with harm reduction initiatives, including partnering with: ● Harm reduction partners to develop a steady safe supply to remove toxicity risks. ● Lived experts to identify and remove dealers who are poisoning people.

FOCUS AREA	CALLS TO ACTION
	19 Update the plans for the transit hub to ensure the continuation of 100 Victoria Street as a sanctioned encampment until functional zero homelessness has been achieved. ● Set aside land/funding for a transition fund through conversation with Metrolinx and the Province. ● Ensure residents are provided with comparable land and supports
Advance Equitable Housing	**20** That the Region prioritize a base level 'floor' of low barrier options to meet fundamental needs of people falling through gaps. ● Specialized housing is important but it fundamentally creates barriers ● Need a full spectrum of housing options especially low barrier options ● Lack of low barrier options undermines specialized housing ● Need a place for people we currently banned ● Flexibility to move between specialized to low barrier housing to meet needs ○ That the Region set up multiple 24hr barrier free drop ins ■ Recognize extra work of A Better Tent City (ABTC) ■ Can double as emergency shelters and warming/cooling centres in extreme weather
	21 Design housing options through a relational lens ● Have housing options that accommodate families, found families and community bonds. ● Community bonds need to be respected.
Change the Narrative on Housing and Homelessness	**22** Launch a homelessness advocacy office to run public education campaigns. ● Focus on changing public perceptions to free up system, minimize criminalization, and expand window of possibilities. ● Key areas of focus: tackling stigma, rights of tenants, rights of the unsheltered, challenging dehumanization and criminalization ● Pressure other levels of government to make housing and homelessness the top election issue.
	23 Facilitate Lived Expertise workshops that allow the public to engage directly with and learn from the experiences of those who have lived through homelessness.
	24 Create a comprehensive Public Housing and Homelessness dashboard that includes ● Inflow and outflow data ● Eviction data ● PIT Count data ● Shelter data ● Rehousing data ● Deaths

FOCUS AREA	CALLS TO ACTION
	25 Collaborate with the coroner's office to establish a memorializing process for those lost to homelessness. ● Updated monthly ● Public location with list of names ● Opportunities for private and public grieving and story sharing
	26 Fund and implement homelessness prevention education. ● Partner with the school boards and universities to develop prevention education for students ○ Include topics around tenant rights, lived expertise, navigating Housing Stability System. ○ Challenge streamlining of students where life skills are taught only to those identified as non-worker. ● Fund training for users of Housing Stability System ○ Include topics such as tenant rights, lived expertise, navigating Housing Stability System, literacy, how to stay safe on streets for folks who are new, consent, relationships.
	27 Advocate to other levels of government for Universal Basic Income. ● Fund dedicated advocacy staff ○ Liaise with lived experts and grassroots groups. ○ Advocacy paired with advocacy on OW and ODSP geared to cost of living. ● Pair advocacy with a public education campaign ○ Need to counter neoliberal austerity culture that will turn UBI into the failure state that OW and ODSP currently are.
	28 Hire an outreach coordinator to liaise with neighbourhood groups and conduct public education initiatives that disrupt stigma. ● Provide workshops on human rights, tenant rights, extreme weather planning (supporting warming and cooling centres) ● Liaise with Neighbourhood Associations, BIAs, condo boards, tenant groups, community connectors, Facebook groups and NextDoor. ● Develop a toolkit to address participation barriers (transportation, childcare, accessibility) to encourage more inclusive and diverse participation in neighbourhood conversations.
Climate and Extreme Weather Planning	**29** Develop a Proactive Extreme Weather Mitigation Protocol (ii.e. winter warming packages 3.0) ● Summer cooling and winter warming ● Flexible outreach materials funding (with big lead) ● Quarterly planning (i.e. winter planning starts in spring and summer planning starts in fall) ● Coordinate between formal and informal outreach embedded with continuum of care learnings so protocol adapts to emerging needs.

FOCUS AREA	CALLS TO ACTION

30 Draft an extreme weather homelessness response plan (ii.e. out of the cold with paid staff)

- Consult with the Red Cross, military, and other emergency response groups to identify learnings that can be translated to homelessness response.
- Develop a framework to mobilize temporary shelters quickly (i.e. churches account for in kind accounting)
    - Provide training framework to ensure adequate staff and volunteers

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THIS IS **EXHIBIT "D"** REFERRED TO
IN THE AFFIDAVIT OF DAVID ALTON
SWORN REMOTELY AT THE SAUBLE BEACH
BEFORE ME AT THE CITY OF KITCHENER
DURING A VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 23rd DAY OF JUNE, 2025



_____

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

A HUMAN RIGHTS APPROACH

A National Protocol for Homeless Encampments in Canada

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APRIL 30, 2020

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

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

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

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

PRINCIPLES

Principle 1: Recognize residents of homeless encampments as rights holders

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

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

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

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

Principle 3: Prohibit forced evictions of homeless encampments

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

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

Principle 4: Explore all viable alternatives to eviction

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

Principle 5: Ensure that relocation is human rights compliant

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

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

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

[1] A/HRC/43/43, para 36.
[2] A/73/310/Rev.1, para 26.

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

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

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

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

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

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

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

I. Introduction

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

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

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

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

[3] Encampments have arisen in cities across the country, including: Abbottsford, Vancouver, Victoria, Edmonton, Toronto, Ottawa, Gatineau, Peterborough, Winnipeg, Montreal, Nanaimo, Calgary, Saskatoon, Fredericton, Moncton, Oshawa, Halifax, and Maple Ridge.
[4] A/HRC/31/54, para. 4.

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

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

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

II. Purpose of the National Protocol on Homeless Encampments

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

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

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

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

[6] A/HRC/43/43, para 7.

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

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

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

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

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

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

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

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

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

[11] A/HRC/43/43.

[12] A/HRC/31/54; A/HRC/40/61, para 43.

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

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

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

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

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

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

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

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

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

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

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

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

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

[17] International Covenant on Economic, Social and Cultural Rights, art. 2 (1).
[18] A/HRC/43/4.

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

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

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

IV. Relevant Authority

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

1. International Human Rights Treaties

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

[19] Ball, V. (2019). *Encampment residents fear eviction*. The Expositor. Available from: https://www.brantfordexpositor.ca/news/local-news/encampment-residents-fear-eviction
[20] A/HRC/43/43, para 36.
[21] UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf; Collinson, R. & Reed, D. (2018). *The Effects of Eviction on Low-Income Households*. Available from: https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf

the continuous improvement of living conditions."[22] The right to housing and the prohibition against forced evictions has been interpreted in General Comments No. 4 and 7[23] by the UN Committee on Economic, Social and Cultural Rights. In addition, Canada has ratified other treaties that codify the right to adequate housing, including:

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

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

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

1. Canadian Housing Policy and Legislation

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

[22] ICESCR, Article 11, masculine pronouns corrected.
[23] General Comment 4 (1991), UN Doc. E/1992/23; General Comment 7 (1997), UN Doc. E/1998/22.
[24] A/69/274.
[25] General Comment 4 (1991), para 7.
[26] A/74/183.
[27] A/74/183.

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

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

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

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

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

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

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

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

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

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

31 In the case of *Victoria v. Adams,*[33] residents of an encampment challenged a bylaw that prevented them from constructing temporary shelter in a park, on the basis of which city officials had secured an injunction to evict them. The British Columbia Supreme Court agreed that while the *Charter* does not explicitly recognize the right to housing, international law is a persuasive source for *Charter* interpretation and found that the bylaw violated the residents' right to security of the person. The BC Court of Appeal upheld the decision of the BC Supreme Court and other decisions in British Columbia have followed.[34] In *British Columbia v. Adamson* 2016,[35] for example, the court found that in the absence of alternative shelter or housing for all people experiencing homelessness, encampment residents must not be evicted from their encampment. In *Abbotsford v. Shantz* 2015[36] the Court found that denying encampment residents space to erect temporary shelters on public property was "grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless."[37]

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

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[32] *Abbotsford (City) v. Shantz*, 2015 BCSC 1909, paras 213 and 219.
[33] *Victoria (City) v. Adams*, 2008 BCSC 1363 (CanLII), paras 85-100. Online, http://canlii.ca/t/215hs
[34] Key examples of case law includes: *Victoria v. Adams* 2008/ 2009, *Abbotsford v. Shantz* 2015, *BC v. Adamson* 2016, and *Vancouver (City) v. Wallstam* 2017.
[35] *British Columbia v. Adamson* (2016 BCSC 1245). Online, https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1245/2016bcsc1245.html?resultIndex=1
[36] *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1
[37] *Abbotsford (City) v. Shantz* (2016 BCSC 2437), para 224. Online, https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1
[38] For an overview of provincial and territorial human rights codes, see: https://ccdi.ca/media/1414/20171102-publications-overview-of-hr-codes-by-province-final-en.pdf

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

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

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

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

3. UN 2030 Agenda for Sustainable Development

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

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

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

V. Key Principles

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

PRINCIPLE 1: Recognize residents of homeless encampments as rights holders

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

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

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

[40] A/73/310/Rev.1.

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

[42] A/73/310/Rev.1, para 15.

[43] A/73/310/Rev.1.

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

PRINCIPLE 2: Meaningful engagement and effective participation of encampment residents

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

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

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

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

i. Provision of necessary institutional, financial, and other resources to support residents' right to participate

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

[44] A/73/310/Rev.1.
[45] A/HRC/43/43, para 20.
[46] Ibid. See also the Committee on the Rights of the Child's General Comment No. 21 (2017) on children in street situations.
[47] A/HRC/40/61, para 38.
[48] A/HRC/43/43, para 21.

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

ii. Provision of relevant information about the right to housing

Encampment residents must be provided with information about their right to housing, including information about procedures through which they can hold governments and other actors accountable, as well as specific information about the rights of Indigenous Peoples.[51]

iii. Provision of relevant information concerning decisions that affect residents, ensuring sufficient time to consult

Encampment residents must be provided with all relevant information in order to make decisions in matters that affect them.[52]

iv. Establishment of community engagement agreement between homeless encampment residents, government actors, and other stakeholders

In order to facilitate respectful, cooperative, and non-coercive communication between residents, government, and other stakeholders, government may seek to collaborate with residents to create a formal community engagement agreement (when appropriate and requested by residents).[53] This agreement should outline when and how encampment residents will be engaged,[54] and should be ongoing and responsive to the needs of the encampment residents.[55] It should allow the residents of homeless encampments to play an active role in all aspects of relevant proposals and policy, from commencement to conclusion. Residents should be able to challenge any decision made by government or other actors, to propose alternatives, and to articulate their own demands and priorities. Third party mediators should be available to protect against power imbalances that may lead to breakdown in negotiations or create

[49] Committee on Economic, Social and Cultural Rights' General Comment No. 4, para. 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 39).
[50] A/73/310/Rev.1.
[51] A/73/310/Rev.1, para 19.
[52] A/73/310/Rev.1.
[53] A/73/310/Rev.1.
[54] A/73/310/Rev.1.
[55] United Nations. *Guiding Principles on Extreme Poverty and Human Rights*, foundational principles, para 38.

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

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

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

Principle 2 in Action – The "People's Process" in Kabul, Afghanistan

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

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

[56] A/HRC/43/4, para 42.
[57] A/73/310/Rev.1, para 20.
[58] A/HRC/43/4.
[59] Committee on Economic, Social and Cultural Rights, General Comment No. 21 (2009) on the right of everyone to take part in cultural life, in particular para 16.

PRINCIPLE 3: Prohibition of forced evictions of encampments

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

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

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

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

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

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[60] A/HRC/43/43, para 34; CESCR General Comment No.7.
[61] CESCR General Comment No.7.
[62] A/HRC/43/43, para 34; also see: "Security of tenure under domestic law should not, consequently, be restricted to those with formal title or contractual rights to their land or housing. The UN guiding principles on security of tenure (A/HRC/25/54, para. 5), states that security of tenure should be understood broadly as "a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one's home in security, peace and dignity."
[63] UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf
[64] A/HRC/43/43, para 36.
[65] See, for example, Ontario's *Safe Street's Act* (1999).

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

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

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

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

PRINCIPLE 4: Explore all viable alternatives to eviction

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

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

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

[66] A/HRC/43/4.

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

PRINCIPLE 5: Ensure that any relocation is human rights compliant

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

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

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

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

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

[67] A/HRC/40/61, para 38.
[68] A/73/310/Rev.1, para 26.
[69] A/73/310/Rev.1, para 32.
[70] A/HRC/4/18, annex I, para. 60.

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

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

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

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

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[72] A/HRC/4/18, *Basic Guidelines on Development Based Evictions,* see para 50: "States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use."
[73] National Law Centre on Homelessness & Poverty. (2017). *Violations of the Right to Privacy for Persons Experiencing Homelessness in the United States*. Available from: https://nlchp.org/wp-content/uploads/2018/10/Special-Rapporteur-Right-to-Privacy.pdf. See para 7: "For them, whatever shelter they are able to construct, whether legally or illegally, is their home, and their right to privacy should inhere to that home the same as it would for any regularly housed person. To deny them that right is to further marginalize and dehumanize this already highly marginalized and dehumanized population."
[74] A/73/310/Rev.1, para 34.
[75] Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 60) and A/HRC/4/18, annex I, para. 60.
[76] A/73/310/Rev.1, para 31.

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

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

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

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

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[77] A/73/310/Rev.1.

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

[79] A/HRC/43/43, para 42.

[80] A/HRC/43/43.

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

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

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

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

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

PRINCIPLE 6: Ensure encampments meet basic needs of residents consistent with human rights[83]

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

[83] Details regarding securing basic needs consistent with human rights can be found in Schedule B.
[84] A/73/310/Rev.1.
[85] A/HRC/43/4.
[86] UN Water. *Human Rights to Water and Sanitation*. Available from: https://www.unwater.org/water-facts/human-rights/
[87] A/73/310/Rev.1, para 46: "Attempting to discourage residents from remaining in informal settlements or encampments by denying access to water, sanitation and health services and other basic necessities, as has been witnessed by the Special Rapporteur in San Francisco and Oakland, California, United States of

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

i. Access to safe and clean drinking water

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

ii. Access to hygiene and sanitation facilities

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

iii. Resources and support to ensure fire safety

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

iv. Waste management systems

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

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

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

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

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

v. Social Supports and Services

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

vi. Guarantee Personal Safety of Residents

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

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

vii. Facilities and resources that support food safety

Consuming contaminated food or water can cause a variety of foodborne

[90] CalRecycle. *Homeless Encampment Reference Guide*. Available at: https://www.calrecycle.ca.gov/illegaldump/homelesscamp#SolidWaste

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

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

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

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

viii. Resources to support harm reduction

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

ix. Rodent and pest prevention

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

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

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

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

[93] ICESCR.

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

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

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

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

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

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

[95] ICESCR, Article 2(1).

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

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

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

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

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

69 Compliance with international human rights law requires:

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

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

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

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

[99] A/74/183, particularly para 6: "The right to adequate housing can be enjoyed by Indigenous Peoples only if its articulation under article 11 (1) of the International Covenant on Economic, Social and Cultural Rights is understood as interdependent with and indivisible from the rights and legal principles set out in the United Nations Declaration on the Rights of Indigenous Peoples."
[100] A/74/183.
[101] A/74/183.
[102] A/74/183, para 62.
[103] A/74/183.

meaningful consultation of Indigenous Peoples

Governments must ensure the participation of Indigenous Peoples in all decision-making processes that affect them.[104] Governments must consult with Indigenous encampment residents in order to obtain their free, prior, and informed consent before taking any action that may affect them.[105] Engagement with Indigenous communities should involve genuine dialogue and should be guided by "mutual respect, good faith and the sincere desire to reach agreement."[106] This consultation process must engage representatives chosen by Indigenous Peoples themselves, in accordance with their own procedures and practices.[107] As outlined in Principle 2, governments must provide Indigenous residents with necessary institutional, financial, and other resources in order to support their right to participate.[108] Indigenous women and girls must be consulted on a priority basis.[109]

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

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

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

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

[104] United Nations Declaration on the Rights of Indigenous Peoples.
[105] United Nations Declaration on the Rights of Indigenous Peoples, in particular arts. 10, 19, and 23.
[106] A/74/183, para 56.
[107] United Nations Declaration on the Rights of Indigenous Peoples, art. 18. See also Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 6(1)(b); American Declaration on the Rights of Indigenous Peoples, arts. XXI (2) and XXIII (1); and A/HRC/18/42, annex (Expert Mechanism advice No. 2 (2011)). See also Human Rights Committee, General Comment No. 23 (1994) on the rights of minorities, para 7.
[108] Committee on Economic, Social and Cultural Rights' General Comment No. 4, para 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para 39).
[109] A/74/183, para 59.
[110] A/74/183, para 51. See also A/HRC/7/16, paras 45–48; The United Nations Declaration of the Rights of Indigenous Art. 26.2: "Indigenous Peoples have the right to own, use, develop, and control the lands, territories and resources that they possess by reason of traditional occupation or use, as well as those which they have otherwise acquired."
[111] United Nations Declaration on the Rights of Indigenous Peoples, Art. 10: "Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return."

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

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

[112] A/74/183, para 59.
[113] A/74/183, para. 59.

SCHEDULE A: Select Case Law on Homeless Encampments in Canada

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

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

Abbotsford (City) v. Shantz, 2015[116]

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

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

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

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[114] *Victoria(City) v. Adams* (2009, BCCA 563). Online, https://www.canlii.org/en/bc/bcca/doc/2009/2009bcca563/2009bcca563.html?resultIndex=1

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

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

[117] Para 224

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

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

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

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

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

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

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

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

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

[120] Para 183.

[121] Paras 85-86,

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

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

[124] Para 46-47.

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

[125] Para 64.

SCHEDULE B: An Elaboration on Principle 6

Ensure encampments meet basic needs of residents consistent with human rights

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

i. Access to safe and clean drinking water

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

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

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

ii. Access to hygiene and sanitation facilities

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

Hygiene and sanitation facilities should include:

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

[126] A/RES/64/292, para 2. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.
[127] A/RES/64/292, para 3. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

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

iii. Resources and support to ensure fire safety

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

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

iv. Waste management systems

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

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

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

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

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

v. Social Supports and Services

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

i. Guarantee Personal Safety of Residents

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

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

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

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

Any approach to addressing interpersonal safety within encampments must:

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

vi. Facilities and resources that support food safety

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

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

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

vii. Resources to support harm reduction

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

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

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

viii. Rodent and pest prevention

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

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

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

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

Region of Waterloo
COMMUNITY SERVICES

100 Victoria Systems Meeting Notes

Attendees:	Peter Sweeney, Shannon Down, Jess Fry, Ashley Schuitema, Kayli Kinnear, Char Lee, Wren Wombwell, Kelly-Anne Salerno, Nicole Hollingworth, Stephanie Meek, David Alton, Fran Truong, Chris McEvoy, Regan Brusse		
Regrets:	Ashley Hynd, Stephanie Mancini		
Date:	March 7, 2024	Time:	9:30-11:00am

Agenda Item	Notes (Agenda items that were not discussed are omitted)
Territorial Acknowledgement	• Work with 100 Vic needs to Acknowledge any distinct Indigenous rights.
100 Vic Updates from Peter.	• Acknowledging and appreciating willingness of group to come to the table and convene given the difficult nature of the discussion. • The land at 100 Victoria will be required for Metrolinx as part of the long planned redevelopment of the block from Weber Street to King Street for a new transportation hub. As of now, no definitive date. There will need to be a period (couple months) where the site will need work before being handed over. Multiple parcels of land in this area will be developed, the responsibility of development is Metrolinx. The purchase of 70 Victoria to do this work was a key driver to initiate this conversation today.
Discussion points from Community Groups	• Appreciation that this meeting is occurring as opposed to 150 main, asking CSD HOU to be clear what is happening with 100 Victoria so the community can figure out their advocacy. • Need to solve some of the core issues and have concrete plans with resources, otherwise residents won't leave and Fight Back isn't leaving either. Fight Back won't let the site be limited, and will reside there themselves if they have to. Human life is more important than transit. • Sit in the resident's shoes, the adequacy of need hasn't been met yet. • Advocacy can work in spaces the Region cannot, Advocacy has tools the Region doesn't and can clear out pressure points if they know where those points are. • It would be advantageous to not put up fencing yet and come up with better solutions. Is the fencing a legal way around the court order? • As per the court decision, resident Charter Rights need to be honoured. A court order would be needed for anything involuntary. Not so sure Charter compliance says Metrolinx gets it when they need it. • 100 Vic doesn't exist in isolation, it is part of a system for people unsheltered and has ripple effects the same way 150 main did. People need a place to put their tent, the system needs a place where people can go. • Need to turn back to lower barrier options, deep harm reduction and supportive environments.
Questions & Thoughts from the group for future thinking	• What does it look like to work with residents on their transition needs and preferences? • Although the progress of systems transformation cannot be seen concretely and we're not where we want to be yet, progress and success exists and is occurring, can we find ways to apply these and continue to make strides w 100 Vic? • Can we shift to mediation? Can the Region acknowledge it is the middle-person? Do we need to involve more Region Depts? Can the Region participate in advocacy against Metrolinx or other levels of Government? Can we Co-host a public night? • Can a transfer to another piece of land something that can be considered? • Can we talk about this group of people in this encampment with their complexity of needs and use it to understand where policies need to shift? • Are we willing to commit to a human rights based approach to doing all this? This is the only way to being Charter Compliant, it's the foundation. • Request access to the meeting notes?

Next Steps	• Peter acknowledged that he heard today that some members of the meeting articulated that if 100 Victoria is required for other uses, an ask will be that current people living there should be offered another location to camp. That is a position he will articulate to Region of Waterloo leadership and Council. • Peter can commit that in his role, he will not advocate for anything that is not human rights focused. • Next discussion TBD.

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https://www.therecord.com/opinion/columnists/were-getting-left-behind-at-the-go-station/article_3d399ede-71aa-5ae3-b273-46457584a07d.html

COLUMNISTS

Opinion | We're getting left behind at the GO station

Metrolinx has signalled that all-day, two-way train service between Kitchener and Toronto will be delayed yet again, Luisa D'Amato writes.

June 16, 2025



It's a slow road for passenger trains that might travel all day, every 15 minutes, in both directions between Kitchener and Toronto.

Metroland file photo

By Luisa D'Amato Reporter
Luisa D'Amato is a Waterloo Region Record reporter and columnist. She writes on issues affecting day-to-day life in the area. She can be reached at ldamato@therecord.com.

Does the constant lack of action on GO train service between here and Toronto remind you of anything?

How about Highway 7?

The decades of delay regarding plans for a brand-new highway between Kitchener and Guelph have been the source of much anger and frustration for residents here.

For 18 years, successive provincial governments made solemn promises regarding the planned new highway between Kitchener and Guelph. They spent $222 million of public money, and yet we're still driving on that congested old road, with no new highway in sight.

And now, one can sense the exact same thing happening with the promises of all-day two-way GO trains, running every 15 minutes, between here and Toronto.

The website of Metrolinx, the agency managing the expansion of GO train service in and out of Toronto for many communities, promises all-day two-way train service for this community every 15 minutes.

It acknowledges that this is a "massive undertaking," but adds that the work is "well underway" and adds that the improved service will be introduced "as quickly as we can."

There are no timelines or details on the page.

An article in The Trillium, an online news service that focuses on Ontario politics and policy, may help explain why. It suggests that improvements on the Kitchener line are on the furthest of back burners.

Using documents and sources, the Trillium journalists tell the story of Metrolinx trying to build an ambitious, electrified rail network to move people in and out of Toronto efficiently.

Metrolinx partnered with ONxpress Operations Inc. to operate and maintain GO trains for 23 years, starting on Jan. 1, 2025. The major partner in ONxpress was the German state railway, Deutsche Bahn.

But German rail service, and German culture, is very different from Canadian rail service and Canadian culture. A number of problems emerged, including an inability to define a clear vision for the rail service that everyone agreed to, different communication styles and different expectations regarding how fast and radical the change would have to be.

The arrangement ended after a few months, and Metrolinx retrenched. The article offers some details about how this plays out with different communities.

To quote from the Trillium article: “Originally, GO Expansion was supposed to build out capital projects (such as new tracks, signalling and electrification work) on the Lakeshore East and West, Barrie, Kitchener and Stouffville lines, as well as Union Station, said Lucia England, Metrolinx’s vice-president of development and controls, in an October 2024 staff briefing.”

But now, Metrolinx has since “pivoted” to focus on Lakeshore East and Lakeshore West, which “generate the most economic benefit,” England is reported to have said.

The Barrie, Kitchener and Stouffville lines will be addressed in the next “phase” of the minimum viable product, she said.

What does the “next phase” mean? Your guess is as good as mine. But it strongly suggests we’ve been moved to the back of the line.

I asked the communications staff at Metrolinx for a timeline for the promised expanded service between Toronto and Kitchener.

Andrea Ernesaks, Metrolinx senior manager of media relations and issues, sent me an email Friday, repeating the promise for service every 15 minutes.

She acknowledged that the partnership with ONxpress Operations Inc. had come to an end, but “our GO Expansion work is proceeding.”

“This includes electrification, signalling service increases, and station upgrades, including at Union Station.

“The Development Phase for GO Expansion has been completed, with early construction works underway, as well as in-corridor works along the Kitchener corridor,” she wrote.

There’s concrete information there, but no timeline.

Meanwhile, Waterloo New Democratic Party MPP Catherine Fife was also aware of the Trillium article and put out a news release last week, demanding “real answers” and calling out the “years of delays and shifting timelines.”

As for this area, “we’re getting crumbs” while “opaque, arrogant” Metrolinx builds a “bloated bureaucracy” and doesn’t offer results.

She called for the Doug Ford government to hold Metrolinx to account.

“The economic case for two-way all-day GO was made back in 2011,” she told me Friday.

“Why do we continue to be left at the station? Figuratively and literally?”

Especially with the economic uncertainty brought by the Trump administration, “Ontario has to become a more resilient economy,” she told me Friday.

“In order for that to happen, labour mobility should be optimized. We don’t have time for Metrolinx to figure this out.”

She is right. Because provincial authorities drag their feet on our infrastructure needs, Waterloo Region operates at a terrific disadvantage. Again.

Luisa D’Amato is a Waterloo Region Record columnist. Reach her by email at ldamato@therecord.com.

Opinion articles are based on the author’s interpretations and judgments of facts, data and events. More details

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From: David Alton they-them
To: marjorie-ann knight
Cc: Laura Pin; McGuire Martin, Amanda; Regan Brusse; Leah Goetz-Bryant; Kristy Sawatzky; Jeff Willmer (gmail); oluseun@adventure4change.org; Fadhilah Balogun; David dirks; Mikael Beijom; Linda Terry; Sharon Livingstone; Lori Richer; Wayne Paddick; Iain Morton; Tracy Elop; mharringan@cmhaww.ca; Chelsea Crocker; Brie Visser; Diane Goodwin (goodwins4@sympatico.ca); Anne Tinker (anneltinker@gmail.com); June Anderson; Peter Phillips; Wisam Osman; Ashley Hynd; Julie Lynch; Kristine Allison; cathyh; Kylah Blair; Stacey Bricknell; Chris Morton; Erica Poulin; Lindsay Beuermann; Jennifer Robinson; Laura Thies; Meg Walker; Sonia Dennis; Elaine Shantz; Narine Sookram; Eva Vlasov; Julie Hornick-Martyk; Leah Kschesinski; Donna Dubie; Jennifer Scott; Clare Wagner; Tara Bedard; Leah Logan; Hadembes Yebetit; Edward Faruzel; David Cooke; Craig Albrecht; karen.7481996@gmail.com; Julie Walder; cc: Kate Rockwell; Karen Bast; Jeff Hesselink; Jawan; Duaa Al-Aghar; Thomas (SOLGEN); Tonya Verburg; Kyla Arsenault; Gloria Bairos; mgrassi@regionofwaterloo.ca; vallen@regionofwaterloo.ca; Stephanie Watson; Skylar Niehaus; Francisco Truong; Peter Phillips; Jennifer Gordon; Jennifer Beckett; Chris McEvoy; Ryan Pettipiere; Pat Fisher; Malika Chenny-Ramkissoon; Crista Burch; LLuangmany@regionofwaterloo.ca; Lindsey White; Pete McKechnie; Lindsay Sprague; Julie Kalbfleisch; Aleksandra Petrovic Graonic; Sarah Ranco; Jeff Steckley; Laura Ross; Lyndsey Butcher; Barbara Hill; Erin Goodyear; Faduma Musse; Catherine StewartSavage; Brian Paul; Edwina Toope; Eric Philip; rcameron@thrivehiv.ca; jdelima@thrivehiv.ca; darren.woods@salvationarmy.ca; Stephanie Mancini; Kayli Kinnear; Jay Straus; Aaron Willmott; Toby Harris; Brian Doucet; Sean Geobey; sean@untionsd.coop; Jillian Lawrie; Brian Kamm; colleen cooper; Ashley Schuitema (WRCLS); Angie Pham (WRCLS); Ginette Lafreniere; William O"Leary; Erin Dej; Christina Silva; l.manning@ywcacambridge.ca; K Decker; Roz Gunn; April Turner; Sara Escobar; Jennifer Breaton; Liz Monteiro; Cc: Amy Laughlin; Gryphon Marcus Jolan Loubier
Subject: Re: Why are Police and Bobcats at 100 Victoria?
Date: April 16, 2025 2:29:28 PM

This message was sent from outside of Legal Aid Ontario. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Hello all,

To give clarity on what has happened. Five dumpsters and a security trailer has been put up on site. At this moment staff/contractors have left and the bobcat has moved to the parking lot.

I'm hoping to get an official explanation as the day progresses. Working centre and community legal staff are also on site.


RENT ME
519-498-4246
RYDER S
RENT ME
519-498-4246
RYDER S
RENT ME
519-498-4246
RYDER S
123


RENT ME




64
VICTORIA
PRIVATE PARKING
PERMITS MUST BE
DISPLAYED
SECURITY RESPONSE
BORDER PUBLIC SECURITY

-David

THIS IS **EXHIBIT "H"** REFERRED TO
IN THE AFFIDAVIT OF DAVID ALTON
SWORN REMOTELY AT THE SAUBLE BEACH
BEFORE ME AT THE CITY OF KITCHENER
DURING A VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 23rd DAY OF JUNE, 2025



_____

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

Social Development Centre
Waterloo Region

Community Impact Consultation - Preliminary Report
100 Victoria April 22, 2025

Context

The future of the 100 Victoria encampment (100Vic) was made a priority when first drafting the Region's Plan to End Chronic Homelessness (aka. the Plan). In April 2024, Regional Council approved the adoption of their Final Report as the official plan to prevent, address, and end homelessness in Waterloo Region. The Final Report included Action 1.2 which calls for the implementation of a housing-focused Street Outreach Framework and a Human Rights Based Approach encampment response protocol. Both the Final Report and the April 2024 council report (CSD-HOU-24-006) heavily relied upon the Lived Expertise Prototyping Report, which was prepared by the Social Development Centre (SDC) and outlines the theory of change and recommendations developed by the prototyping cohort for the Plan to End Chronic Homelessness. In the Prototyping Report, Action 19 called on the Region to update the plans for the transit hub to ensure the continuation of 100 Victoria Street as a sanctioned encampment until functional zero homelessness has been achieved; as well as set aside land/funding for a transition fund through conversation with Metrolinx and the Province to ensure residents are provided with comparable land and supports.

The Social Development Centre was informed a year ago that the Region was exploring a plan to remove the encampment to make room for the transit hub. At that time, we advised their staff of the conditions needed from the National Protocol on Homeless Encampments to facilitate the encampment's transition, including consent, transparency, and fairness. That conversation did not go further between the Region and community partners or encampment residents. The SDC, along with the rest of the public, received notice on April 16, 2025 of a proposed bylaw to clear 100 Victoria. This notice was received several hours after the appearance of several on-site dumpsters, a portable trailer, and a construction bobcat. The Region's Community Services department hosted two information sessions about the bylaw on April 17, 2025 for members of the Co-Creator's table. During those sessions, we were told that regional workers had been out at the encampment when the dumpsters, trailer, and construction equipment arrived and that information had been relayed to the residents at that time. Furthermore, they confirmed that as of April 17, 2025 there was no enforcement of that bylaw and that for existing residents, the focus in the upcoming weeks would be on finding the time and resources to have one-on-one conversations.

Methodology

Social Development Centre
Waterloo Region

In the week between the bylaw's notice and the Regional Council meeting, the SDC sought to document the experiences of those living at the encampment. The goal was to understand what residents had been informed of regarding the bylaw as well as the impacts of Regional actions in the last week (i.e., the appearance of construction equipment, increased security, notice of the bylaw proposal,etc.). Within that short time frame, we diverted staff and resources into developing an action research project framed as a community impact consultation. SDC staff and our Lived Expertise Consultants (i.e., folks with lived experience of homelessness and/or housing precarity, as well as skills in community connecting and advocacy) worked together to interview multiple 100Vic residents over the course of two days.

The day prior to starting interviews, some community connectors went to 100Vic during a resident information session to give advance notice of our project. Day of, we connected with residents either at the encampment or while attending lunch at St. John's Kitchen. Residents were given information about our research project, including its purpose and how their data would be used if they chose to participate. Each resident received an honorarium for their time and were able to leave at any point during the conversation. It's notable that when residents were told they could leave, a number of them specifically stated that they were choosing to participate because this directly impacts their housing and they were committed to doing whatever they could. Our staff and Lived Expertise Consultants worked in pairs, with one person facilitating the conversation and the other taking notes and/or recording. Residents were asked what they knew about the bylaw (and, if needed, we reviewed its core elements with them), how they felt during the last week at the encampment, and what they wanted the SDC to ask for, or say, on their behalf during the Regional Council meeting.

In total, we talked to 27 encampment residents with conversations ranging between 5-30 mins long. Recordings and/or notes were taken at the time of the interview, with the resulting data being preliminarily reviewed by four SDC staff members. As part of the initial stages of a content analysis, staff made note of overarching themes and searched across the conversations for first patterns and recommendations. That first, high-level summary was used to create the SDC's delegation material presented to Regional Council on April 23, 2025; this report also represents that data summary. A fulsome analysis will be done in the upcoming weeks and we encourage others to refer to that report for more information, once finished.

Initial Findings

Lack of Information About the Bylaw and Council Report

Of the 27 residents we spoke to, no one could identify receiving information from Regional staff within the week since the bylaw's proposal was publicly posted. No one we interviewed had seen

the proposed bylaw as written, nor had they seen the council report which included the accompanying budget proposal for housing supports. Some of the residents had heard of the bylaw from rumours or other media sources, but information was inconsistent and vague. Some residents referred to a specific contact person living at the encampment who typically disseminates relevant information to the community; noting that no one had heard anything from that individual about the bylaw nor the construction equipment. All the residents we spoke to had seen the appearance of the dumpsters and security trailer but were unsure about their purpose. Meanwhile, more than half of them had heard nothing about the bylaw itself and were first informed by us during the interviews.

In general, encampment residents' understanding was that the Region wanted them to leave because of the train station. Another, less prevalent but parallel, assumption was that the encampment was closing because of public opinion; where the public saw the site as an eyesore and wanted to 'clean it up', despite residents' efforts to keep the location presentable. One person summarized their understanding simply as "I know they want me out of here". Other perceptions about the region's bylaw included that it would be illegal to camp at 100Vic and that putting up tents was going to be stopped. Some residents thought they would be displaced to other locations, such as sheds or shelters, or that there wouldn't be anywhere for them to go and they would have to fend for themselves next winter. Many were unaware of the housing supports being proposed in the council report.

Adding to the overall lack of clarity, residents did not have a shared understanding on what the purpose of the land would be for. Some thought it would be for a parking lot while others thought it would be for the new train station. The timeline for rolling out by bylaw was also unclear. Some people believed the site would be closed by the end of the spring, following the CTS and warming center closures, while others believed they had until the end of 2025. Other perspectives included that the 100Vic location had been 'promised' to the encampment and that Metrolinx had changed its mind entirely about needing the site. Some folks at 100Vic mentioned that on-site security was already saying the bylaw was in effect and preemptively enforcing it, further highlighting the disconnect between the bylaw's proposal phase and its approval. Finally, many residents were unaware of the bylaw's list of prohibited actions, unsure of what would be included or how it would be enforced

Impacts form Regional Actions

The impacts of the public notice for the proposed bylaw, as well as the appearance of the construction equipment and increased security presences, elicited a multitude of feelings. People talked of fear, stress, confusion, and sadness. While some people were happy for change and the prospect of housing, others felt like this was targeted harassment, and trying to kill the homeless.

Social Development Centre
Waterloo Region

Some residents spoke of how the actions in the last week were causing an uproar, and how it felt inhumane and wrong. Some spoke of now feeling pressured like having a gun to their head, and how the actions from the region resulted in making them feel like human trash. One person said "If you are putting bins full of garbage right where people are living, how do you think they would feel?" while another said "They [*the encampment residents*] are at the bottom and now you are just taking away the bottom."
Many spoke of the encampment as its own community, with several people expressing concern for their fellow residents. One person shared that "... the folks at [*100Vic*] have given so much to folks. They have been there for me and given me a space to live, and at times that was all I had on the coldest nights…". Residents are deeply concerned about who is being prioritized and who is at risk of falling through the cracks; especially for those at risk of being banned from regional services for a myriad of reasons. While many residents we spoke to want housing access, there was still a range of opinions. Some people were okay with motels and shelters, while others were not and/or shared concerns around safety when using contracted housing services. Some also spoke about needing an alternative encampment location to maintain the community that has been built over the years. Location and access to services was also a concern mentioned by a number of encampment residents. Many people in the community are disabled and having close proximity to the hospital and downtown services is vital. One resident spoke of common struggles when accessing services saying "...the city makes the homeless walk a mile and half. To walk that on a cold night is terrible."

It was clear from our conversations that 100Vic is a vital part of the homelessness ecosystem, and the folks living there deserve to have a voice in what happens to the site. Many people spoke about wanting advance notice for regional decisions that impact their life, including clearer timelines and explanations of what resources will be made available. Some residents had chosen to come to the encampment because they saw it as the better option when compared to warming centers or shelters (many of which are now closed in the region). Some residents are also banned from other shelters and were concerned about how long they would be allowed to stay at a motel or other options from the Region. Some talked about how they were already planning on setting up tents in the backyards of houses and businesses. Based on our conversations, closing encampments will put pressure on an already stressed community dealing with complex mental health and break trust throughout the system. As one resident put it "How many times can you bully and torture and belittle the most vulnerable population?"

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IN THE AFFIDAVIT OF DAVID ALTON
SWORN REMOTELY AT THE SAUBLE BEACH
BEFORE ME AT THE CITY OF KITCHENER
DURING A VIDEOCONFERENCE
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ADMINISTERING OATH OR DECLARATION REMOTELY
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ASHLEY SCHUITEMA
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 68257G

Region of Waterloo

Planning, Development, and Legislative Services

Legal Services

To:	Regional Council
Meeting Date:	April 23, 2025
Report Title:	100 Victoria Street, North, Kitchener – Site Specific By-law

1. Recommendation

That the Regional Municipality of Waterloo pass a by-law in the form attached as Appendix 'A' to this Report PDL-LEG-25-017, being a Site Specific By-law respecting the use of 100 Victoria Street, North, Kitchener (as Owned by The Regional Municipality of Waterloo) to facilitate the Kitchener Central Transit Hub (KCTH) and other transit-related development.

That the Regional Municipality of Waterloo direct staff to implement a plan for alternative accommodation for current residents of 100 Victoria Street North, Kitchener, and add $814,333 to the 2025 regional Housing budget as outlined in this Report PDL-LEG-25-017.

2. Purpose / Issue:

The Kitchener Central Transit Hub ("KCTH") is a transformational project that has been in the planning stages since 2013. To advance construction, Metrolinx has advised that it requires the use of the Region's property at 100 Victoria Street North by March 2026. The process to prepare the site for use by Metrolinx will take several months, requiring the site to be vacant by December 1, 2025.

There currently is an encampment of residents located at 100 Victoria Street North (the "Encampment"). A bylaw is therefore being introduced to Regional Council to allow the Region to obtain vacant possession of 100 Victoria Street North.

The purpose of this report is to seek Regional Council approval of a Site Specific By-law for 100 Victoria Street North, to facilitate remediation of the property commencing December 1, 2025 and Metrolinx's use of the property by March 2026.

3. Strategic Plan:

The Region of Waterloo is on a journey of growth to an intentional, sustainable future of one million residents. KCTH supports the Homes for All, Equitable Services and Opportunities and Climate Aligned Growth focus areas within the Region's 2023 – 2027

Strategic Plan.

Upon completion, KCTH will enhance and integrate transit infrastructure, provide residential and commercial development opportunities and be a gateway for economic development for Waterloo Region.

4. Report Highlights:

- KCTH has been in the planning stages since 2013 and builds on the success of ION light rail. Designed to serve current and future residents, as well as visitors, the transit hub will redefine how people connect, commute, and experience Waterloo Region.
- Work on KCTH has advanced to the stage where construction is anticipated to begin in the next year. To further advance the project, the Region's property at 100 Victoria Street North is required by Metrolinx in March 2026.
- The Region is required to complete due diligence and site preparation at 100 Victoria Street North prior to handover of the property to Metrolinx. This work will take approximately three months to complete and cannot be undertaken with an encampment present on the property.
- To meet this timeline, a bylaw is now being introduced that requires the site to be vacant by December 1, 2025.
- In preparation for this transition, Regional staff will provide enhanced support by focusing efforts and resources on current residents for available housing and shelter options.
- In the context of the decision of Justice Valente in *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670 ("Valente Decision") the Region intends to seek further direction from the Superior Court of Justice, to the extent this is feasible and compatible with the anticipated construction schedule.

5. Background:

<u>KCTH Development</u>

As the Region quickly grows to one million residents, the community is on the cusp of significant change. To help shape future growth, the Region, along with many partners, is leading transformational projects that will positively impact residents and visitors for generations to come.

Designed to serve current and future residents, as well as visitors from around the world, KCTH will redefine how people connect, commute, and experience our community. Building on the community investment in ION light rail, KCTH will connect ION light rail, GRT, GO Transit (rail and bus service), VIA, rail service, intercity bus,

active transportation, passenger vehicles, cyclists and pedestrians in one central location.

The transit hub is expected to generate ION ridership as an anchor development along the Central Transit Corridor with transit station functions integrated with a future mixed-use destination. It will be a gateway to the Region of Waterloo and will connect residents and visitors to the Toronto-Waterloo Region innovation corridor.

KCTH is a landmark development and has the potential to stimulate growth, development and sustainability well into the future.

As part of this project, the Region has procured land on Victoria Street, from King Street to Weber Street. Upon completion of the transit hub, the remaining land will be used for commercial and residential development, including affordable housing.

In 2016, the Province recognized the value of investing in the Region of Waterloo's transit infrastructure, providing $43 million to support the transit hub. In February 2023, the Region applied for funding through the Public Transit stream of the Investing in Canada Infrastructure Program (ICIP). A decision on the application is pending.

The timing of the Region's work for the KCTH is driven by Metrolinx's construction schedule for its railway track and platform improvements adjacent to the KCTH site. Since Region staff provided the Kitchener Central Update in December, 2024 (see Appendix B) Metrolinx has notified the Region that it requires the Region owned property at 100 Victoria Street North for its use by March, 2026.

As a part of the KCTH development, Metrolinx will raise the section of rail tracks between King Street and Weber Street and relocate the rail platform from between Weber Street and Ahrens Street to the rail corridor between King Street to Duke Street. Metrolinx will also construct a diversion track that will be incorporated in the rail system immediately behind 100 Victoria Street North. Construction of the diversion track will include the build-up of ground level and rail modifications in this area.

The Region will be obligated to provide 100 Victoria Street North to Metrolinx in a condition fit for Metrolinx's use. To do so, remediation work must be completed before vacant possession of the land is delivered to Metrolinx. This includes site clean up, site investigations and geotechnical testing. It is anticipated this work will take three months, allowing for contingencies for unfavourable weather.

The Region will commence its construction activity for the KCTH project in 2025 with the demolition of the section of the Rumpel Felt building that does not have a heritage designation.

In 2026, the Victoria Street North Modifications, between Weber Street West to King

Street West, will begin. From 2027 to 2030, a bus loop, pedestrian bridge, pedestrian ramp and the hub facility will be built.

Site Specific By-law Respecting Use of 100 Victoria Street, North, Kitchener

This proposed Bylaw is a Site- Specific By-law respecting the use of 100 Victoria Street, North, Kitchener, which is owned by The Region.

The intent of the By-law is to facilitate the development of the KCTH and other transit development. To do so, it provides for vacant possession of 100 Victoria Street North by December 1, 2025.

This will allow the requisite time for the Region to complete site preparation activities prior to the handover to Metrolinx, and for Region staff to engage with encampment residents and assist in relocating these individuals.

The By-law specifically regulates 100 Victoria Street North. The By-law provides for persons currently residing at 100 Victoria Street North and their need to transition to alternate accommodation prior to December 1, 2025. To enable vacant possession by December 2025, the By-law provides that no persons who were not residents on the date public notice of the By-law was provided may erect shelters or other structures or reside at 100 Victoria Street North.

To support current residents of the Encampment (i.e. those who were present on the property when public notice of the By-law was provided), Region staff will provide enhanced site support by focussing efforts and resources on current residents for available housing and shelter options and transition to alternate accommodation.

Transition of Current Encampment Residents

Region staff have developed a proposed plan to transition encampment residents from 100 Victoria Street North. This transition will be supported through additional new resources, which may be summarized as follows:

- That Regional staff provide enhanced site support by focussing efforts and resources on current residents for available housing and shelter options and ongoing site management
- That this work be accomplished with an approach consistent with the Plan to End Chronic Homelessness
- This operational effort would be coordinated by a cross departmental structure and will wind down before November 30th.

Region staff have been supporting residents at the Encampment since December 2021. This includes regular supports provided by outreach staff, connections with Ontario

Works Caseworkers, providing regular cleaning and maintenance of the site, hiring pest control, portable washrooms, lighting, and other health and safety interventions.

Site security has been provided 24/7 since the spring of 2022. These efforts will continue through the transition process.

6. Communication and Engagement with Area Municipalities and the Public

Area Municipalities:
Over the last number of years, Region staff have worked with various municipal staff in area municipalities, particularly at the City of Kitchener and with community partners, to advance KCTH and manage the 100 Victoria site.

Should this By-law be approved, Region staff would continue to work with area municipalities and interest holders in its implementation.

Public:

Individuals currently residing at 100 Victoria Street North are being informed about the proposed By-law by the Region staff who visit the site daily to provide supports.

Partners and key stakeholders are being notified about the proposed By-law.

Updates to the community on KCTH have been ongoing and regular updates will continue throughout construction. More information can be found at: https://www.engagewr.ca/king-victoria-transit-hub

7. Financial Implications:

Current costs to maintain the site at 100 Victoria are $793,944 annually ($66,162/month). These include costs for security, pest control, portable toilets, garbage removal, and ongoing servicing and maintenance. These do not include staffing costs for social supports, outreach, facilities, or by-law staff who attend the site regularly.

Site Support Budget April-November 2025

Item	**2025 Amount**
Supportive Housing Units (new)	$271,250
Scattered Site Rent Supplements with social supports (existing)	$183,750
Motels with social supports (new)	$466,083
Site Remediation (new)	$77,000
Total Investment	**$998,083**
Less: Internal Reallocation	$183,750

Total New net costs for 2025	**$814,333**

Annualized Site Support Net Financial Impact for 2026 & 2027

	2026	2027
Annualized Supportive Housing	$ 465,000	$ 465,000
Annualized Motels*	$ 799,000	$ 0
Site Remediation	$ 35,000	$ 0
Less: savings from closing 100V currently budgeted for security and maintenance	($ 793,944)	($ 793,944)
Total Net Impact	**$ 505,056**	**($ 328,944)**

**Motels will only be used for temporary support and will not extend beyond 2026*

8. Conclusion / Next Steps:

Approval by Council of the proposed Site Specific By-law respecting the use of 100 Victoria Street North, Kitchener, and the plan for alternative accommodation for current residents of 100 Victoria Street, North, to facilitate the transition of current residents to alternative accommodation so that vacant possession of the site is achieved by December 1, 2025. Site preparation can then be completed so that the lands are ready for Metrolinx use in March, 2026.

9. Attachments:

Appendix A: Site Specific By-law respecting the use of 100 Victoria Street, North, Kitchener (as Owned by The Regional Municipality of Waterloo) to facilitate the Kitchener Central Transit Hub and other Transit Development.

Appendix B: Report EES-SAM-24-002

Appendix C: Moving forward on Kitchener Central Transit Hub: Site Specific By-law Presentation

Prepared By: Katie Johnson, Director, Strategic Initiatives and Asset Management, Engineering and Environmental Services

Fiona McCrea, Acting Regional Solicitor/Director Legal Services

Ryan Pettipiere, Director, Housing Services

Reviewed By: Peter Sweeney, Commissioner, Community Services

Approved By: Jennifer Rose, Commissioner, Engineering and Environmental Services

Doug Spooner, Acting Commissioner, Transportation Services

Rod Regier, Commissioner, Planning Development and Legislative Services

BY-LAW NUMBER 25-***

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law Respecting the Use of 100 Victoria Street North, Kitchener (as Owned by The Regional Municipality of Waterloo) to facilitate the Kitchener Central Transit Hub and other Transit Development

---

WHEREAS The Regional Municipality of Waterloo (the "Region") owns the property municipally known as 100 Victoria Street North, in the City of Kitchener ("100 Victoria Street");

AND WHEREAS 100 Victoria Street is required for the construction of the Kitchener Central Transit Hub (the "KCTH") by the Region and Metrolinx commencing in 2026;

AND WHEREAS the Region requires vacant possession of 100 Victoria Street by December 1, 2025 to facilitate the construction of the KCTH;

AND WHEREAS the KCTH, once constructed, will bring significant economic opportunity to the Region, including providing more affordable transportation options and greater connectivity for all residents of the Region to access jobs, schools, and essential services both within and outside the Region;

AND WHEREAS the commencement of construction of the KCTH entails a significant investment in the Region;

AND WHEREAS there are currently persons, without permanent residences, who are occupying parts of 100 Victoria Street including through the erection of temporary shelters and the placement of personal property (the "Encampment");

AND WHEREAS the Region has enacted the Code of Use Bylaw, specifically By-law 13-050, as amended, respecting the conduct of persons entering upon certain buildings, grounds and public transportation vehicles owned or occupied by the Region;

AND WHEREAS the Region takes note of the decision of the Ontario Superior Court of Justice, in the decision of the *Region v. Persons Unknown and To Be Ascertained*, (the "Decision");

AND WHEREAS the Region wishes to specifically provide for the persons currently occupying the Encampment at 100 Victoria Street to ensure that a safer and more orderly environment is maintained;

AND WHEREAS the Region, since the Decision, has greatly expanded the number of available accessible shelter beds in the Region and has allocated additional resources to provide accommodation for all persons presently occupying the Encampment;

AND WHEREAS the Region is enacting this By-law to specifically regulate and govern 100 Victoria Street and to obtain vacant possession as of December 1, 2025;

AND WHEREAS the Region has the capacity, rights, powers and privileges of a natural person and the ability to govern its affairs as it considers appropriate pursuant to sections 8 and 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS the Region has the authority to enact by-laws respecting its public assets and the protection of persons and property pursuant to subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WATERLOO ENACTS AS FOLLOWS:

PART I - DEFINITIONS

1. In this By-law:

(1) "**Designated Personnel**" means those persons listed in Schedule "A" of this By-law;

(2) ***"Municipal Act, 2001"*** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any successor legislation;

(3) **"100 Victoria Street"** means the property municipally known as 100 Victoria Street North, in the City of Kitchener;

(4) "**Prohibited Activity**" means any activity that is listed in Schedule "B" of this By-law;

(5) **"Region"** means The Regional Municipality of Waterloo; and

(6) ***"Trespass to Property Act"*** means the *Trespass to Property Act*, R.S.O. 1990, c. T.21, as amended, or any successor legislation.

(7) "**Resident**" means anyone residing at 100 Victoria Street as of the date that notice of this bylaw is provided through the posting of the agenda for the Council meeting at which this By-law will be considered on the Region's website ("Public Notice Date") .

PART II – PROHIBITION

2. No person shall engage in a Prohibited Activity on 100 Victoria Street.

3. (1) Commencing on December 1, 2025, no person shall enter onto, reside on, or occupy 100 Victoria Street or any part thereof.

(2) Subsection (1) of this section shall not apply to an employee or contractor of the Region or other person who has the authorization of the Region to enter onto or occupy 100 Victoria Street or any part thereof.

4. Every person who contravenes sections 2 or 3 of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding $5,000, exclusive of costs.

PART III - TRESPASS

5. Without limiting Part II of this By-law, Designated Personnel may exercise any of the following enforcement options at 100 Victoria Street when a person is contravening or has contravened sections 2 or 3 of this By-law:

(1) Issue a verbal direction to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;

(2) Subject to section 6 of this By-law, issue a verbal direction to leave 100 Victoria Street, citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;

(3) Serve a written notice upon a person prohibiting a Prohibited Activity or the contravention of section 3 of this By-law, citing as the reason the failure of the person to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;

(4) Subject to section 6 of this By-law, serve a written notice upon a person

prohibiting entry upon 100 Victoria Street citing as the reason the failure of the person to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;

(5) Post a sign so that the sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to 100 Victoria Street prohibiting a Prohibited Activity or the contravention of section 3 of this By-law;

(6) Subject to section 6 of this By-law, post a sign so that the sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to 100 Victoria Street prohibiting entry upon 100 Victoria Street by a person citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;

(8) Subject to section 6 of this By-law, erect fencing or other barriers prohibiting entry upon 100 Victoria Street or any part thereof by a person citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;

(9) Subject to section 6 of this By-law, remove any personal property or fixture upon 100 Victoria Street or any part thereof that is owned by a person citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law; and

(10) Exercise any other rights or powers pursuant to the *Trespass to Property Act* that are reasonable in the circumstances.

6. From the date of passage of this By-law until November 30, 2025, no Resident will be removed involuntarily from or prohibited from entering their temporary shelter at 100 Victoria Street as a result of engaging in a Prohibited Activity, unless the Prohibited Activity creates or contributes to a serious risk to their own health or safety or the health or safety of another person. For greater certainty, nothing in this By-law permits a Resident to relocate their temporary shelter to another part of the premises at 100 Victoria Street without the permission of the Region.

7. Designated Personnel may contact the Waterloo Regional Police Service, or any other police service having lawful jurisdiction, at any time to request assistance or to initiate any other action as the police service may deem necessary in the circumstances.

8. For greater certainty, and without limiting the above, Designated Personnel may erect a fence or other barrier to prohibit entry to any unoccupied area of 100 Victoria Street.

PART IV - GENERAL

9. This By-law may be enforced by a Designated Personnel or a police officer.

10. This By-law may be cited as the “100 Victoria Street Code of Use By-law”.

11. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of Council of the Region to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

12. This By-law shall come into force and take effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 23rd day of April, A.D., 2025.

REGIONAL CLERK

REGIONAL CHAIR

SCHEDULE “A”

DESIGNATED PERSONNEL

1. The following are Designated Personnel:

(1) Supervisor, Security Services, for the Region, or any successor position thereto;

(2) a municipal law enforcement officer as appointed by the Region;

(3) a security guard under contract to the Region; and

(4) other persons from time to time as may be designated by Council of the Region.

SCHEDULE "B"

PROHIBITED ACTIVITIES

1. The following activities are Prohibited Activities:

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

(b) acts which are reasonably perceived as threatening, intimidating or sexual harassment;

(c) any activity contrary to the *Criminal Code of Canada*, R.S. 1985, c. C-46, as amended, other federal statutes, provincial statutes or municipal by-laws;

(d) erecting a shelter or other structure (provided, however, that this shall not apply to shelters or other structures that were in place on the Public Notice Date);

(e) residing on 100 Victoria unless the person is a Resident within the meaning of this bylaw.

(f) acts which interfere with the provision of services to residents of 100 Victoria Street; or acts which interfere with the use of 100 Victoria Street for the purposes of work relating to or in any way connected with KCTH; and

(g) acts which are contrary to any specific rules or terms of use for the Designated Premises provided that the specific rules or terms of use have been posted in a conspicuous location at the Designated Premises.

Report: EES-SAM-24-002

Region of Waterloo

Engineering and Environmental Services

Strategic Initiatives and Asset Management

To:	Sustainability, Infrastructure, and Development Committee
Meeting Date:	December 3, 2024
Report Title:	Kitchener Central Update

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1. Recommendation

For information.

2. Purpose / Issue:

The purpose of this report is to provide an update on the progress of the Kitchener Central Transit Hub (KCTH). As progress on this landmark project advances, it is timely to highlight project updates and upcoming project milestones.

3. Strategic Plan:

The Region of Waterloo is on a journey of growth to an intentional, sustainable future of one million residents. The Kitchener Central Transit Hub supports the Homes for All, Equitable Services and Opportunities and Climate Aligned Growth focus areas within the Region's 2023 – 2027 Strategic Plan.

Upon completion, the KCTH will enhance and integrate transit infrastructure, provide residential and commercial development opportunities and be a gateway for economic development for the Region and area municipalities.

4. Report Highlights:

- The Kitchener Central Transit Hub will be a focal point for higher-order transit, providing access to ION light rail, GO Transit (rail and bus service), VIA rail service, intercity bus, and GRT, passenger vehicles and active transportation.

- KCTH has been renamed from the King Victoria Transit Hub to align with Grand River Transit's ION Kitchener Central Station and GO Transit's Kitchener Station.

- The Region owns land on Victoria Street, from King Street to Weber Street. Upon completion of the transit hub and its related transit infrastructure, the remaining land will be developed. Development opportunities include commercial, and residential (including affordable housing).

- Work on KCTH has advanced to the stage where construction is anticipated to begin in 2025. This will include Region-led projects: the demolition of the Rumpel Felt building (the part without a historic designation), the installation of a bus loop, a pedestrian bridge, a pedestrian ramp and a parking lot.

- The Victoria Street North Modifications project will be added to the Transportation Capital Program and will create multi-modal links to KCTH.

- The Ministry of Transportation and the Region have agreed on an amendment to the existing Transfer Payment Agreement. The amendment extends the expiry date of the TPA. Staff on both sides are discussing appropriate measures to address TPA funding shortfalls.

- An application for funding through the Public Transit stream of the Investing in Canada Infrastructure Program (ICIP) was submitted in February 2023. The Region of Waterloo is awaiting a decision on the application.

5. Background:

As the Region quickly grows to one million residents, the community is on the cusp of significant change. To help shape future growth, the Region, along with many partners, is leading transformational projects that will impact the Region and area municipalities for generations to come. Similarly to the success that was experienced with ION light rail, KCTH has the potential to positively impact growth, development and sustainability well into the future.

In 2016, the Province recognized the value of investing in the Region of Waterloo's transit infrastructure, providing $43 million to support the transit hub.

KCTH will be a gateway to the Region of Waterloo through a landmark development and will connect residents and visitors to the Toronto-Waterloo Region innovation corridor through the co-location of ION light rail, GO Transit (rail and bus service), VIA rail service, intercity bus, active transportation, passenger vehicles and GRT.

The transit hub is expected to generate ION ridership as an anchor development along the Central Transit Corridor with transit station functions integrated with a future mixed-use destination.

Scope of Work

The scope of work for the Kitchener Central Transit Hub includes:

- the design and development of a transportation hub building,
- a pedestrian bridge over King Street,
- a bus loop for GRT and GO transit,

- a pedestrian ramp,
- a parking lot,
- stormwater management and
- site development.

Following completion of the work, the Region will seek to partner with a private developer to create a mixed-use site incorporating unused land into the vision for the transit hub.

Project Updates

The timing of the Region's work is driven by Metrolinx's construction schedule. Due to the complex nature of the project and adjacent construction sites close to one another, the sequencing of work will be critical to successful delivery. The Region will work collaboratively with Metrolinx to confirm the schedule following the award of the Metrolinx contract.

The Region expects further updates to the construction schedule as construction staging plans are finalized with the onboarding of contractors but anticipates construction work to begin in 2025 with completion by the end of 2029.

The Region and Metrolinx meet bi-weekly to review coordination items between parallel designs. Success during construction will be highly reflective of both parties' efforts to coordinate components between the designs. The Region is working with Metrolinx to finalize a Memorandum of Understanding (MOU) agreement. An executable copy of this agreement is currently being prepared by Metrolinx. Several additional agreements are being developed in alignment with the MOU that include a Grade Separation Agreement, lease agreements and a fee simple land transfer agreement.

- The Ministry of Transportation and the Region have agreed on an amendment to the existing Transfer Payment Agreement with the intent of having it actioned before the end of the calendar year. This amendment extends the expiry date of the TPA to December 31, 2030.

Region Progress

- The Region is concentrating their efforts on completion of the design by end of 2024 with the intent of procuring a Construction Manager in 2025.
- Alterations to the location of the pick-up and drop-off, the addition of more bus bays in the bus loop and detailed investigation into the stormwater flows for the site need to be finalized prior to continuing with the design of the transit building.

Corresponding Projects

There are a few key projects in the vicinity and in support of the transit hub that are noteworthy.

Acquisition of 70-84 Victoria Street North

The acquisition of 70-84 Victoria Street North (in March 2024) plays a pivotal role in the Kitchener Central Transit Hub lands project by expanding the site's footprint to enable comprehensive planning and development. This property is currently occupied with commercial tenants. The leases with tenants will be honoured and once complete, this additional land enhances the project by providing opportunities for improved connectivity between future transit services and urban infrastructure, while also creating space for complementary uses such as mixed-use development and public amenities. Ultimately, this acquisition strengthens the vision of the hub as a regional anchor for sustainable, transit-oriented growth.

Victoria Street Modifications (King Street West to Weber Street West)

This project includes modifications to Victoria Street to provide multimodal links to KCTH. A preferred preliminary design has been identified that involves the reduction from four vehicle lanes to two vehicle lanes to allow for transit priority lanes and active transportation infrastructure.

Site Development

Site development for the Kitchener Central Transit Hub lands is advancing steadily, with foundational planning and design milestones achieved. Key progress includes ongoing site preparation, and ongoing collaboration with stakeholders to finalize updated rail infrastructure. This will further inform the mixed-use development potential of the lands, and the integration of multimodal transit solutions into the design framework. At the project's core, the land visioning efforts ensure that site development aligns with the four regional strategic priorities, laying the foundation for transformative growth in the surrounding area.

Budgetary and Agreement Updates

Region and Metrolinx staff are negotiating a cost sharing agreement amendment for the additional works to be completed by Metrolinx within the rail corridor. This work includes:

- The multi-use trail underpass at Duke Street;
- The retaining wall on the south side of the rail corridor between Region and Metrolinx lands; Space for bike storage rooms, bus shelters and service rooms under the South Platform (equipment installation and fit-out of the space is not included); and
- Structural work for the station tunnel near King Street to provide direct access to the transit hub building from the North platform (equipment installation and fit-out of the tunnel is not included).

$10 million has been allocated within the MTO Transfer Payment Agreement (TPA) for the Region in-corridor work. The TPA has been amended to transfer these funds directly from MTO to Metrolinx for the completion of the work. Ownership of this infrastructure will follow a Grade Separation Agreement. The MOU agreement provides for future licence, operations and maintenance agreements for the Region's long-term use of this infrastructure. The MOU agreement also includes provisions for dispute resolutions, access, insurance requirements and clearly identified role and responsibilities of both parties in relation to the cost shared scope as well as the overall project.

The current TPA is no longer sufficient to cover the estimate of the pedestrian bridge over King Street, the bus loop, the pedestrian ramp and the parking lot. The TPA was originally developed in 2018 and since then the project as seen significant alterations in scope, unprecedented inflation rates and modifications in funding structure. The funding challenges that been identified, stem from a change in the delivery model, inflation and scope alternations since the commencement of the TPA. The Region is delivering all "off-corridor" works required to meet Metrolinx's Station Access Requirements. This includes a pedestrian bridge over King Street, fit out of the Bus and Bike parking facilities, a bus loop, pick up/drop off area, parking and additional site works. Region staff are working with the Ministry of Transportation to discuss appropriate measures to address this funding shortfall that is currently around $9 million.

6. Communication and Engagement with Area Municipalities and the Public

Area Municipalities: City of Kitchener staff have been consulted on design components of the multi-use trail, ownerships of Duke Street and associated utilities. In 2023, the Region completed a pre-submission for Site Plan Approval whereby the Region received City comments regarding transit, civil and environmental design components. The Region will look to submit a final site plan approval package for further comment from the City of Kitchener. Region staff will continue to engage and involve City of Kitchener staff on an ongoing basis as progress continues.

Public: In June 2024, projects updates were made to the EngageWR page. During the same timeframe, the Project Manager presented aspects of the Region's works to the Grand River Accessibility Advisory Committee (GRAAC). Committee members were given an opportunity to provide feedback on accessibility components. The Region's design team are evaluating recommendations brought forward to understand how they might integrate into the proposed workplan.

7. Financial Implications:

The 2024-2033 Facilities and Fleet Capital Program includes a budget of $347,000 in 2024 with an overall contribution of $35 million from 2024 – 2029 for the Kitchener

Central Transit Hub Project. This amount is to be funded from a TPA Agreement with the Province (MTO) in the amount of $33 million and RDC debenture. Of the $33 million, $4.7 million has been consumed to date.

8. Conclusion / Next Steps:

Staff will continue to work with the MTO to ensure the Region has an amended TPA before the end of the calendar year. Coordination efforts with Metrolinx are ongoing to align both party's project plans. At the end of 2024, the Region anticipates having a complete design package.

Staff will continue to work with Metrolinx to finalize agreements to facilitate the work being carried out.

9. Attachments:

Appendix A: Rendering of Kitchener Central

Appendix B: Kitchener Central Transit Hub Presentation to SID Committee December 3, 2024.pptx

Prepared By: Christa De Wys, Senior Project Manager (Facilities – Large Capital), Engineering and Environmental Services

Katie Johnson, Director, Strategic Initiatives and Asset Management, Engineering and Environmental Services

Reviewed By: Mike Henderson, Director, Transportation, Transportation Services

Neil Malcom, Acting Director, Transit Services, Transportation Services

Aaron Moss, Director, Facilities and Fleet Management, Engineering and Environmental Services

Approved By: Jennifer Rose, Commissioner, Engineering and Environmental Services

Doug Spooner, Acting Commissioner, Transportation Services

Chris Wood, Acting Commissioner, Planning, Development and Legislative Services

Appendix A, EES-SAM-24-002: Rendering of Kitchener Central



Appendix B - EES-SAM-24-002 Kitchener Central Update (Dec. 3, 2024)

Moving forward on Kitchener Central Transit Hub: Site Specific By-law

April 23, 2025

Region of Waterloo

Kitchener Central Transit Hub

- Key infrastructure for our growing community
- Building on our world-class transit system
- Connecting ION, GRT, GO, VIA, carshare, Neuron, and active transportation in one central, convenient location



Region of Waterloo

New phase of construction

- The Kitchener Central Transit Hub project is entering a new phase.
- Preliminary road work and demolition of the portion of the Rumpel Felt building that does not have heritage designation will start in 2025.
- Metrolinx requires the property at 100 Victoria Street, North by March 2026.
- Site preparation is required before this and is anticipated to take several months.
- A vacant site is required by December 1, 2025.

Region of Waterloo

Enhanced site support

- Focused efforts and resources on current residents for available housing and shelter options
- Ongoing site management
- An approach that is consistent with the Plan to End Chronic Homelessness

Region of Waterloo

Site Specific By-law Recommendation

- That the Regional Municipality of Waterloo pass a by-law in the form attached as Appendix ‘A’ to this Report, being a Site Specific By-law respecting the use of 100 Victoria Street, North, Kitchener (as Owned by The Regional Municipality of Waterloo) to facilitate the Kitchener Central Transit Hub (KCTH) and other transit-related development.

- That the Regional Municipality of Waterloo direct staff to implement a plan for alternative accommodation for current residents of 100 Victoria Street North, Kitchener, and add $814,333 to the 2025 regional Housing budget as outlined in this Report.

Region of Waterloo

THIS IS **EXHIBIT "J"** REFERRED TO
IN THE AFFIDAVIT OF DAVID ALTON
SWORN REMOTELY AT THE SAUBLE BEACH
BEFORE ME AT THE CITY OF KITCHENER
DURING A VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 23rd DAY OF JUNE, 2025



_____

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

The Plan to End Chronic Homelessness: Consolidated List of Actions

Our 30 PECH Actions are clear projects, initiatives, and/or achievements we will work toward. Each Action aligns with one or more Strategic Focus Areas. Below we have grouped Actions by the Focus Group they most strongly align with; however, a key feature of the resiliency and flexibility of our PECH is that progress toward any one Action moves us forward toward multiple Strategic Focus Areas.

It is imperative that these actions be reviewed with an understanding that further work to prioritize them and assign system accountability is necessary and still to come. No one organization, sector, or level of government can solve the crisis of homelessness in isolation. As such, accountability for leading these actions will lie with community organizations, all three levels of government, civil society, and the community leadership table.

Focus Area 1: Create Policy and System Accountability
1.1 Revise current Homelessness & Supportive Housing Frameworks to ensure all Housing Stability System programs/services operate according to Housing First and Housing as a Human Right principles, cultural competency, anti-oppression, gender-based analysis plus (GBA+) lenses and ensure that equity and reconciliation are centred within all system frameworks. (LE Prototyping Cohort, 2024)
1.2 Implement a housing-focused Street Outreach Framework and a Human Rights Based Approach encampment response protocol (LE Prototyping Cohort, 2024) to better support people living rough/experiencing unsheltered homelessness.
1.3 Apply an intersectional gender-based analysis plus (GBA+) lens to homelessness prevention policy and strategies to ensure equitable housing outcomes are advanced for women, and gender-diverse individuals and communities.
1.4 Expand the local Coordinated Access System (PATHS) to enhance integration and coordination between health, addictions, mental health, acquired brain injury, justice, income support, child welfare, and other critical system partnerships to increase service pathways, service connections, and permanent housing outcomes.
1.5 Implement a Housing Stability System Workforce Strategy, across the region, to ensure a professionalized and healthy workforce. We will advance salary and benefit compensation, employee well-being and retention, as well as training and professional development.
1.6 Launch a Housing Stability System Data Strategy to monitor and track progress on ending chronic homelessness and establish data-informed decision-making processes.
1.7 Implement a User Experience Strategy, across the region, to ensure system service users are supported in all Housing Stability System programs and services. (LE Prototyping Cohort, 2024)

Focus Area 1: Create Policy and System Accountability
1.8 Create a climate and extreme weather protocol based on a human rights approach. (LE Prototyping Cohort, 2024)

Focus Area 2: Centre Community Voices
2.1 Establish an All of Community Leadership Table to lead the implementation of The Plan to End Chronic Homelessness recommendations and perform ongoing assessments of activities and progress towards our community's goal of ending chronic homelessness by 2030 . The work of the All of Community Leadership table will be to ensure systems and strategic planning integration that work together to end chronic homelessness. This will include: Ontario Health Teams Strategic Plans, Region of Waterloo Strategic Plan, Waterloo Integrated Drug Strategy, Rural Upstream Collaborative-Engage Rural and the Community Safety and Wellbeing Plan.
2.2 Develop a comprehensive and integrative Lived Expertise process, including establishing a Lived Expert Working Group, with representation from across the region, to support ongoing learning and system reviews of organizational and system policies and processes. (LE Prototyping Cohort, 2024)
2.3 Establish REDI-specific partnerships, strategies and funding streams to advance equitable homelessness response supports and initiatives to build capacity. REDI work is inclusive of not only Black, Indigenous, and Racialized groups, but also groups where there is established systemic intersectionality. These partnerships, relationships and networks are currently lacking and must be expanded to a great extent. Where work is currently underway such as with Black communities, Indigenous communities, communities supporting physical disabilities, developmental disabilities, acquired brain injury, people living in rural areas, as well as, people experiencing criminalization in the Justice system, these relationships must be built out and resourced in order to flourish.
2.4 Establish an annual funding application and review process for community organizations, across the region, to support emerging ideas and prototypes to respond to homelessness. (LE Prototyping Cohort, 2024)

Focus Area 3: Build System Bridges
3.1 Identify surplus/underutilized land(s) with the intention of creating more housing options and respond to unsheltered experiences of homelessness, across the region. We will do this through partnerships with area municipalities/townships, not-for-profits, faith-based organizations, and postsecondary institutions. (LE Prototyping Cohort, 2024)
3.2 Establish specific health-related coordination efforts, processes, and supports with local health system partners to create a more integrated health and homelessness system of care. This includes embedding the work of the

Focus Area 3: Build System Bridges
PECH within the local Ontario Health Teams, Public Health programs, local hospitals, mental health and addictions providers, community health programs, and other health system programs across the region.
3.3 Align the PECH and related initiatives with local resettlement organizations and services to support Newcomers to Canada experiencing homelessness across the region. (LE Prototyping Cohort, 2024)

Focus Area 4: Advance Equitable Housing
4.1 Implement Indigenous homelessness and Indigenous-focused reconciliation strategies, led by Indigenous groups and leaders, to enhance permanent housing outcomes for Indigenous communities and support generational healing, guided by Key Concerns identified through Wellbeing Waterloo, Truth and Reconciliation Commission Calls to Action, The National Inquiry into Missing and Murdered Indigenous Women and Girls Calls to Justice, and the United Nations Declaration of the Rights of Indigenous Peoples.
4.2 Expand on use of existing community housing stock to increase permanent housing outcomes for individuals experiencing homelessness; including the use of community housing units to support people who have recovered from their experience of homelessness to leave Supportive Housing
4.3 Create new permanent Affordable and Supportive Housing to meet current and future housing needs to end chronic homelessness. This includes deeply therapeutic and harm reduction-focused Supportive Housing to ensure those with the greatest depth of need are supported to stay housed. (Our current 570 Supportive housing units are meetin 50% of our current need) (LE Prototyping Cohort, 2024)
4.4 Create a Seniors Strategy, embedded within the broader PECH, to respond to the unique needs of Seniors experiencing homelessness, including but not limited to addressing lack of social connection and income support for Seniors experiencing or at risk of experiencing homelessness due to a lack of affordability in the private market and appropriate housing options.
4.5 Co-Create with rural based agencies a Rural Homelessness strategy and actions, embedded within the border PECH, to address the unique needs of people at risk of or experiencing homelessness in each of the four Townships.
4.6 Implement alongside system partners, a housing-focused strategy with dedicated resources to end Veteran homelessness.

Focus Area 5: Focus on Preventing Homelessness
5.1 Reduce inflow into chronic homelessness by working with area municipalities to implement policies and programs focused on mitigating the loss of affordable housing in the private market, while continuing to incent affordable housing development. (LE Prototyping Cohort, 2024)
5.2 Create a Youth Strategy, embedded within the broader PECH, to respond to the unique needs of youth experiencing homelessness and develop upstream approaches that target youth at risk of experiencing homelessness and end generational experiences of homelessness. (LE Prototyping Cohort, 2024)
5.3 Expand and create new multi-service agency housing hubs across Waterloo Region to ensure universal access to community-based supports that increase housing stability and for public spaces to be readily available for individuals experiencing homelessness outside of shelter operating hours. (LE Prototyping Cohort, 2024)

Focus Area 6: Change the Narrative on Housing and Homelessness
6.1 Launch a comprehensive public engagement and education strategy for partners, Council, area municipalities, provincial and federal government, businesses, and residents to increase awareness and understanding of homelessness related challenges and responses. (LE Prototyping Cohort, 2024)
6.2 Implement a comprehensive Housing Stability System Data Strategy to monitor and track progress on ending chronic homelessness and establish data-informed decision-making processes. This resource will also be leveraged to support advocacy efforts and inform our community of the realities of homelessness. (LE Prototyping Cohort, 2024)
6.3 Establish an ongoing memorializing process for those lost to homelessness. This includes partnering with interest-holders in the Housing Stability System, Lived Experts, Mutual Aid Groups, Unsheltered Communities, and the Coroner's Office. (LE Prototyping Cohort, 2024)

Focus Area 7: Advocate and Collaborate for Broader Change
7.1 Strengthen partnerships with school boards, local universities and colleges to ensure that professors and academics in multiple fields are engaged in developing upstream education programs on the risks of homelessness. (LE Prototyping Cohort, 2024)
7.2 Align the All of Community Leadership Model and PECH activities with existing addictions, substance use, and harm reduction community-led initiatives to ensure integrative supports for individuals experiencing homelessness active in their substance-use. This includes alignment and integration with WRIDS, Public Health, and other community-based services and supports across the region.

Focus Area 7: Advocate and Collaborate for Broader Change
7.3 Develop and implement a coordinated advocacy and inter-governmental relations plan to strengthen a multi-tiered response to chronic homelessness. (LE Prototyping Cohort, 2024)

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 DAVID ALTON

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

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Lawyers for the Respondents

TAB 25

Court File No. CV-25-00000750-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

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 have experience providing mutual aid and direct support to individuals experiencing homelessness as a member of Fight Back. Fight Back is a local grassroots mutual aid organization focused on supporting our unhoused neighbours in Waterloo Region.

3. Providing support to those at the encampment is important to me because I have my own experience with homelessness. I became unhoused when I was 19, escaping a long history of abuse. I spent one or two nights sleeping rough and then was lucky enough to get into a shelter. That experience changed me for the rest of my life. I am currently couch surfing, otherwise I would also be living at the encampment. As a trans man there are no shelters in the Region that I could go to.

4. I have been attending at the encampment at 100 Victoria Street N. in Kitchener Ontario since in and around October 2023. I currently go there about five times a week and I currently have overnight shifts for 12 hours. I go to provide support to the residents and to act as an observer.

5. I was at the encampment on April 16, 2025 in and around 12:30 p.m. when five dumpsters and a large portable trailer were delivered by staff of the Region.

6. There was a resident of the encampment named Vanessa who I had observed around the encampment on April 16, 2025. On April 16, 2025 Vanessa was looking for help from community partners to set up her own tent on the site.

7. I left the encampment that afternoon and came back around 8:00 p.m. and saw that Vanessa's tent was set up. I observed security coming up to her and telling her that someone had called bylaw on her. Security was also telling Vanessa that anyone who put up a new tent was in violation of the new By-Law. The By-Law hadn't been passed yet. Vanessa was confused, she was saying "what do you mean? I have nowhere to go, this is it for me."

8. This conversation took place in the evening and this was not an appropriate time to ask someone to move along, let alone a vulnerable woman. Vanessa seemed scared and she talked to me and told me that nobody wanted her and she 'may as well just die'.

9. I spoke to security and told them that Vanessa was staying at the encampment earlier and had no place else to be. They responded that they were just the messenger, just informing people.

10. In and around April 20, 2025, I saw security speaking to Vanessa again. A different security guard went to check in with her, I walked over to see if everything was okay. The security guard told me that Vanessa had set up her tent yesterday and told me that new people had to leave. I told them that Vanessa wasn't new, it was just her tent that was new. A new tent doesn't necessarily mean a new person. Sometimes tents are damaged and someone may need to get a new one. Security was adamant that it didn't matter and that any new tent was in violation of the By-Law. I asked how they were going to enforce that but the guard told me she didn't know.

11. At no point on April 16, 2025 or after, did I observe anyone from the Region come onto the site to speak to residents about the By-Law or what it meant. No signs or notices were posted anywhere on site. I saw some efforts from community organizations to try to share information, but not from the Region.

12. There are also community members who try to make donations and I have observed people trying to park to drop-off supplies being asked to move and being ticketed. The security people refuse to move their cars to help with drop-offs. I saw someone try to bring leftovers from their daughter's baby shower and the security made them park on the road. This individual appeared frustrated with security.

13. I've also observed security trying to find out the names of the residents. One night I called EMS for a resident who had been drinking and wanted to go to the hospital. As the paramedics were carrying her away on the gurney security was asking her name. In the last few days after I've spoken to a resident, security has come up to me to ask me what that person's name is. It has happened three or four times.

14. On April 20, 2025 I observed security on site asking residents for their names. I spoke with the security officer and she confirmed that they have been instructed to call into dispatch whenever a new tent is set up. Once again I explained that a new tent does not necessarily mean a new resident. The security officer agreed but advised that they have been asked to

make a list of the names and to number the tents on site. On one or two occasions residents have expressed to me that they find this dehumanizing and do not like being a number.

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

AFFIRMED BEFORE ME in the City of Kitchener, this 12th day of May, 2025 In the Regional Municipality of Waterloo)

Ashley Schuitema
LSO # 68257G
A Commissionner, etc.

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) GRINGON

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Lawyers for the Respondents

TAB 26

Court File No. CV-25-00000750-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE REGIONAL MUNICIPALITY OF WATERLOO

Applicant

and

PERSONS UNKNOWN AND TO BE ASCERTAINED

Respondents

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.

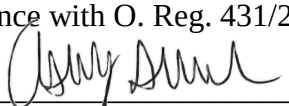
15. I was present on June 21, 2025, at approximately 5:20 am, when an overdose was prevented. A resident came to the Fight Back tent and grabbed the Narcan that we have clipped on the outside of our tent. My colleague ran off with the resident to double check everything was okay and ask if they wanted 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

2nd AFFIDAVIT OF EMILY "EDDY" GRIGNON

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Lawyers for the Respondents

TAB 27

Court File No. CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

PERSONS UNKNOWN AND TO BE ASCERTAINED

Applicant

and

THE REGIONAL MUNICIPALITY OF WATERLOO

Respondents

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

AFFIDAVIT OF JACARA DROOG

I, Jacara Droog, 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 providing this affidavit to assist the Court in understanding the circumstances of several acutely vulnerable residents of the Victoria Street Encampment, who currently have no legal representation or means of presenting their perspectives to this Court, and whose lives have the potential to be profoundly impacted by the outcome of this Application.

Background

3. I am a registered social worker (RSW) in the Province of Ontario, in good standing with the Ontario College of Social Workers and Social Service Workers. I also hold both Bachelor and Master of Social Work degrees.

4. I have been consistently engaged in providing mutual aid and direct support to individuals experiencing homelessness. From January to August 2024, I was consistently present as a community organizer at the encampment located at Victoria Street in Kitchener ("Victoria Street Encampment"), where I engaged regularly with residents. I returned to the site in April 2025 and have been present almost daily since April 22, 2025.

5. I am also currently involved with the Unsheltered Campaign, a grassroots organization focused on amplifying the voices of unhoused and housing insecure individuals. This work informs my ongoing outreach at the Victoria Street Encampment, where I continue to engage frequently with residents.

Observations of Encampment Residents

6. During my visits to the Victoria Street Encampment, I observed many residents who appear to experience serious mental health challenges, disabilities, and physical health issues that may impede their ability to make decisions related to health care, activities of daily living, and/or the ability to retain and instruct legal counsel. I have witnessed several encampment residents who appear to lack mental capacity and/or have fluctuating mental capacity, sometimes engaging in

conversation, and at other times appearing overwhelmed by symptoms of mental health or otherwise disoriented.

7. On or about April 25, 2025, I observed a resident of the Victoria Street Encampment exhibiting signs of what appeared to be psychosis. He seemed to be responding to external stimuli, i.e., yelling erratically to himself and others, and his speech and behaviour were disorganized. The resident was not in a position to discuss or understand legal issues relating to the encampment.

8. On April 29, 2025, at approximately 7:28 p.m., I spoke with a woman at the Victoria Street Encampment who identified herself as a resident of the encampment. I attempted to explain to her that the Region of Waterloo recently passed a bylaw (Bylaw PDL-LEG-25-017) and intended to evict the residents of the encampment by December 1, 2025. She appeared confused and unable to comprehend the situation, repeatedly speaking about "a sacred tree" and "gods and goddesses," and demonstrated potential signs of paranoia, as she expressed a conspiracy theory about the security presence on site. Despite repeated efforts, she did not seem to appreciate or understand why she might require legal assistance.

9. Another resident of the Victoria Street Encampment, who I have known since last year, has shown fluctuating mental capacity with respect to legal and housing matters. Recently, he appears increasingly overwhelmed and stressed. When I and outreach workers from Waterloo Region Community Legal Service tried to explain Bylaw PDL-LEG-25-017 to him, he struggled to follow the conversation and even appeared to drift in and out of consciousness. On other occasions when

I attempted to engage with him, he has responded with visible distress and has requested to be left alone.

10. Around 2:48 p.m. on April 24, 2025, I sat with a resident of the Victoria Street Encampment who was in visible excruciating pain from a severe abscess. She was slumped over, clutching her arm, intermittently crying out in pain, had visible tears, and occasionally expressed suicidal ideation. At her request, I provided first aid and bandaged her hand and provided her with aspirin. The individual turned septic and ultimately went to the hospital on the night of April 25, 2025, after significant encouragement from me and other community members who coordinated transportation. It is my belief that she was not in a state where she could understand her legal options or have a discussion about housing.

11. On April 29, 2025, at approximately 7:50 p.m., I observed a woman (individual #1) sitting on a loveseat at the Victoria Street Encampment, accompanied by another person (individual #2). She appeared to be in a deepened state of sedation— sialorrhea (hypersalivation), with closed eyes and head tilted back—and was unresponsive to my questions. When I asked if they needed help or support, individual #2 said they were okay. I returned with a bottle of water in case she needed it later and to let me know if they needed anything. In my opinion, Individual #1 did not have capacity to communicate with me about her state, she did not even acknowledge that she heard my questions. She would not have been able to discuss legal matters.

12. In my professional experience and based on my observations, many residents of the Victoria Street Encampment also experience intersecting challenges that exacerbate their vulnerability, including physical disabilities, acquired brain injuries, developmental disabilities, and trauma from experience of abuse or sexual violence. These often co-exist with mental health issues and substance use, significantly impairing daily functioning, decision-making, and their ability to retain and instruct legal counsel.

13. I make this Affidavit in support of the Mental Health Legal Committee's motion to be appointed *amicus curiae* in this Application and for no other improper purpose.

AFFIRMED BEFORE ME in the City of Kitchener, this 15th day of May, 2025 in the Regional Municipality of Waterloo)

Joanna Mullen, A Commissioner of Oaths (LSO#: 64535V)

JACARA DROOG

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 JACARA DROOG

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Lawyers for the Respondents

TAB 28

Court File No. CV-25-00000750-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

PERSONS UNKNOWN AND TO BE ASCERTAINED

Applicant

and

THE REGIONAL MUNICIPALITY OF WATERLOO

Respondents

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

2nd AFFIDAVIT OF JACARA DROOG

I, Jacara Droog, 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 registered social worker (RSW) in the Province of Ontario, in good standing with the Ontario College of Social Workers and Social Service Workers. I also hold both Bachelor and Master of Social Work degrees.

3. From January to August 2024, I was consistently present as a community organizer at the encampment located at Victoria Street in Kitchener ("Victoria Street Encampment"), where I

engaged regularly with residents. I returned to the Victoria Street Encampment in April 2025 and have been present almost daily since April 22, 2025.

4. I am currently involved with the Unsheltered Campaign, a grassroots organization focused on amplifying the voices of unhoused and housing insecure individuals. This work informs my ongoing outreach at the Victoria Street Encampment, where I continue to engage frequently with residents.

Surveillance and Security Impacts

5. Since the passage of *Bylaw PDL-LEG-25-017* ("Site Specific Bylaw") on April 23, 2025, by the Region of Waterloo ("Region") I have witnessed a significant increase and escalation in surveillance deployed at the Victoria Street Encampment, involving Region-hired private security, Waterloo Region Police Service ("WRPS") officers, and a Regional Licensing and Enforcement officer. Numerous residents and transient unhoused individuals, many of whom are living with visible and invisible disabilities, including mental illness, acquired brain injury (ABI), and substance use-related conditions, have described to me that this heightened surveillance is stressful, frightening, and triggering of past trauma. Residents have expressed to me that they think this is done to intimidate them and will lead to their eventual displacement.

6. A Region-hired private security vehicle is parked near the entrance of the site 24 hours a day,7 days a week, and security guards are present at all times. Prior to the passage of the Site Specific Bylaw, this vehicle was typically stationed in a parking lot adjacent to the encampment,

but has since been repositioned directly at the site entrance. This presence, in tandem with the heightened police presence, has caused both residents and community members to report feeling watched, intimidated, and unsafe.

7. In and around May 15, a resident shared with me that "morale is super low" at the encampment and believes this is due to increased police and security on site. This statement reflects the growing emotional toll of heightened surveillance and enforcement. Residents are aware they are being watched, and this atmosphere contributes to feelings of fear, instability, and hopelessness, all of which undermine mental health and make it harder for people to meet their basic needs.

8. During many of my visits to the Victoria Street Encampment, I have personally observed WRPS police, Licensing and Enforcement, or private security presence on site, and often more than one form of enforcement at the same time. On several other days when I did not witness police myself, I was informed by residents and other community organizers that police had been on site earlier or later that same day. These enforcement interactions are not isolated incidents but occur regularly and often involve surveillance, questioning, or gathering personal information from residents. There is a noticeable increase in this security and police presence from when I was regularly attending the encampment in 2024.

9. In and around May 7, 2025 I observed two WRPS officers across the street at 87 Victoria before coming onto the Victoria Street Encampment. I witnessed them questioning multiple

residents and gathering information. I overheard one officer ask a woman for her full name, address, and phone number, and mention the word “trespassing.” That same day, another resident told me the police had questioned him about $5.00 he had on him and remarked, “the cops check up on me a lot.”

10. In addition to these escalated police interventions, I have also noted an increase in the presence and positioning of surveillance infrastructure around the encampment. On April 16, 2025, before the Site Specific By-law was passed, the Region had five large industrial dumpsters installed on the site, along with a mobile office trailer. From my conversations with residents in the weeks following this I learned the Region did this without warning or informing residents and to my knowledge, has not explained the purpose since. I have been informed by some residents that they were terrified by this, and many fled their tents and informal shelters.

11. As voiced to me by a resident, the unnecessary amount of industrial-sized dumpsters on site appears to be a tactic utilized by the Region to take up physical space and prevent new tents and structures from being erected on site. The number of dumpsters is out of proportion with the actual waste needs of residents and widely perceived by community members as a symbolic gesture of impending displacement or clearance. Residents have expressed distress and upset to me over the number and placement of the dumpsters on site.

12. In and around May 23, 2025 I witnessed a resident move their tent to another location on site. Just after this occurred, I observed a security guard speak to the resident, and I witnessed the

guard gesture and point to the placement where the resident had her tent previously. After this dialogue, the resident then moved their tent back to the spot the security guard had pointed to. From what I have observed, the security guards do not engage with residents in a manner that is trauma-informed nor human-rights compliant.

13. The visible change in the positioning of the security vehicle signals an intensification of surveillance and control. The security vehicle now functions not only as a physical presence but as a psychological checkpoint, deterring community access and reinforcing the perception that residents are being monitored and contained.

14. Additionally, there have been ongoing concerns about security vehicles shining bright headlights directly onto a resident's tent. It was reported to me by a community organizer who witnessed one resident express their discomfort directly to security on the evening of May 18, 2025 around 10:56 pm. Yet, this practice has continued. I have personally witnessed security engaging in this, most recently on the evening of May 21, 2025 at 10:32 pm, and a community organizer provided me with photographic documentation of additional incidents on May 18, 2025 (8:31 pm, 9:44 pm, 10:32 pm, and 10:56 pm), May 19, 2025 (12:07 am), and May 21, 2025 (9:58 pm). Please find attached hereto as **Exhibit "A"** photographs of the vehicle's headlights on a resident's tent.

15. Deliberately shining bright artificial LED headlights onto residents' tents at night, especially for prolonged periods, is not only disruptive to circadian rhythms, but mentally harmful. Light pollution has serious consequences of real sleep disruption and deprivation, which has well-

documented impacts on physical and mental health. It also contributes to psychological distress, leading to sleep disorders and heightened anxiety, particularly for people with pre-existing mental health conditions.

Surveillance of Visitors

16. On May 14, 2025, around 5:40 p.m., I observed a security guard exit their vehicle and take a photograph of a community member's license plate. This individual had briefly driven onsite to drop off a meal for residents. Other community members have also reported witnessing this behaviour repeatedly since the Site Specific Bylaw passed. This license plate surveillance is disturbing, especially in the context of short-term, supportive visits to the site.

17. Some community members have told me directly or told other housing advocates I am in contact with that they feel reluctant to come to the site due to the visible security presence. Some noted that the positioning of the security vehicle obstructs the entrance, making access physically and psychologically more difficult.

18. Community donations are essential to the survival of residents at the Victoria Street Encampment. St. John's Kitchen and some community food initiatives are available for unhoused people in the Region during their hours of operation, but many residents and transient individuals rely heavily on food and water donations brought directly to the site. This is especially true during extreme weather conditions, when it can be physically difficult or unsafe to travel to other locations, particularly for residents with chronic health conditions, disabilities, or injuries. Some

people are also understandably reluctant to leave their tents or belongings unattended for extended periods due to the risk of theft.

19. Since the warmer weather began, I have noticed an increase in the number of people staying on site, which is consistent with what I observed last summer. Even though there is community support from individuals and networks, food and water donations remain inconsistent and fluctuate day to day. Sometimes there is not enough food for everyone. Notably, I have had many residents approach me during my visits since April 22, 2025 asking if I have any food or snacks or know whether anything was dropped off. Another barrier I have witnessed for individuals on site that limits their ability to eat is untreated dental issues, including tooth loss, decay, oral pain or infection. These oral health challenges can make it extremely difficult or painful to chew, which limits what foods people are able to consume and can contribute to further malnutrition and exacerbate food insecurity.[1] In my experience, these oral health challenges are especially prevalent among encampment residents, who often lack access to dental care and are navigating multiple layers of poverty, trauma, and systemic exclusion.[2]

20. Access to water and electrolyte replenishing beverages is a constant struggle for residents and transient individuals at the encampment at risk of heat stroke and heat exhaustion during extreme heatwaves during the summer months. The residents have a better chance of having water

[1] Freitas, D. J., Kaplan, L. M., Tieu, L., Ponath, C., Guzman, D., & Kushel, M. (2019). Oral health and access to dental care among older homeless adults: results from the HOPE HOME study. *Journal of public health dentistry*, *79*(1), 3–9. https://doi.org/10.1111/jphd.12288

[2] A 2022 report on oral health in Waterloo Region found that nearly one in five people experiencing severe food insecurity reported it was uncomfortable to eat due to mouth problems, five times higher than those who are food secure. *Waterloo Region Oral Health Report* (GreenShield Canada & Region of Waterloo Public Health, 2022). https://assets.greenshield.ca/greenshield/attachments/pdfs/oral-health-reports/KW-OralHealthReport-Final.pdf

dropped off by community members and groups than they would if they were living unsheltered and scattered throughout the community. According to Health Canada, "socially disadvantaged individuals and communities," including those who are homeless, often face "reduced access to clean water and cool places", making them particularly vulnerable during extreme heat events. [3]

21. Reliable access to clean water continues to be a serious concern for residents at the Victoria Street Encampment. A water tap located across the street, on the side of the building at 87 Victoria Street (operated by The Working Centre), is one of the only publicly accessible water sources near the site. In May 2025, the tap was fully fenced off due to nearby construction occurring between 97 Victoria and 87 Victoria. I was notified that the tap had become inaccessible by a community organizer via text message on May 16 at 12:47 a.m. I raised these issues with Regional Councillors, including that residents of the encampment had raised concerns about their inability to wash their hands and the resulting public health risks. More recently, the fence was reopened although it is unclear how long this will last. This fluctuating access to water is a serious issue. The tap is essential for drinking, cleaning, handwashing, and, putting out fires. Residents should not have to worry each day whether they will be able to access something as fundamental as water.

Residents returning to the Victoria Street Encampment

22. Although the Region reports that there are approximately 35 residents living at the Encampment, this number is very hard to measure and fluctuates frequently. On June 2, I counted around 42 tents and informal structures on site. I have personally observed examples of people

[3] Health Canada. (2011). *Communicating the Health Risks of Extreme Heat Events: Toolkit for Public Health and Emergency Management Officials.* https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/climat/heat-chaleur/heat-chaleur-eng.pdf

who were temporarily housed but have returned to the encampment. For example, one woman who had a serious abscess was hospitalized on or around April 25, 2025. I was told at the time by a community member that drove her to the hospital that the resident would likely not be returning. However, in and around May 14, 2025, I saw this resident back at the encampment. In and around May 15, 2025, she told me that while she had been provided with a motel room by Region Unsheltered Support Workers, she had since been "kicked out." Additionally, she expressed to me that she has been feeling scared and like she's being surveilled by Region Unsheltered Support Workers and "nobody knew where I was," and "they just happened to show up at the motel I was at, and they kicked me out." She also shared that she is in the process of extricating herself from a domestic violence/intimate partner violence situation. She told me that the encampment is where she will be living from now on. Since then, I have noticed that her stay on site seems to be irregular and varies.

23. I am also aware of other situations through reliable sources and fellow community organizers of residents who were temporarily housed or placed in motels but returned to the Victoria Street Encampment due to lack of support, being asked to leave, or because shelters were full or inaccessible for other reasons.

24. In my experience visiting the Victoria Street Encampment, the number of residents at the encampment is constantly in flux. Some people stay for longer periods, weeks or months, while others come and go, some staying only for a few nights before moving on. This movement often depends on a range of factors, including safety concerns, mental and physical health, access to resources, weather conditions, and/or interactions with security and police. Some people arrive

because they were displaced from a motel or shelter, or because it feels safer to be near others in community. Others may leave temporarily to stay with friends, family, or a partner, access services, or because they are worried about their belongings being stolen or tents being dismantled during the day.

25. From what I have observed, there has been a gradual increase in the number of people on site as the weather has gotten warmer, which is consistent with what I witnessed during the summer of 2024. The population on site shifts regularly, but there is often a core group of residents who stay longer and take on informal caregiving, leadership, or stewardship roles. I try to check in with people as much as possible during my visits, and it is common to hear people mention that they or someone they know are only staying temporarily, or until they can find another option. At the same time, many have told me they feel they have no other safe or accessible alternative.

26. Since I have been visiting the encampment in January 2024, I have been approached by residents asking if I can place them in a motel, help them find out if there is shelter space available, or if I have bus passes. I am often mistaken for a Regional Unsheltered Support Worker. This has happened multiple times. Unfortunately, I have had to tell them that I cannot access these resources for them, and in my experience, there are rarely any shelter beds available when I call First Connect. I have also been told directly by First Connect staff that they do not provide transportation supports (such as taxi fare) for people with mobility issues who are trying to reach a motel placement. This means that even when a space is available, some residents are often functionally excluded from accessing it due to lack of transportation, especially those with disabilities or injuries.

27. It is my understanding that the Region's Unsheltered Support Workers are the only outreach staff who can directly connect residents to motel placements and coordinate transportation. However, these workers are not consistently on site; when they are on site, it does not appear to be for long periods, and they are only available during standard business hours. When they are not present, residents are expected to call them, but this is a major barrier for many people who do not have a phone, have limited minutes, or are unable to reliably charge their phones due to a lack of access to power sources. This severely limits access to essential supports. Many residents have diverse and complex needs—including physical and mental health struggles, neurodivergence, trauma histories, and irregular sleep cycles—and the current model does not meet people where they are at. This makes accessing shelter and survival resources significantly more difficult.

28. While encampments are not an ideal solution, research emphasizes that they currently serve as vital community spaces for people who are unhoused and are a necessary stopgap in the housing continuum.[4] In the absence of safe, viable alternatives, especially following the closure of the local safe consumption (CTS) site, the encampment is an essential form of community harm reduction. It offers more safety, stability, and support unavailable elsewhere. Encampments provide consistency, mutual aid and community support, and dignity in ways that short-term placements often do not. Displacement from forced eviction is not only a human rights violation and disrupts these support networks, but also leads to increased trauma, health risks, and disconnection from

[4] Farha, L. & Schwan, K. (2020). A National Protocol for Homeless Encampments in Canada: A Human Rights Approach. *The Shift - UN Special Rapporteur on the Right to Housing.* https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf

service providers and community supports.[5] Forcible clearing and evicting people from this site would cause irreparable and preventable harm to residents, sever critical social and support networks, and exacerbate residents' risks and marginalization.

29. I have witnessed that community settings like the Victoria Street Encampment can be life-saving. Residents look out for one another, share resources, and intervene quickly in crises such as overdoses or medical emergencies. For example, on May 28, 2025, around 3:50 pm, a transient individual on site told me that earlier that day a resident had a substance-triggered seizure and needed emergency medical attention. She said, "if I wasn't there, they might have died." If someone overdoses, is in crisis, or requires medical help, someone is often nearby to rapidly respond and intervene. In contrast, isolated or dispersed individuals face dramatically higher risks of fatal overdose, violence, and neglect. Their risk of harm, including fatal overdose, assault, and medical neglect increases.[6]

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[5] National Health Care for the Homeless Council. (2022). *Impact of encampment sweeps on people experiencing homelessness* [Issue brief]. https://nhchc.org/wp-content/uploads/2022/12/NHCHC-encampment-sweeps-issue-brief-12-22.pdf; Federal Housing Advocate. (2024). *Upholding dignity and human rights: The Federal Housing Advocate's review of homeless encampments*. Canadian Human Rights Commission. https://www.chrc-ccdp.gc.ca/publications/upholding-dignity-and-human-rights-federal-housing-advocates-review-homeless

[6] Farha, L., & Schwan, K. (2020). *A National Protocol for Homeless Encampments in Canada: A Human Rights Approach*. The Shift. https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf

"Forced evictions often have harmful or disastrous consequences for encampment residents. Victims may face life-threatening situations that compromise their health and security, or result in the loss of access to food, social supports, social and medical services, and other resources." (p. 14); National Health Care for the Homeless Council. (2022). *Impact of encampment sweeps on people experiencing homelessness* [Issue brief]. https://nhchc.org/wp-content/uploads/2022/12/NHCHC-encampment-sweeps-issue-brief-12-22.pdf

30. I affirm this affidavit to provide evidence on this application and for no other purpose.

SWORN remotely by Jacara Droog at the City of Kitchener, in the Province of Ontario, before me at the County of Wellington in the Province of Ontario on June 4, 2025 in accordance with O. Reg. 431/20.



Joanna Mullen, A Commissioner of Oaths (LSO#: 64535V)



Jacara Droog

THIS IS **EXHIBIT "A"** REFERRED TO
IN THE AFFIDAVIT OF JACARA DROOG
SWORN REMOTELY AT THE
CITY OF KITCHENER BEFORE ME AT THE COUNTY OF WELLINGTON
DURING A ZOOM VIDEOCONFERENCE
IN ACCORDANCE WITH O.REG. 431/20,
ADMINISTERING OATH OR DECLARATION REMOTELY
THIS 4TH DAY OF JUNE, 2025



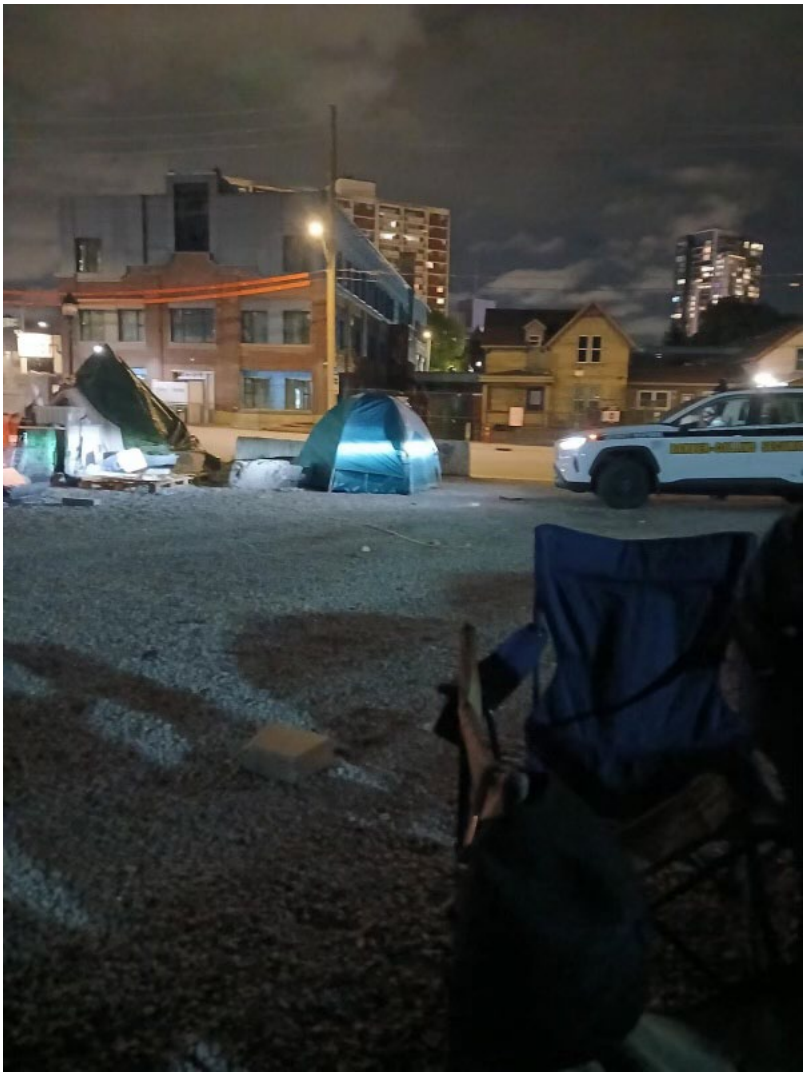
JOANNA MULLEN
A Commissioner, etc.,
Province of Ontario,
While a Barrister and Solicitor.
LSO # 64535V



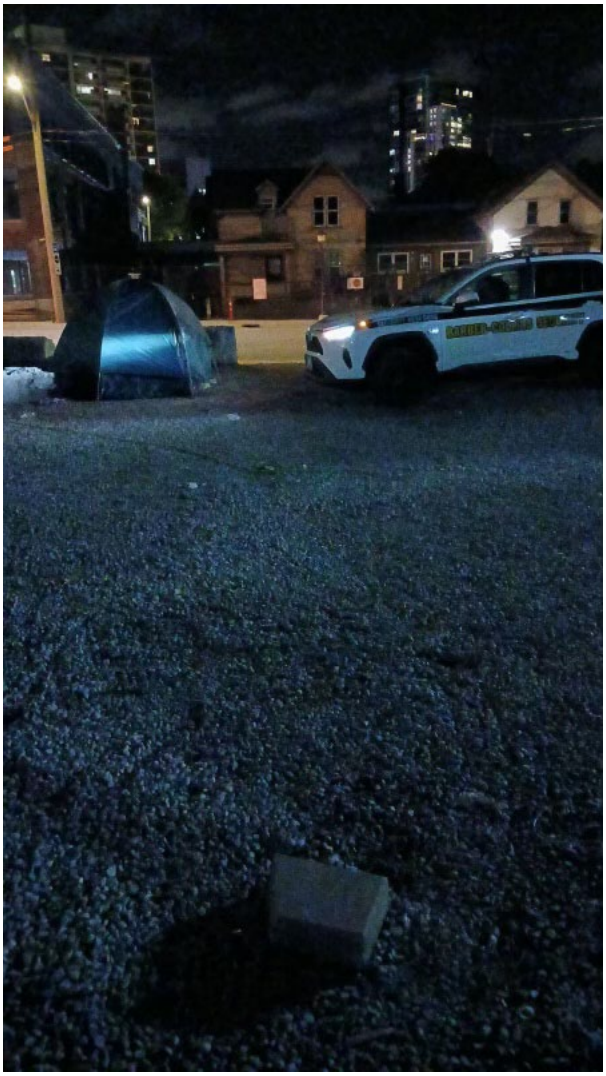
100 Victoria Street, May 18, 2025 at 8:31pm



100 Victoria Street, May 18, 2025, at 9:44 pm



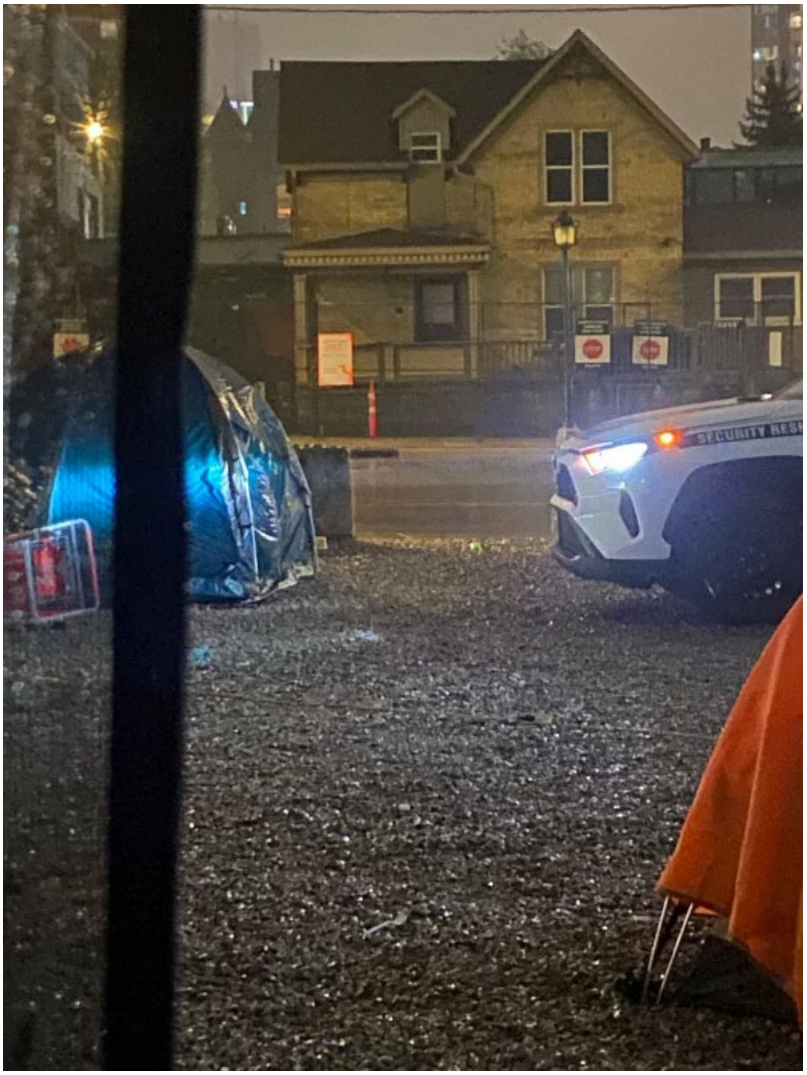
100 Victoria Street, May 18, 2025, at 10:32 pm.



100 Victoria Street, May 18, 2025, at 10:56 pm



100 Victoria Street, May 19, 2025, at 12:07 am



100 Victoria Street, May 21, 2025, at 9:58 pm



100 Victoria Street, May 21, 2025, at 10:32 pm

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

2nd AFFIDAVIT OF JACARA DROOG

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Lawyers for the Respondents

THE REGIONAL MUNICIPALITY OF WATERLOO Applicants	and	**PERSONS UNKNOWN AND TO BE ASCERTAINED** Respondents	Court File No.: CV-25-00000750-0000

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RESPONDING RECORD
VOLUME 2 OF 4

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